



SHIRE OF KONDININ
MINUTES OF MEETING
Kondinin Shire Council
ALL OPEN AND CONFIDENTIAL ITEMS
Special Council Meeting

Held at the Shire of Kondinin Chambers on 27 May 2026

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1 OPENING OF MEETING

The Shire President opened the meeting at 11.54am.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND DIGNITARIES

The Shire President make an acknowledgement.

3 RECORDING OF ATTENDANCE

3.1 ATTENDANCE

Shire President K Mouritz (Presiding Member), Deputy Shire President B Gangell (Deputy Presiding Member), Cr B Browning, Cr M James, Cr D Pool, Chief Executive Officer B Wright, Manager Planning & Assets Mrs T Young, Manager Corporate Services Mr V Bugna, Cr T Smeed, Cr P Green, Ms D Wright, Mr B Edwards, Mrs A Kemp

3.2 ATTENDANCE BY TELEPHONE OR INSTANTANEOUS COMMUNICATION

Nil

3.3 APOLOGIES

Nil

3.4 APPROVED LEAVE OF ABSENCE

Nil

3.5 DECLARATIONS OF DISCLOSURES OF INTEREST

Nil

4 APPLICATION FOR LEAVE OF ABSENCE

Nil

5 PUBLIC TIME

5.1 PUBLIC QUESTION TIME

Nil

5.2 PUBLIC STATEMENT TIME

Nil

6 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

7 ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

Nil

8 DECLARATION OF MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE AGENDA BEFORE THE MEETING

The Elected Members provided acknowledgement.

9 REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

9.1.1 Sundry Debtors Write-off

FILE NUMBER:

DATE: 17 April 2026

AUTHOR: Vince Bugna, Manager Corporate Services

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil
Authoriser - Nil

ATTACHMENTS: Nil

RECOMMENDATION

That Council:

- Approves to write off the total \$1,571.00 outstanding amounts of sundry debtors owed to the Shire of Kondinin as listed:

| Debtor Name | Total Amount for Write-off |
|------------------|----------------------------|
| Majestic Tours | \$430.00 |
| Eco Waste Stream | \$240.00 |
| Western Safari | \$51.00 |
| AOT Hotels | \$290.00 |
| David Lever | \$450.00 |
| Wavecrest Tours | \$110.00 |

SUMMARY

This report is to seek Council Approval to write off outstanding amounts owed to the Shire by Sundry Debtors believed to be non-recoverable.

VOTING REQUIREMENT

Absolute Majority

COUNCIL'S ROLE

Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

In accordance with Section 6.12 of the Local Government Act 1995, the Council is empowered to write off monies owing to the local government.

Some debtors are no longer in existence or whereabouts unknown to the Shire. The age of the debts raises some doubt over their recoverability. In most cases the cost to pursue such debts are highly likely to exceed recoverable costs.

Below is the list of sundry debtors outstanding amounts we recommend for write off:

| Debtor Name | Total Amount for Write-off | Reason |
|--------------------|-----------------------------------|--|
| Majestic Tours | \$ 430.00 | Relates to Wave Rock Entry Fees this date back to 2020. We contacted the client, via mail and e-mail and postage and he did commence part payments with the last being made in 2023. Since then, we have no contact with no success with the latest attempt has been returned to sender. |
| Eco Waste Stream | \$240.00 | Relates to Waste Disposal back in 2023. All attempts to contact this person have gone unanswered. |
| Western Safari | \$51.00 | Relates to Wave Rock Entry Fees this date back to 2022. All attempts to contact this person have gone unanswered. |
| AOT Hotels | \$290.00 | Relates to a chalet booking back in 2024. Have had no luck when contact has been made and latest statements were returned. |
| David Lever | \$450.00 | Relates to Rural Waste Service. Client has not answered or attempted to clarify why this service is not being paid. This dates (back) to 2022. |
| Wavecrest Tours | \$110.00 | Relates to Wave Rock Entrance Fees back in August 2023. Attempts have been made with no responses. We have told Wave Rock Caravan Park that they must pay cash when if they revisit. |

FINANCIAL

The provision for doubtful debts has a balance of \$4,509.63 as of 30th April 2026. Amount to be written off is \$1,571.00, leaving a balance of \$2,938.63.

