



CONFIDENTIAL

AGENDA

Shire of West Arthur
Special Council Meeting
Wednesday 17 September 2025

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Meeting of the Shire of West Arthur will be held on Wednesday 17 September 2025 in the Council Chambers commencing at 6.00pm.

Vin Fordham Lamont
CHIEF EXECUTIVE OFFICER

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of West Arthur for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of West Arthur disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.

Forest to Wheatbelt



Shire of West Arthur

Notice of Special Council Meeting

In accordance with the Local Government Act 1995 and *Local Government (Administration) Regulations 1996* Reg 12 (2) it, is hereby notified that as from January 2025 to December 2025, Ordinary Council meetings of the Shire of West Arthur will be held as follows:

DATE	LOCATION	TIME
27 February 2025	Council Chambers	7.00pm
27 March 2025	Council Chambers	7.30pm
24 April 2025	Council Chambers	7.30pm
22 May 2025	Council Chambers	7.30pm
26 June 2025	Council Chambers	7.30pm
24 July 2025	Council Chambers	7.30pm
28 August 2025	Council Chambers	7.30pm
25 September 2025	Council Chambers	7.30pm
23 October 2025	Council Chambers	7.30pm
27 November 2025	Council Chambers	7.30pm
18 December 2025*	Council Chambers	7.30pm

* March meeting third Thursday to avoid Easter

* April meeting third Thursday to avoid Anzac Day

* December meeting third Thursday to avoid Christmas

DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Please Note:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Meeting Procedures:

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of West Arthur.

Council Meeting Information:

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

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Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes 10 days prior to the Council Meeting.

Agendas for Ordinary Meetings are available at the Shire of West Arthur Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of West Arthur Office and the Shire of West Arthur website within ten (10) working days after the Meeting.

Questions From The Public

Shire of West Arthur
 PO Box 112
 31 Burrowes Street
 Darkan WA 6392
 T: (08) 9736 2400
 E: shire@westarthur.wa.gov.au



Name			
Name of Organisation Representing <i>(if applicable)</i>			
Email Address			
Residential Address			
Postal Address(if different)			
Home Telephone No		Mobile No	
Agenda Item Number <i>(if applicable see below)</i>		Meeting Date	

Signature _____

Date _____

QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. A total of 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Council, they are to relate to the Agenda Item tabled at that meeting.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence and the question / response will not appear in the Council Minutes.

Please see Notes on Public Question Time on Pages 4 and 5 above.

*** Council Meetings:** Questions are to relate to a matter affecting the Shire of West Arthur.

Application For Leave of Absence

(Pursuant to Section 2.25 of the Local Government Act 1995 (as amended))

Shire of West Arthur
PO Box 112
31 Burrowes Street
Darkan WA 6392
T: (08) 9736 2400
E:
shire@westarthur.wa.gov.au



- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council –
 - (a) if no meeting of the Council at which a quorum is present is actually held on that day;
or
 - (b) if the non-attendance occurs while –
 - (i) the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iv) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
 - (c) If the non-attendance occurs during a period for which the member is entitled to parental leave under subsection (5B).

I, _____ hereby apply for Leave of Absence from the West Arthur
Shire Council from _____ to _____ for the purpose of

Signature _____ Date _____

Request to Attend Meeting by Electronic Means

(Local Government Act 1995 – Section 5.25)

Local Government (Administration) Regulations 1996 –
14C

Shire of West Arthur

PO Box 112

31 Burrowes Street

Darkan WA 6392

T: (08) 9736 2400

E: shire@westarthur.wa.gov.au



Surname _____

Other Names _____

Date of Meeting _____

Type of Meeting
(Please tick one)

☐ Ordinary Council Meeting

☐ Committee Meeting

☐ Special Council Meeting

Consideration of Location and Equipment Available

Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means, the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.

Location Proposed

Equipment Available

IMPORTANT NOTE

The Shire President or Council cannot authorise a member to attend a meeting if the member's attendance at the proposed meeting would result in the member attending more than half of the meeting type in the 12 months prior to the requested meeting date by electronic means. (Regulation 14C(3)).

Signature _____

Date _____

*Please send this form to the Chief Executive Officer who will complete the member's attendance section and forward to the Shire President or the Council for consideration.
In the event of the request being submitted by the Shire President, the Deputy Shire President, pursuant to s5.34 of the Local Government Act 1995, is able to authorise the request*

OFFICE USE ONLY**MEMBERS ATTENDANCE****Number of Meetings Attended by Electronic Means in the 12 Months Prior to the Meeting Date**

Ordinary Council Meeting	
Special Council Meeting	
Committee Meeting	

Number of Meetings Scheduled in the 12 Months Prior to the Meeting Date

Ordinary Council Meeting	
Special Council Meeting	
Committee Meeting	

Would Attending the Proposed Meeting Electronically Result in the Member Exceeding The 50% Requirement?☐ Yes☐ No**Council/Shire President's Consideration**

The Shire President or Council should consider the following factors in determining whether the location and equipment is deemed suitable.

LOCATION

The location must be quiet and private. If there are other people at the location at the time of the meeting, you may require the person to be in a room that has a door that can be closed during the meeting, and request that the person wear headphones if appropriate.

EQUIPMENT AND ELECTRONIC MEANS

The equipment must support Council's preferred electronic means for remote attendance, being Microsoft Teams.

