SHIRE OF KONDININ

MINUTES OF MEETING

Kondinin Shire Council

ALL OPEN AND CONFIDENTIAL ITEMS

Special Council Meeting

Held at the Microsoft Teams on 24 November 2026

I certify that these minutes are a true and correct version of the meeting of Council on 24 November 2026.

Councillor Beverley Gangell

Deputy President.

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1 OPENING OF MEETING

The meeting was opened by Deputy Shire President, Councillor Gangell acting as the Shire President at 6.08pm

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND DIGNITARIES

Cr Gangell acknowledged the traditional owners and dignitaries.

3 RECORDING OFATTENDANCE

3.1 ATTENDANCE

Deputy Shire President B Gangell (Deputy Presiding Member), Cr B Browning, Cr M James, Cr D Pool, Cr T Smeed, Cr P Green, Mrs B Billingham
Chief Executive Officer B Wright, Mr V Bugna, Mr B Edwards, Ms Kylie Collard

3.2 ATTENDANCE BY TELEPHONE OR INSTANTANEOUS COMMUNICATION

Councillor Gangell in company with Ms Bindi Billingham and Mr Bob Edwards via Teams from the Hyden Office. Councillors Browning and Smeed in company with Bruce Wright and Ms Kylie Collard via Teams from the Kondinin Chambers. Councillors Pool, Green and James joined the meeting via Teams. Mr Vince Bugna joined the meeting via Teams.

3.3 APOLOGIES

Cr Mouritz, Mrs Tory Young

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

Acknowledged.

9 REPORTS OF OFFICERS

9.1 CORPORATE SERVICES

MOTION

RESOLUTION OCM/26/067

Moved: Cr Toni Smeed

Seconded: Cr Bruce Browning

That Council:

1. Revokes Resolution OCM/26/013 of the Special Council Meeting held on 1 September 2026, noting that the Ministerial approval on which it depended was not sought after the Department advised that the matter required a State Administrative Tribunal order.

2. Notes that Councillors Smeed, Browning and Pool (at least one third of Elected Members) endorse this motion by virtue of a signed Regulation 10 Notice of Motion to Revoke a Council Decision.

CARRIED 6/0

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

Against: Nil

9.1.1 Re-commencement of 2026/2027 Differential Rating Following State Administrative Tribunal Orders

FILE NUMBER:

DATE: 22 November 2026

AUTHOR: Bindi Billingham, Coordinator Corporate Services

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Differential Rating Objects and Reasons - 2026-2027 - Revised - *Under Separate Cover*
2. Rating Policy - Differential Rates - *Under Separate Cover*
3. Special Meeting Minutes - 1 September 2026 - OCM/26/013 - *Under Separate Cover*
4. Draft Public Notices - Proposed Rates, Reserve Notice, Ratepayers Information - *Under Separate Cover*
5. GRV Mining Ratepayers - Draft Letter - *Under Separate Cover*
6. State Administrative Tribunal Orders - DR 176 of 2026 - 9 November 2026 - *Under Separate Cover*
7. Director General Letter - Differential Rates - 24 August 2026 - *Under Separate Cover*

RECOMMENDATION

That Council, by absolute majority:

1. Notes the orders of the State Administrative Tribunal in DR 176 of 2026, made on 9 November 2026 under section 6.82 of the *Local Government Act 1995*. The orders quash the general rate and minimum payment for 2026/2027 that Council imposed at its Special Meeting of 28 August 2026 (Resolution OCM/26/012, Part B).
2. Notes that as a result, the Shire must prepare and adopt a budget under section 6.3(a)(ii) and impose a new general rate under section 6.32(3)(b), each by absolute majority. No 2026/2027 rate notices have been issued.
3. Revokes Resolution OCM/26/013 of the Special Council Meeting held on 1 September 2026, noting that the Ministerial approval on which it depended was not sought after the Department advised that the matter required a State Administrative Tribunal order; and notes that the payment options, early payment discount, instalment charges and rate concessions for 2026/2027 (Parts C to F of Resolution OCM/26/012) will be set again when the budget is adopted under section 6.3(a)(ii) and the rates are imposed.
4. Endorses the revised Differential Rating Objects and Reasons 2026/2027 (Attached), including the renamed GRV General rating category.
5. Endorses the following proposed differential general rates and minimum payments for 2026/2027, calculated on valuations current from 1 July 2026, for the purpose of giving local public notice under section 6.36:

Rating category	Basis	Rate in the dollar	Minimum payment
GRV General	Gross rental value	$0.136610	$507
GRV Mining	Gross rental value	$0.272000	$507
UV Rural	Unimproved value	$0.006866	$507
UV Mining	Unimproved value	$0.244700	$507

6. Authorises the Chief Executive Officer to:
   (a) give local public notice of the proposed rates and minimum payments under sections 1.7 and 6.36, substantially in the form of Attachment 4, published on the Shire's website and in at least three other ways, inviting submissions for not less than 21 days, starting the day after the latest publication;
   (b) write directly to each ratepayer in the GRV – Mining Infrastructure category, using the letter at Attachment 5, and to each ratepayer in any other category with fewer than 30 ratepayers that is subject to a differential rate requiring Ministerial approval, enclosing a copy of the Minister's Rating Policy: Differential Rates and allowing at least 21 days for submissions; and
   (c) publish a plain-language notice to ratepayers explaining why 2026/2027 rate notices have been delayed and the expected timetable.
7. Notes that, after submissions close, a further report will present any submissions received, a recommendation to apply to the Minister under section 6.33(3) for the UV Mining rate, and the steps to adopt the budget and impose the rates.
8. Gives one month's local public notice, under section 6.11(2) of the Local Government Act 1995, of its intention to use money from the following reserves as a temporary transfer to the

Municipal Fund. The money would meet operating commitments until the 2026/2027 rates are collected:

(a) up to $500,000 from the Plant and Equipment Reserve; and

(b) up to $500,000 from the Hyden Discovery Centre Reserve.

The proposed use is subject to the following conditions:

(a) the transfers are a contingency only. The Chief Executive Officer may transfer no more than the amount the monthly cash report shows is needed, and is to report each transfer in the next monthly financial report;

(b) any amount transferred is to be repaid in full to the reserve it came from, from 2026/2027 rate collections, by 30 June 2027. The repayment is to be provided for in the budget adopted under section 6.3; and

(c) after the notice period closes, the proposed use and any submissions received are to be presented to Council for decision by absolute majority.

9. Requests the Chief Executive Officer to report to each Ordinary Council Meeting, until the 2026/2027 rates are collected, on the Shire's cash position, any reserve transfers made, and any measures needed to meet commitments.

10. Notes that the Chief Executive Officer has initiated an internal review into how the errors in the 2026/2027 rating process occurred and that its findings will be reported to the Audit, Risk and Improvement Committee and to Council.

SUMMARY

On 9 November 2026, at the Shire's request, the State Administrative Tribunal quashed the 2026/2027 general rates and minimum payment. The Shire's application showed that the rates adopted on 28 August 2026, applied to current valuations, would raise more than section 6.34 of the Act allows. The Shire must now restart the rating process: give fresh public notice, seek Ministerial approval for the UV Mining rate, adopt a budget, and impose new rates.

This report asks Council to endorse revised rates and an updated Objects and Reasons for public notice, and to revoke the 1 September 2026 resolution that the Tribunal process has overtaken. The revised rates raise $3,984,890, so the overall rating effort does not increase. An early payment discount is expected to be offered, with the decision to be made when the budget is adopted, expected at the February 2027 Ordinary Council Meeting.

The Chief Executive Officer has initiated an internal review into how the errors occurred.

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

On 27 May 2026, Council endorsed proposed differential rates and a $507 minimum payment for public notice (OCM/26/051). On 22 July 2026 it resolved to seek Ministerial approval for the mining

rates (OCM/26/084), which the Director General granted under delegation by letter dated 24 August 2026. Council adopted the 2026/2027 budget and imposed the rates on 28 August 2026 (OCM/26/012).

Before rate notices were issued, the Shire's rating consultant found that the rates had been modelled on valuations current before 1 July 2026, not on the Landgate valuations effective from that date. Applied to current valuations, the adopted rates would have raised $4,456,268, which is $471,377 (11.8%) more than the budget required. Most of the difference came from a 21.2% increase in UV Rural valuations. The adopted resolution also recorded the minimum payment as $570, not the $507 that was advertised.