RISK

NIL

POLICY

NIL

STATUTORY

Local Government Act 1995 – Section 6.12

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

Strategy

4.1.5 The capability of our organisation is continually improved

COMMENT

NIL

CONSULTATION

NIL

RESOLUTION OCM/26/050

Moved: Cr Beverley Gangell

Seconded: Cr Paul Green

That Council:

1. Approves to write off the total \$1,571.00 outstanding amounts of sundry debtors owed to the Shire of Kondinin as listed:

| Debtor Name | Total Amount for Write-off |
|--------------------|-----------------------------------|
| Majestic Tours | \$430.00 |
| Eco Waste Stream | \$240.00 |
| Western Safari | \$51.00 |
| AOT Hotels | \$290.00 |
| David Lever | \$450.00 |
| Wavecrest Tours | \$110.00 |

CARRIED 7/0 BY ABSOLUTE MAJORITY

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

Cr Gangell queried if the debtors had returned to Wave Rock in their business capacity – the MCS confirmed that none had returned.

9.1.2 Proposed Differential Rates 2026/27

FILE NUMBER:

DATE: 11 May 2026

AUTHOR: Vince Bugna, Manager Corporate Services

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS: 1. Differential Rates Objects and Reasons 2026-2027

RECOMMENDATION

That Council:

1. Endorses and approves the Differential Rating – Objects and Reasons for the 2026/2027 rating year as presented and attached.
2. Endorses and approves the proposed differential rate categories, rates in the dollar, and the minimum payments for the Shire of Kondinin for the 2026/2027 financial year.

| Land Category | Rate – cents in the dollar \$ | Minimum payment \$ |
|----------------|-------------------------------|--------------------|
| GRV-Town Sites | 13.2000 | 507.00 |
| GRV-Mining | 27.2000 | 507.00 |
| UV-Mining | 24.8000 | 507.00 |
| UV-Rural | 0.82920 | 507.00 |

3. Endorses and approves a public consultation process on the proposed differential rates and general minimum payments, including:
 - Statewide and local public notice as per the requirements of section 6.36 of the Local Government Act 1995.
4. Confirms that the Council has reviewed the expenditure requirements and considered efficiency measures during:
 - Budget Workshop with Council Members and Senior Staff prior to the Special Meeting of Council in May 2026.
5. Considers and confirms that the rates to be advertised are required to meet budget requirements and to maintain financial sustainability.

SUMMARY

The purpose of this report is to present the proposed Differential Rates and associated Objects and Reasons for the 2026/2027 financial year for Council endorsement, in accordance with the requirements of the *Local Government Act 1995*.

Voting Requirement

Absolute Majority

COUNCIL'S ROLE

Executive

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

The proposed differential rating structure has been developed in alignment with the Shire's Strategic Community Plan, Corporate Business Plan and Long-Term Financial Plan, and reflects the expenditure requirements of the organisation for the 2026/2027 financial year.

In the current financial year, Council is required to respond to a range of economic and operational pressures, while maintaining service delivery and infrastructure. An overall rate increase of **3.5%** is therefore proposed to ensure the Shire remains financially sustainable and continues to meet its obligations.

Gross Rental Values (GRV – Townsites) have experienced minimal movement since the last revaluation cycle, and it is proposed to apply an increase of **3.4%** in the rate in the dollar.

Gross Rental Values for Mining (GRV – Mining) remain unchanged, with a proposed increase of **3.49%**, equating to a modest additional revenue of approximately \$6,980.

Unimproved Values for Mining (UV – Mining) have increased marginally by approximately **0.02%**, with a proposed rate increase of **3.3%**.

Unimproved Values for Rural land (UV – Rural) remain unchanged, with a proposed increase of **3.4%** to maintain a consistent and equitable contribution.

Minimum payments are proposed to increase by **\$17 (1.9%)**, ensuring equity across categories while supporting overall revenue requirements.

The minimum rental valuations remain unchanged with an average increase of 1.9%.