Is the Location and Equipment Deemed Suitable?☐ Yes☐ No**Is the Request to Attend the Proposed Meeting by Electronic Means Approved?**☐ Yes☐ No

Signature _____

Date _____

Written Declaration of Interest in Matter Before Council

Shire of West Arthur
PO Box 112
31 Burrowes Street
Darkan WA 6392
T: (08) 9736 2400
E: shire@westarthur.wa.gov.au



NOTE: USE ONE FORM PER DECLARATION

(1) I, _____ wish to declare an interest in the following item to be considered by council at its meeting to be held on

(2) _____

(3) Agenda item _____

(4) The type of interest I wish to declare is;

- ☐ Financial pursuant to Sections 5.60A of the Local Government Act 1995.
- ☐ Proximity pursuant to Section 5.60B of the Local Government Act 1995.
- ☐ Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995.
- ☐ Impartiality pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021

(5) The nature of my interest is

(6) The extent of my interest is

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY

Signature _____ Date _____

RECEIVED BY

Signature _____ Date _____

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item is to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Financial pursuant to Sections 5.60A of the Local Government Act 1995

5.60A – Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

5.60B – Proximity Interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - 1) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - 2) a proposed change to zoning or use of land that adjoins that person's land; or
 - 3) a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2) In this section, land ("the proposal land") adjoins a person's land if –
 - 1) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - 2) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - 3) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

5.61 – Indirect financial interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

22 – Disclosure of interest

- (1) In this clause –
Interest –
 - 1) means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest and
 - 2) includes an interest arising from kinship friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose nature of the interest –
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the person did not know –
 - (a) That they had an interest in the matter; or
 - (b) That the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a) Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6) Subclause (7) applies in relation to an interest if –
 - (a) Under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) Under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter –
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member to declare the meeting open.

The Presiding Member advises all attendees that the meeting is being recorded as required by s5.23A of the Local Government Act 1995 and regulations 14F - 14I of the Local Government (Administration) Regulations 1996.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS:	Neil Morrell	(Shire President)
	Karen Harrington	(Deputy Shire President)
	Graeme Peirce	(Elected Member)
	Adam Squires	(Elected Member)
	Duncan South	(Elected Member)
	Robyn Lubcke	(Elected Member)
	Russell Prowse	(Elected Member)
STAFF:	Vin Fordham Lamont	(Chief Executive Officer)
	Rajinder S Sunner	(Manager Corporate Services)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

MEMBER OF THE PUBLIC:

3 PUBLIC QUESTION TIME

Nil

4 DISCLOSURES OF INTEREST

Nil

5 MATTERS BEHIND CLOSED DOORS**5.1 POWER AND WATER SERVICES TO LOT 9001 GROWDEN PLACE, DARKAN**

Location:	Lot 9001 on Deposited Plan 409160
Applicant:	Shire of West Arthur
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	12/09/2025
Disclosure of Interest:	Nil
Attachments:	1. Contract of Sale and Development of Portion of Lot 9001 - CONFIDENTIAL 2. WATC Quote - Indicative Loan \$110,000 5 year term - CONFIDENTIAL 3. WATC Quote - Indicative Loan \$110,000 10 year term - CONFIDENTIAL

This matter is considered to be confidential under Section 5.23(2) - (c) 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 public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to clause 2.2(2) of the contract between the Shire of West Arthur and Lawrence John Dawson presented as Attachment 1, AUTHORISE the CEO to execute any documentation and take any action required to terminate the contract.

OR**VOTING REQUIREMENTS:**

Absolute Majority

ALTERNATIVE OFFICER RECOMMENDATION 1:

That Council, by absolute majority:

1. Pursuant to section 6.20 of the *Local Government Act 1995*, APPROVE borrowing the sum of \$110,000 from the Western Australian Treasury Corporation for the purposes of paying Western Power for the installation of the necessary infrastructure to provide power to Lot 9001 Growden Place, Darkan.
2. APPROVE the consequential amendment of its 2025/2026 adopted budget by recognising additional income of \$110,000 from the drawdown of the new loan and corresponding expenditure on the Growden Place subdivision project.

AND**VOTING REQUIREMENTS:**

Simple Majority

ALTERNATIVE OFFICER RECOMMENDATION 2:

That Council:

1. Pursuant to clause 2.2(1) of the contract between the Shire of West Arthur and Lawrence John Dawson presented as Attachment 1, AUTHORISE the CEO to agree with Mr Dawson upon a new date for satisfying the condition precedent in clause 2.1(b) of the contract.
2. NOTE the public notice requirements to give one month's local public notice of the loan proposal under subsection 6.20(2)(a) of the Local Government Act 1995.
3. AUTHORISE the Shire President and Chief Executive Officer to finalise, sign, seal (where the Common Seal is required) and execute all documents and instruments necessary or incidental to give effect to borrowings for the purpose of Western Power infrastructure for Lot 9001 Growden Place Darkan; and
4. AUTHORISE the Chief Executive Officer to do all things necessary to implement and administer the borrowing and the associated project payments, including arranging insurances (if applicable), establishing bank arrangements, and lodging any statutory or regulatory notices and returns.

CONFIDENTIAL ATTACHMENT
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6 CLOSURE OF MEETING

The Presiding Member declares the meeting closed.