Council made an attempt to correct these matters on 1 September 2026 (OCM/26/013). The Department then advised that the rates could only be set aside by an order of the State Administrative Tribunal. The Shire applied to the Tribunal on 6 November 2026 with the Local Government Inspectorate's knowledge, and the Inspectorate did not oppose the application. The Tribunal quashed the general rate and minimum payment on 9 November 2026 without a hearing. The Inspectorate has said it will monitor the re-adoption process.

Required Changes

GRV valuations are unchanged. The GRV – General rate rises by 3.5% compared with the quashed rate because [reason from LGBP]. Compared with 2025/26, the GRV – General rate is 7.0% higher. The UV Rural rate falls because UV Rural valuations rose sharply.

Rating category	Quashed rate in the dollar	Proposed rate in the dollar	Change	Proposed yield
GRV General (formerly Town Sites / Residential)	$0.132000	$0.136610	+3.5%	$401,518
GRV Mining	$0.272000	$0.272000	Nil	$206,856
UV Rural	$0.008292	$0.006866	−17.2%	$2,272,423
UV Mining	$0.248000	$0.244700	−1.3%	$1,104,093
Total (including minimum payments)				**$3,984,890**

The minimum payment returns to the advertised $507 in every category. The new process also corrects the following:

- Rates are expressed as a rate in the dollar (not in cents).
- The GRV townsite category is renamed GRV General. It is defined by how land is used rather than where it is located, as section 6.33(1) requires.
- The submission period will run for at least 21 days after the day the notice is published.
- Ratepayers in categories with fewer than 30 ratepayers, such as GRV Mining, will be written to directly.

Direct notice to small categories

The Minister’s Rating Policy: Differential Rates (attached) requires that, where fewer than 30 ratepayers are subject to a differential rate needing Ministerial approval, each of them is told in writing and given at least 21 days to make a submission. This is a policy condition of Ministerial approval, not a requirement of the Act.

At the proposed rates, the only category needing approval is UV Mining, which has more than 30 ratepayers, so the condition does not strictly apply. However, the GRV Mining category has 4 ratepayers, and its proposed rate is 1.99 times the GRV General rate, just below the threshold that triggers Ministerial approval. If the final figures change, the condition could apply.

In approving the 2026/2027 rates by letter dated 24 August 2026, the Director General also asked the Shire to inform any ratepayer in a category with fewer than 30 ratepayers in writing, and to give them a copy of the Minister's policy.

As a precaution, each GRV Mining ratepayer will be written to directly on the day the public notice is published, with a copy of the policy and the same submission period as the public notice.

Cash flow contingency

Rates are the Shire's largest source of revenue. With the 2026/2027 general rate and minimum payment quashed, no rates have been levied this year and none are expected to be received before about March 2027. The Shire is meeting its commitments from its opening cash position, but a contingency is needed to make sure staff, suppliers and contractors can be paid if that position runs down before rates are collected.

It is proposed that up to $1,000,000 may be transferred to the Municipal Fund: up to $500,000 from the Plant and Equipment Reserve and up to $500,000 from the Hyden Discovery Centre Reserve. The transfer is a contingency only. The Chief Executive Officer would draw on it only when the monthly cash report shows the Municipal Fund cannot meet its commitments, and only to the amount required. Every dollar drawn would be returned to the reserve it came from, from 2026/2027 rate collections, no later than 30 June 2027, and the repayment would be shown in the replacement budget. The purpose of each reserve does not change.

Because the money would be used for a purpose other than each Reserve's own, section 6.11(2) of the Act requires one month's local public notice before Council can decide, and the decision needs an absolute majority. The Act provides no Ministerial waiver. The only exceptions are a use disclosed in the annual budget, expenditure authorised by the Shire President in an emergency under section 6.8(1)(c), a total of $5,000 or less in a year, or a declared state of emergency. None of these applies. The notice will be published on the same day as the rates notice, so it adds no time to the rating timetable. Council will decide after the notice period closes, with any submissions in front of it. Any amount used will be disclosed in the 2026/2027 annual financial report, as section 6.11(4) requires.

Other options were considered. An overdraft or short-term borrowing would also need one month's local public notice under section 6.20(2) and would cost the Shire interest. Non-essential expenditure will be deferred in any case and reported through the monthly cash report.