The proposed differential rates represent a measured and moderate adjustment, consistent with the Shire's financial strategy of restraint and sustainability.

The proposed Differential Rates for 2026/2027 in each rating category in comparison with the adopted/imposed 2025/2026 Differential Rates are set out in the table below:

| Land Category | 2026/2027 Proposed Rate – cents in the \$ | 2025/2026 Proposed Rate – cents in the \$ | Increase (decrease) Rate – cents in the \$ | 2026/2027 Proposed Minimum Payment \$ | 2025/2026 Proposed Minimum Payment \$ | Increase (decrease) Minimum Payment \$ |
|----------------|--|---|--|--|---|--|
| GRV–Town Sites | 13.2000 | 12.7629 | 0.4371 | 507.00 | 490.00 | 17.00 |
| GRV--Mining | 27.2000 | 26.2822 | 0.9178 | 507.00 | 490.00 | 17.00 |
| UV--Mining | 24.8000 | 24.0210 | 0.7790 | 507.00 | 490.00 | 17.00 |
| UV--Rural | 0.82920 | 0.80200 | 0.0272 | 507.00 | 490.00 | 17.00 |

Pursuant to section 6.33(3) of the Local Government Act 1995, a local government must not, without Ministerial approval, impose a differential general rate which is more than twice the lowest general rate imposed.

As the proposed GRV & UV rates exceed this threshold:

- Ministerial approval is required, and
- The proposal must be advertised for not less than 21 days in accordance with section 6.36.

All submissions received will be presented to Council prior to final adoption.

FINANCIAL

The proposed differential rates form a key component of the Shire's revenue base and are required to fund the 2026/2027 budget.

Revenue generated through rates will support:

- delivery of core services
- maintenance and renewal of infrastructure
- operational costs
- long-term financial sustainability

RISK

Failure to adopt an appropriate differential rating structure presents the following risks:

- financial shortfall and reduced capacity to meet budget commitments
- inability to maintain existing service levels
- deterioration in infrastructure due to insufficient funding
- non-compliance with statutory requirements

POLICY

Nil

STATUTORY

Local Government Act 1995, section 6.33(3), section 6.35

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.1 Skilled, capable and transparent team

4.2 We are a compliant and resourced Local Government

Strategy

4.1.5 The capability of our organisation is continually improved

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

4.2.2 Financial sustainability in achieving community aspirations

COMMENT

The proposed rate increase has been determined in the context of the current economic environment and the Shire's financial obligations.

While the proposed increase of 3.5% is modest, it reflects the reality that the cost of delivering services continues to rise across all areas of the organisation.

The Shire and our communities are already experiencing sustained increases in key cost drivers, including:

- fuel costs, impacting plant operations and service delivery across a large geographic area
- contractor and construction costs, influenced by strong demand and limited availability
- materials, freight and logistics, particularly in regional Western Australia
- utilities and operational expenses associated with maintaining infrastructure and facilities

In addition, significant State investment in housing and infrastructure is contributing to constraints in builder and contractor availability, placing further upward pressure on pricing and delivery timeframes.

In regional settings, these factors are amplified, resulting in increases that exceed general CPI measures and directly impact the Shire's cost base.

Council has adopted a disciplined and measured approach, balancing these pressures with the need to limit the impact on ratepayers.

Council has also undertaken detailed budget deliberations and identified efficiency measures to control expenditure. Where appropriate, capital works subject to elevated costs will be deferred to achieve improved value for money.

The Shire will continue to pursue grant funding opportunities; however, given their competitive and uncertain nature, the budget has been prepared on a conservative basis, ensuring financial commitments are sustainable.

Overall, the proposed rate increase:

- maintains essential services
- supports infrastructure maintenance
- responds to real cost pressures
- ensures the ongoing financial sustainability of the Shire

Importantly, the intent of this increase is not to expand services, but to maintain the current level of service delivery in a significantly higher cost environment.

CONSULTATION

Public consultation will be undertaken in accordance with section 6.36 of the Local Government Act 1995, including statewide and local newspaper notice, with submissions invited for a minimum of 21 days.

RESOLUTION OCM/26/051

Moved: Cr Murray James

Seconded: Cr Darren Pool

That Council:

1. Endorses and approves the Differential Rating – Objects and Reasons for the 2026/2027 rating year as presented and attached.
2. Endorses and approves the proposed differential rate categories, rates in the dollar, and the minimum payments for the Shire of Kondinin for the 2026/2027 financial year.

| Land Category | Rate – cents in the dollar \$ | Minimum payment \$ |
|----------------|-------------------------------|--------------------|
| GRV-Town Sites | 13.2000 | 507.00 |
| GRV-Mining | 27.2000 | 507.00 |
| UV-Mining | 24.8000 | 507.00 |
| UV-Rural | 0.82920 | 507.00 |

3. Endorses and approves a public consultation process on the proposed differential rates and general minimum payments, including:
 - Statewide and local public notice as per the requirements of section 6.36 of the Local Government Act 1995.
4. Confirms that the Council has reviewed the expenditure requirements and considered efficiency measures during:
 - Budget Workshop with Council Members and Senior Staff prior to the Special Meeting of Council in May 2026.
5. Considers and confirms that the rates to be advertised are required to meet budget requirements and to maintain financial sustainability.

CARRIED 7/0 BY ABSOLUTE MAJORITY

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil



**Differential Rates
Objects and Reasons 2026/27**

The following Objects and Reasons are provided by Section 6.36 of the Local Government Act 1995 (the Act) and Council’s “Notice of Intention to Levy Differential Rates” to advertise the Objects and Reasons for the differential rates as part of the 2026/2027 Budget process.

RATES

Rates are levied on all rateable properties within the boundaries of the Shire of Kondinin by the Local Government Act 1995. The overall objective for the raising of the proposed rates and charges in the 2026/2027 Budget is to provide for the funding requirements of the Shires services, activities, financing costs and the current and future capital requirements of the Shire considering the Ten-Year Long-Term Financial Plan. This year it is proposed to increase the revenue collected from rates by 3.5%. Section 6.33 of the Local Government Act 1995 provides the ability to differentially rate properties based on zoning and/or land use as determined by the Shire of Kondinin. The application of differential rating maintains equity in the rating of properties across the Shire, enabling the Council to provide facilities, infrastructure and services that benefit the whole Shire and its visitors.

Summary of the proposed minimum payments and rates in the dollar for 2026/2027.

| Rate Category | Minimum Payment | Rate in the \$ (cents) proposed |
|-----------------------------|------------------------|--|
| GRV – Townsite | \$507.00 | 13.2000 |
| GRV – Mining Infrastructure | \$507.00 | 27.2000 |
| UV – Rural | \$507.00 | 0.82920 |
| UV – Mining | \$507.00 | 24.8000 |

Valuations

Landgate is the statutory authority responsible for the valuation process by the provisions of the Local Government Act 1995 and the Valuation of Land Act 1978 (as amended). The rates in the \$ are based on the general valuations as supplied by the Valuer General concerning Gross Rental Values (GRV) and Unimproved Values (UV). More information on the different valuation methods can be found on the Valuer Generals website at www.landgate.wa.gov.au

Gross Rental Valuations (GRV)

A property's GRV represents the amount of the gross annual rental the land might obtain if it is let on a tenancy from year to year. GRV properties are reviewed every 3-6 years as per the Valuation of Land Act 1978 (as amended), the latest review for the Shire of Kondinin was on 1 July 2022.

Unimproved Valuation (UV)

A property's UV means the amount the land may reasonably be expected to obtain if it was sold and assuming no improvements to the land had been made. UV properties are reviewed annually, the latest review for the Shire of Kondinin being effective 1 July 2026.

Objects and Reasons for Differential Rating**GRV–Townsite**

This rating category applies to all properties within the townsite boundaries of Kondinin, Karlgarin & Hyden as per the Local Planning Scheme No. 1 and the area zoned for a public purpose within the Wave Rock precinct.

The object of this differential is to ensure that all properties with GRV valuation make a reasonable contribution towards the services and facilities provided and maintained by the Shire of Kondinin for the benefit of residents within the towns of Kondinin, Karlgarin and Hyden.