Indicative timetable

Both public notices, for the proposed rates and for the reserve transfer, will be published on the same day, and the letters to GRV Mining ratepayers will be posted that day. Each submission period is counted from the day after the latest publication date.

Date	Step	Notes
Tue 24 Nov 2026	Council endorses the proposed rates, Objects and Reasons and reserve notice	Absolute majority
Wed 25 – Sat 28 Nov 2026	Rates notice and reserve notice published; letters posted to GRV Mining ratepayers	Website, social media, Hyden-Karlgarin Householder, the Echo, Kondinin and Hyden Shire information notice boards, Hyden and Kondinin Post Offices, Hyden and Kondinin libraries, Hyden and Kondinin Community

Date	Step	Notes
		Resource Centres - all complete by Sat 28 Nov.
Sun 29 Nov 2026	Both submission periods open	Day after the latest publication
Sat 19 Dec 2026	21st day	Earliest lawful close for rates submissions
Mon 21 Dec 2026, 4pm	Rates submissions close, including GRV Mining letters	23 days
Wed 23 Dec 2026	Special Council Meeting: considers rates submissions; resolves to apply to the Minister for UV Mining	Application lodged Thursday 24 December 2026
Mon 28 Dec 2026	One month from publication of the reserve notice	
Tue 29 Dec 2026, 4pm	Reserve submissions close	
Wed 13 Jan 2027	Special Council Meeting: decides the reserve transfer	Absolute majority (s 6.11(2))
Mid-Jan – early Feb 2027	Ministerial decision	Department guidance allows 21 days from a complete application; Christmas closure may extend this
Wed 17 Feb 2027 (highly indicative)	Ordinary Council Meeting: adopts budget (s 6.3(a)(ii)), imposes rates (s 6.32(3)(b)), sets payment options and due dates	Absolute majority. Moves to March Ordinary Meeting if Ministerial approval is not received in time
Fri 19 Feb 2027	Rate notices issue	Due date not earlier than 35 days after issue (s 6.50), so about late March 2027.
Fri 26 March 2027	Due date; discount period ends; first instalment	35th day after issue (s 6.50)

Early payment discount (for information)

A discount can only be granted by absolute majority when Council adopts the budget, which will be the same meeting at which the rates are imposed (s 6.46).

If Ministerial approval is received in time, the budget will go to the Ordinary Council Meeting on Wednesday 17 February 2027. At that meeting Council would adopt the budget, impose the rates, and set the discount and instalment options. Rate notices would then issue on Friday 19 February 2027. Payment would be due on Friday 26 March 2027, the 35th day after issue (s 6.50).

Officers expect to propose a discount of 3% for rates paid in full, including any arrears, by the due date. Ratepayers would have the full 35 days to take up the discount. The cost of the discount will be included in the budget.

If approval is not received in time, these matters will go to the March Ordinary Council Meeting on 17 March 2027. The due date would then move to about 23 April 2027.

Ratepayers will also be able to pay by instalments. The instalment options, due dates, administration charge and instalment interest (up to 5.5%) will be set when the budget is adopted. Officers expect to propose:

- Two instalments: 26 March and 26 May 2027; or
- Four instalments: 26 March, 26 May, 28 July and 29 September 2027.

Instalments are not available where rates from a previous year remain unpaid, or where the total is under $200. Ratepayers in those circumstances or experiencing hardship can contact the Shire to arrange an individual payment plan. Ratepayers who choose to pay by instalments are not eligible for the early payment discount. The final two instalments fall after 30 June 2027. Ratepayers on the four-instalment option may receive their 2027/2028 rate notice before their last 2026/2027 instalment is due.

Internal Review

The Chief Executive Officer has initiated an internal review. It will establish how the errors occurred and recommend changes to processes and controls. Its findings will be reported to the Audit, Risk and Improvement Committee and to Council. This report does not anticipate those findings.

FINANCIAL

The proposed rates and minimum payment will raise $3,984,890. This is within the 90–110% range of the budget deficiency required by s 6.34.

Because rates cannot be collected until after the budget is adopted in February 2027, the Shire's cash flow will be under pressure until payments come in from late March. Recommendation 8 starts the one-month notice period for a possible temporary transfer of up to $1,000,000 from two reserves to cover this period:

Reserve	Balance as at 23 November	Transfer (up to)	Balance remaining (minimum)
Plant and Equipment Reserve	$856,289	$500,000	$356,289
Hyden Discovery Centre Reserve	$739,760	$500,000	$239,760
Total	$1,596,049	$1,000,000	$596,049

Any amount drawn will be repaid to the reserve it came from, from rate collections, by 30 June 2027.

Other costs include:

- legal advice, advertising and postage;
- the early payment discount, which will be allowed for in the budget;

The full financial position will be presented with the budget in February 2027.

RISK

The main risk is financial: no 2026/2027 rates will be collected until about March 2027. The other risks concern compliance and reputation, and they are managed by following each statutory step in full and on the record.

Risk	Consequence	Treatment	Rating
Delayed rate revenue	Pressure on cash flow, and capital works may need to be re-timed.	Monthly cash reporting to Council, and expenditure timed to cash available. Any use of reserves comes back to Council.	High
Further non-compliance in the new process	A second challenge, further delay, and continued scrutiny by the Inspectorate.	Notice, Objects and Reasons and rating model checked independently before publication, SynergySoft valuation register reconciled to the rating model, and written guidance sought from LGIRS.	High
Mining licence refunds	Rates on miscellaneous and small prospecting licences on Crown land since 2017/18 are extinguished and must be refunded.	The Shire has reviewed its rate record. No assessments are affected and no refunds are owed.	Low
GRV category challenged	A rate defined by how land is used rather than where it is located, as location is not a permitted characteristic for this Shire (s 6.33(1); FM Reg 52A)	Challenge to the GRV – General rate as based on a characteristic that isn't permitted, causing further delay.	Low
Ratepayer confusion	Complaints and late payment.	Plain-language notice, direct letters, and a clear timetable.	Medium
Additional costs	Legal and consultant fees outside the budget.	Costs recorded and reported in the next budget review.	Low

POLICY

The new process follows the *Minister's Rating Policy: Differential Rates* and the Department's *Rating Policy: Giving Notice*. Under those policies:

- the notice is published on the Shire website and in at least three other ways;
- submissions are open for 21 days, not counting the day of publication;
- all forms of notice are supplied with the application to the Minister;
- ratepayers in categories with fewer than 30 ratepayers are written to directly.

The Rating Policy: Valuation of Land – Mining continues to apply.

The revised Objects and Reasons keeps the purpose of each category. The changes are the name and definition of the GRV category, rates expressed in dollars, and updated valuation and yield figures. The Shire's rating procedures will be reviewed once the review has been completed.

STATUTORY

Local Government Act 1995: ss 1.7, 6.2, 6.3, 6.8, 6.11, 6.20, 6.32, 6.33, 6.34, 6.35, 6.36, 6.45, 6.46, 6.49, 6.50 and 6.82

Sets the process for re-imposing rates after they have been quashed:

- adopting the budget and imposing rates by absolute majority;
- differential rates, minimum payments and the limit on total rate revenue;
- local public notice, with 21 days for submissions;
- Ministerial approval where a differential rate is more than twice the lowest;
- use of reserve funds, and borrowing;
- payment options, including early payment discounts, instalments and payment arrangements;
- review by the State Administrative Tribunal.

Local Government (Financial Management) Regulations 1996: rr 18, 23, 26, 33, 52A, 58, 59, 64, 67 and 68:

- budget content and lodgement with the Department;
- when notice of a change in use of reserve funds is not required;
- characteristics for differential rates;
- instalments: who is eligible, due dates, the administration charge and the 5.5% maximum interest.

Local Government (Administration) Regulations 1996: rr 3A and 10

Sets out the methods for local public notice and the requirements for revoking or changing a previous Council decision.

Local Government Amendment (Rating of Certain Mining Licences) Act 2026

Crown land held solely under a miscellaneous licence or small prospecting licence is not rateable from 1 July 2017. The Shire has confirmed no assessments are affected.

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

COMMENT

The Shire sought orders from the State Administrative Tribunal to quash the rates, as this was the only lawful way to correct the rating process. Ratepayers will now be assessed using current property valuations and the advertised minimum payments, with each statutory requirement completed before the rates are reimposed.

The Shire acknowledges that the delay is inconvenient for ratepayers and places additional pressure on its financial operations. The revised timetable allows the necessary steps to be completed carefully and correctly, providing certainty that the new rates are lawfully imposed.