Revenue derived from this category will assist in funding the service levels expected by the community and achieving the outcomes of the Strategic Community Plan.

GRV–Mining Infrastructure

This rating category applies to mining leases with improvements on the land. These improvements include workforce accommodation and facilities, offices, workshops and processing facilities.

The object of this differential is to raise additional revenue to contribute towards higher maintenance and construction costs associated with mining activity due to its remote location and the weights and volumes involved. This rate reflects the cost of servicing the remote mining activity including road infrastructure and waste disposal.

The reason this category is rated higher than GRV is due to the additional costs of maintaining infrastructure (roads) in the eastern sector of the Shire associated with the frequent vehicle use from servicing the mining companies operating in the area. The servicing of mining operations results in the Shire's road network and waste facilities requiring continual ongoing maintenance and renewal work to service these users.

UV–Rural

This rating category applies to properties that are predominately used for farming. The object of this differential is to maintain equity in the rating of property throughout the Shire of Kondinin enabling the Council to provide facilities, infrastructure and services for the entire Shire communities.

The reason for the differential rate is that the UV Rural valuations are by far higher than the UV Mining valuations.

UV-Mining

This rate category applies to properties used for mining, exploration or prospecting purposes.

The object of the differential rate for this category is to raise additional revenue to fund the additional cost impacts on the Shire of Kondinin.

This category is rated higher than UV Rural because mining traffic increases the cost of maintaining road infrastructure in the eastern part of the Shire. Mining activity places heavier demands on the Shire's road network, requiring ongoing maintenance and renewal to support these users.

Minimum Payments

The Local Government Act 1995 (section 6.35) allows Council to impose a minimum rate, which may not apply to more than 50% of rateable properties. The setting of minimum rates within rating categories recognizes that every property receives some minimum level of benefit from the works and services provided by the Shire, and the costs of providing non-exclusive services are shared equitably. A proposed minimum rate of \$507.00 has been applied to all rating categories.

Bruce Wright
Chief Executive Officer
Shire of Kondinin

9.2 CHIEF EXECUTIVE OFFICER

9.2.1 Proposed Fees & Charges - 2026-2027

FILE NUMBER:**DATE:** 22 May 2026**AUTHOR:** Bruce Wright, Chief Executive Officer**AUTHORISED OFFICER:** Bruce Wright, Chief Executive Officer**DISCLOSURE OF INTEREST:** Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Proposed Fees & Charges - 2026-2027 - Draft - *Under Separate Cover*
2. 2026-2027 - Fees & Charges - Reference Notes - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Endorses and adopts the Schedule of Fees and Charges for the 2026/2027 financial year, as attached, effective from 1 July 2026.
2. Notes that certain fees and charges are prescribed by legislation and have been applied in accordance with statutory requirements.
3. Authorise the Chief Executive Officer to make minor administrative amendments to the schedule where required and to ensure consistency and compliance with legislative requirements, provided such amendments do not materially alter the adopted fees and charges.

SUMMARY

The purpose of this report is to seek Council approval and endorsement of the proposed schedule of Fees & Charges for the 2026-2027 financial year.

VOTING REQUIREMENT

Absolute Majority

COUNCIL'S ROLE**Executive**

The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

BACKGROUND

In accordance with the Local Government Act 1995, Council is required to set fees and charges by resolution prior to implementation. Fees and charges form part of the Shire's annual revenue framework and contribute toward: cost recovery for services, financial sustainability and fair allocation of costs to service users (achieved by comparative investigations of Shire's of similar size).

A comprehensive review of the existing Fees and Charges Schedule has been undertaken as part of the 2026/2027 budget process.

Review Outcomes

The proposed Fees and Charges Schedule for 2026/2027 reflects:

- Adjustments wherever possible aligned to CPI and operational cost increases,
- Adjustments applicable and in consideration of increases in utilities and fuel costs,
- Improved cost recovery across key service areas,
- Introduction of new fees where new or expanded services are provided, and
- Removal of redundant or non-applicable items.