CONSULTATION

- McLeods Barristers and Solicitors
- LG Best Practices
- Department of Local Government, Industry Regulation and Safety
- Landgate

The proposed rates and the use of reserve funds will be advertised for public submissions after this meeting. Each GRV Mining ratepayer will also be written to directly. Council will consider all submissions before the application goes to the Minister.

RESOLUTION OCM/26/068

Moved: Cr Darren Pool

Seconded: Cr Bruce Browning

That Council, by absolute majority:

1. Notes the orders of the State Administrative Tribunal in DR 176 of 2026, made on 9 November 2026 under section 6.82 of the *Local Government Act 1995*. The orders quash the general rate and minimum payment for 2026/2027 that Council imposed at its Special Meeting of 28 August 2026 (Resolution OCM/26/012, Part B).
2. Notes that as a result, the Shire must prepare and adopt a budget under section 6.3(a)(ii) and impose a new general rate under section 6.32(3)(b), each by absolute majority. No 2026/2027 rate notices have been issued.
3. Revokes Resolution OCM/26/013 of the Special Council Meeting held on 1 September 2026, noting that the Ministerial approval on which it depended was not sought after the Department advised that the matter required a State Administrative Tribunal order; and notes that the payment options, early payment discount, instalment charges and rate concessions for 2026/2027 (Parts C to F of Resolution OCM/26/012) will be set again when the budget is adopted under section 6.3(a)(ii) and the rates are imposed.
4. Endorses the revised Differential Rating Objects and Reasons 2026/2027 (Attached), including the renamed GRV General rating category.
5. Endorses the following proposed differential general rates and minimum payments for 2026/2027, calculated on valuations current from 1 July 2026, for the purpose of giving local public notice under section 6.36:

Rating category	Basis	Rate in the dollar	Minimum payment
GRV General	Gross rental value	$0.136610	$507
GRV Mining	Gross rental value	$0.272000	$507
UV Rural	Unimproved value	$0.006866	$507
UV Mining	Unimproved value	$0.244700	$507

6. Authorises the Chief Executive Officer to:

(a) give local public notice of the proposed rates and minimum payments under sections 1.7 and 6.36, substantially in the form of Attachment 4, published on the Shire's website and in at least three other ways, inviting submissions for not less than 21 days, starting the day after the latest publication;

(b) write directly to each ratepayer in the GRV – Mining Infrastructure category, using the letter at Attachment 5, and to each ratepayer in any other category with fewer than 30 ratepayers that is subject to a differential rate requiring Ministerial approval, enclosing a copy of the Minister's Rating Policy: Differential Rates and allowing at least 21 days for submissions; and

(c) publish a plain-language notice to ratepayers explaining why 2026/2027 rate notices have been delayed and the expected timetable.

7. Notes that, after submissions close, a further report will present any submissions received, a recommendation to apply to the Minister under section 6.33(3) for the UV Mining rate, and the steps to adopt the budget and impose the rates.

8. Gives one month's local public notice, under section 6.11(2) of the Local Government Act 1995, of its intention to use money from the following reserves as a temporary transfer to the Municipal Fund. The money would meet operating commitments until the 2026/2027 rates are collected:

   (a) up to $500,000 from the Plant and Equipment Reserve; and

   (b) up to $500,000 from the Hyden Discovery Centre Reserve.

   The proposed use is subject to the following conditions:

   (a) the transfers are a contingency only. The Chief Executive Officer may transfer no more than the amount the monthly cash report shows is needed, and is to report each transfer in the next monthly financial report;

   (b) any amount transferred is to be repaid in full to the reserve it came from, from 2026/2027 rate collections, by 30 June 2027. The repayment is to be provided for in the budget adopted under section 6.3; and

   (c) after the notice period closes, the proposed use and any submissions received are to be presented to Council for decision by absolute majority.

9. Requests the Chief Executive Officer to report to each Ordinary Council Meeting, until the 2026/2027 rates are collected, on the Shire's cash position, any reserve transfers made, and any measures needed to meet commitments.

10. Notes that the Chief Executive Officer has initiated an internal review into how the errors in the 2026/2027 rating process occurred and that its findings will be reported to the Audit, Risk and Improvement Committee and to Council.

CARRIED 6/0 BY ABSOLUTE MAJORITY

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

Against: Nil

Clarification was provided by the CEO of the impacts of the proposed change, Cr Green noted that the change was not substantially different from that previously proposed.