The review has also identified and addressed duplicate entries and items that do not constitute fees and charges.

Fee increases are considered to reflect rising operational and administrative costs and, in some instances, to address historical under recovery of costs. Fee increases vary and depend on service type and the cost inputs.

The schedule also incorporates several governance improvements by removing policy items (for example, Councillor fees) and other items that are the subject of other formal agreements.

The proposed schedule is in part, considerate of a cost environment that presents a number of uncertainties. The Federal Government has forecast consumer price index (CPI) growth to 5% for the year. Fuel costs are projected to remain elevated, with the outlook complicated by uncertainty around the Federal Government's intention regarding the fuel excise rate - should the full rate be reimposed, this would represent a further and direct increase to the Shire's operational, plant and transport expenditure. Regional cost indexes, which inform the true cost of delivering services in rural and remote Western Australia, continue to track above metropolitan benchmarks and show no indication of subduing in the near term. These factors collectively reinforce the case for the fee adjustments proposed in this schedule.

FINANCIAL

The proposed fees and charges contribute to the Shire's operating revenue, reduce the reliance on general rates and lend to the support of financial sustainability.

RISK

Compliance – charging unadopted or incorrect fees, mitigated by Council adoption.

Financial – under-recovery of costs, mitigated by the alignment to cost recovery.

Governance – duplicated or unclear fees and charges – mitigated by the review of the schedule.

POLICY

Nil

STATUTORY

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

STRATEGIC

Theme

4. CIVIC LEADERSHIP

Goal

4.2 We are a compliant and resourced Local Government

Strategy

4.2.1 External audits and reviews confirm compliance with relevant Local Government legislation

4.2.2 Financial sustainability in achieving community aspirations

COMMENT

The proposed Fees and Charges Schedule for the 2026/2027 financial year has been reviewed to ensure it remains compliant with legislative requirements, reflects current service delivery costs, and supports the Shire's financial sustainability. Adjustments have been applied where appropriate to improve cost recovery, recognise increased operational costs, and maintain consistency across the schedule. In accordance with Section 6.16 of the Local Government Act 1995, the adoption of fees and charges requires an absolute majority of Council.

CONSULTATION

Shire Administration

WA Ranger Services

RoeRoc Environmental Health Officer

Contracted service providers.

RESOLUTION OCM/26/052

Moved: Cr Bruce Browning

Seconded: Cr Paul Green

That Council:

1. Endorses and adopts the Schedule of Fees and Charges for the 2026/2027 financial year, as attached, effective from 1 July 2026.
2. Notes that certain fees and charges are prescribed by legislation and have been applied in accordance with statutory requirements.
3. Authorises The Chief Executive Officer to amend item *Standpipe Water Charge – Contractors & Commercial (per kilolitre)* from \$5.50 to \$10.00.
4. Authorises the Chief Executive Officer to make minor administrative amendments to the schedule where required and to ensure consistency and compliance with legislative requirements, provided such amendments do not materially alter the adopted fees and charges.

CARRIED 7/0 BY ABSOLUTE MAJORITY

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

Councillors sought the amendment of commercial/contractor water charges to \$10 to better reflect cost recovery of the management of standpipe facilities.

10 BUSINESS OF AN URGENT NATURE

Nil

9 MATTERS FOR WHICH MEETING MAY BE CLOSED / CONFIDENTIAL ITEMS

RESOLUTION OCM/26/053

Moved: Cr Beverley Gangell

Seconded: Cr Darren Pool

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

9.2.1 Shire Roads Upgrades & Traffic Usage Agreements

This matter is considered to be confidential under Section 5.23 - ((4)(a)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice, or other information, over which the local government holds legal professional privilege.

CARRIED 7/0

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

9.2.1 Shire Roads Upgrades & Traffic Usage Agreements

FILE NUMBER:

DATE: 27 May 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. OSOM Draft Agreement - *Confidential Under Separate Cover*
2. GHD Cost Calculation - OSOM - *Confidential Under Separate Cover*
3. OSOM Indicative Transport Schedule - *Under Separate Cover*
4. OSOM - Vehicle Types & Axle Loads - *Confidential Under Separate Cover*
5. KRWF - Road Maintenance - *Confidential Under Separate Cover*

The Council is satisfied that, pursuant to Section 5.23 of the *Local Government Act 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (4)(a) legal advice, or other information, over which the local government holds legal professional privilege.