9.2 CHIEF EXECUTIVE OFFICER

9.2.1 Shire of Kondinin Bushfire Risk Management Plan - 2021 - 2026 Two Year Review

FILE NUMBER:

DATE: 21 November 2026

AUTHOR: Bruce Wright, Chief Executive Officer

AUTHORISED OFFICER: Bruce Wright, Chief Executive Officer

DISCLOSURE OF INTEREST: Author - Nil

Authoriser - Nil

ATTACHMENTS:

1. Shire of Kondinin Bushfire Risk Management Plan - Two Year Review - Draft - *Under Separate Cover*

RECOMMENDATION

That Council:

1. Endorses the Shire of Kondinin Bushfire Risk Management Plan 2026–2028 (Attached), which completes the Shire's two-year review under the State Hazard Plan – Fire;
2. Sets the acceptable level of bushfire risk for human settlement, economic, environmental and cultural assets as "High, with controls in place", as shown in Table 6 of the plan;
3. Authorises the Chief Executive Officer to make minor amendments to the plan that do not materially change it, including amendments requested by the Office of Bushfire Risk Management and amendments to reflect changes in legislation or in Bushfire Risk Management System data; and
4. Notes that the Bushfire Risk Management System updates required by the Office of Bushfire Risk Management's quality assurance review are being completed with the support of the Department of Fire and Emergency Services, and that progress will be reported to Council through the Bush Fire Advisory Committee.

SUMMARY

The Shire's Bushfire Risk Management Plan 2021–2026 was due for its two-year review with the Office of Bushfire Risk Management (OBRM). The plan has been rewritten on OBRM's current template and was lodged with OBRM on [date] November 2026. Council is asked to endorse the reviewed plan and to set the level of bushfire risk the Shire will accept. The recommended level, High with controls in place, is a change from the 2021 plan, which treated every High risk as unacceptable.

VOTING REQUIREMENT

Simple 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

Under the State Hazard Plan – Fire (version 3.01, approved 29 April 2026), local governments with significant bushfire risk must have a Bushfire Risk Management Plan endorsed by OBRM. The plan identifies the assets at risk from bushfire, rates the risk to each and sets out how the Shire and other land managers will treat it. Asset-level data is held in the Bushfire Risk Management System (BRMS), which is managed by the Department of Fire and Emergency Services (DFES).

From May 2026 OBRM moved plans to a two-year review cycle. A review must add a cultural heritage section, a risk acceptance table and a written treatment strategy. It must also update the BRMS data in response to OBRM's quality assurance package and lodge the plan with a review checklist signed by the CEO. A plan that is not reviewed loses OBRM endorsement, and the Shire would then be ineligible for the Mitigation Activity Fund Grants Program (MAFGP).

The 2021 plan was out of date and hard to use, so it has been rewritten rather than amended. The new plan recognises the Ballardong Noongar people as Traditional Owners and records that the whole Shire lies within the Ballardong People Indigenous Land Use Agreement. It annexes the 12 registered and 13 lodged Aboriginal heritage places recorded in the State's Aboriginal Cultural Heritage Inquiry System, with steps to protect them during mitigation and firefighting. It adds assets that have arrived since 2021, including the King Rocks Wind Farm, the Hyden workers' accommodation and the CBH receival sites at Kondinin, Karlgarin and Bendering. It also reflects Council's establishment of the Bush Fire Advisory Committee on 21 October 2026 (OCM/26/032) and the five brigades registered with DFES. It addresses the gap in fire cause reporting raised at the Committee's inaugural meeting on 4 November 2026, where the review began. Committee members were invited to comment by 18 November 2026.

BRMS holds 116 assets rated High or above: 77 Extreme or Very High and 39 High. OBRM's quality assurance review of 25 February 2026 found 43 assets needing reassessment, 16 missing slope points and 54 needing vulnerability updates. Shire staff do not currently have BRMS access. Access has been requested from OBRM, and DFES's Bushfire Risk Management Officer is assisting with the updates.