RESOLUTION OCM/26/054

Moved: Cr Murray James

Seconded: Cr Beverley Gangell

That Council:

1. Adopts the WALGA Heavy Vehicle Cost Recovery guidelines (User Guide – Sealed Local Roads v2.0, May 2025; User Guide – Unsealed Local Roads v2.0, May 2025) as the Shire's approved methodology for calculating heavy vehicle road impact charges.
2. Notes that total income from the OSOM Charge is approximately \$111,204 (187 movements × \$594.67) and to approve receipt of this income in the 2025–26 financial year, or as a budget amendment under section 6.8 of the Local Government Act 1995 (WA) as applicable.
3. Authorises the Chief Executive Officer to negotiate and execute the OSOM Letter Agreement – Use of Shire Roads with Electricity Generation and Retail Corporation trading as Synergy (ABN 58 673 830 106)
4. Notes the current status of the KRWF Road Upgrade and Maintenance Agreement negotiations and the outstanding issues identified in this report.
5. Authorises the Chief Executive Officer to negotiate and execute the KRWF Agreement – KRWF Road Upgrade and Maintenance Agreement with Electricity Generation and Retail Corporation trading as Synergy (ABN 58 673 830 106).
6. Resolves to grant Synergy interim authorisation to utilise Shire Roads for the purposes of OSOM vehicle movements associated with the King Rocks Wind Farm transport programme while the Letter Agreement - Use of Shire Roads - Shire of Kondinin is finalised and executed, on the following terms:
 - (a) Synergy's use of Shire Roads under this interim authorisation is entirely at Synergy's own risk. The Shire accepts no liability whatsoever for any loss, damage, injury, claim or expense arising from or in connection with Synergy's use of Shire Roads during the interim period, whether sustained by Synergy, its contractors, subcontractors, employees, agents or any third party;
 - (b) the agreed OSOM Charge of \$594.67 per vehicle movement applies to all movements undertaken on Shire Roads during the interim period and shall be invoiced by the Shire upon execution of the Agreement in accordance with the Agreement;
 - (c) Synergy must provide the Chief Executive Officer with copies of all relevant MRWA OSOM permits, approved routes and traffic management plans before any vehicle movements commence on Shire Roads under this authorisation;
 - (d) all movements must comply with the conditions of Synergy's MRWA permits and all applicable statutory requirements including the Road Traffic (Vehicles) Act 2012 (WA) and the Heavy Vehicle National Law (Western Australia) Act 2013 (WA);
 - (e) this interim authorisation does not limit or affect the Shire's statutory powers as a road authority, including the power to close or restrict access to Shire Roads in the interests of public safety and the right to recover extraordinary expenses under section 132 of the Road Traffic (Administration) Act 2008 (WA); and
 - (f) this authorisation is interim only and expires automatically upon execution of the Letter Agreement or 31 July 2026, whichever occurs first. If the Agreement has not been executed by 31 July 2026, no further movements on Shire Roads are to be accommodated without a further resolution of Council.

CARRIED 7/0

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

RESOLUTION OCM/26/055

Moved: Cr Toni Smeed

Seconded: Cr Paul Green

Resume in Open Session and note the Presidents' report on Confidential Resolutions.

CARRIED 7/0

For: Crs Kent Mouritz, Beverley Gangell, Bruce Browning, Murray James, Darren Pool, Toni Smeed and Paul Green

Against: Nil

10 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

This matter is considered to be confidential under Section 5.23 - ((4)(a)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice, or other information, over which the local government holds legal professional privilege. That information being confidential contract and commercial information of a third party.

11 CLOSE OF MEETING

11.1 DATE OF NEXT MEETING

Ordinary Meeting of Council to be held at the Hyden Community Resource Centre at 4pm on Wednesday 17 June 2026.

11.2 CLOSURE

The Meeting closed at 12.15pm.