The plan must state the level of risk the Shire accepts for each asset category, and risks above that level must be considered for asset-specific treatment. The 2021 plan accepted only Low and Medium risks. With 116 assets at High or above, limited brigade appliances and a limited works budget, the Shire cannot treat every High risk within a two-year cycle. Setting the level at High, with controls in place, concentrates effort on the 77 Extreme and Very High assets, starting with homes, schools and aged care within 30 metres of bushland. A High risk stays acceptable only while its controls are in place: firebreak compliance, current treatments, and access and water for firefighting. Where an inspection finds those controls have lapsed, the asset is treated as above the acceptable level.

Comparable shires take both approaches: Quairading accepts High in all categories with strong controls, while Kent treats High as unacceptable for most categories. Council could keep the 2021 position, but the 39 High assets would then take longer than two years to treat.

FINANCIAL

Endorsing the plan has no direct cost.

RISK

Plan not endorsed or BRMS updates not completed. OBRM endorsement suspended, and the Shire is ineligible for MAFGP funding until the plan is endorsed. Control: plan lodged by the due date; BRMS updates being completed with DFES support; progress reported through the Bush Fire Advisory Committee.

Accepting High risk. Some homes, businesses and places remain at High risk and rely on owners' own preparation. Control: controls inspected each year, and a lapse of controls triggers treatment. The acceptance level is reviewed every two years, or sooner after a major fire, a fall in brigade capacity or a change in State policy.

Keeping High as unacceptable. 39 more assets need asset-specific treatment the Shire cannot fund or deliver within two years, so the plan's targets would not be met. Control: Council decision on the acceptable level, as recommended.

POLICY

The plan supports the Strategic Community Plan 2016–2026, which is under review, with a new plan expected by July 2027. The new plan will be checked against the Bushfire Risk Management Plan when it is adopted.

The plan also supports the Shire's Local Emergency Management Arrangements. No Council policy is affected.

STATUTORY

Bush Fires Act 1954, section 33 (firebreak notices), section 38 (appointment of bush fire control officers) and section 67 (advisory committees). The Act does not itself require a Bushfire Risk Management Plan.

Emergency Management Act 2005, section 36 (functions of local government) and section 41 (emergency management arrangements in a local government district).

Aboriginal Heritage Act 1972, section 17 (offences relating to Aboriginal sites) and section 18 (consent to certain uses), which apply to mitigation works on or near Aboriginal heritage places.

Local Government Act 1995, section 2.7 (role of council).

State Hazard Plan – Fire (version 3.01, 29 April 2026), which requires local governments with significant bushfire risk to have an OBRM-endorsed plan.

STRATEGIC

Theme

1. COMMUNITY

Goal

1.6 Support emergency services planning, risk mitigation, response and recovery

Strategy

1.6.3 Resourced bush fire brigades and support to meet compliance and encourage participation

COMMENT

Endorsing the plan keeps the Shire's OBRM endorsement and MAFGP eligibility, and gives the Shire a current plan that brigades, staff and other land managers can use. The key decision for Council is the acceptable level of risk. The recommended level matches what the Shire can deliver in a two-year cycle while treating the highest-risk homes and community facilities first.

CONSULTATION

Bush Fire Advisory Committee

Area Officer, DFES Narrogin

OBRM

RESOLUTION OCM/26/069

Moved: Cr Bruce Browning

Seconded: Cr Darren Pool

That Council:

1. Endorses the Shire of Kondinin Bushfire Risk Management Plan 2026–2028 (Attached), which completes the Shire's two-year review under the State Hazard Plan – Fire;
2. Sets the acceptable level of bushfire risk for human settlement, economic, environmental and cultural assets as "High, with controls in place", as shown in Table 6 of the plan;
3. Authorises the Chief Executive Officer to make minor amendments to the plan that do not materially change it, including amendments requested by the Office of Bushfire Risk Management and amendments to reflect changes in legislation or in Bushfire Risk Management System data; and
4. Notes that the Bushfire Risk Management System updates required by the Office of Bushfire Risk Management's quality assurance review are being completed with the support of the Department of Fire and Emergency Services, and that progress will be reported to Council through the Bush Fire Advisory Committee.

CARRIED 6/0

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

Against: Nil

10 BUSINESS OF AN URGENT NATURE

Nil

11 CLOSE OF MEETING

11.1 DATE OF NEXT MEETING

To be held at Kondinin Council Chambers at 4:00 PM on 16 December 2026.

11.2 CLOSURE

The Meeting closed at 6.17pm.