



AGENDA

Shire of West Arthur
Ordinary Council Meeting
Thursday 23 October 2025

NOTICE OF MEETING

Dear Elected Member

The next **Ordinary Council Meeting** meeting of the Shire of West Arthur will be held on Thursday 23 October 2025 in the Council Chambers commencing at 7.30pm.

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.



Shire of West Arthur

Notice of Ordinary 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.

Agendas, 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.

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
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31 Burrowes Street
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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 Chief Executive Officer declares the meeting open and 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.

The Chief Executive Officer notes that in accordance with Schedule 2.3, clause 2(1)(a) of the Local Government Act 1995, the first item of business is the election of the Shire President and Deputy Shire President.

Election of Shire President

- The Chief Executive Officer advises details of nominations and acceptances of nominations already received for Shire President.
- The Chief Executive Officer calls for additional nominations for Shire President.
- Nominations received and accepted.
- If only a single accepted nomination is received, that candidate is declared elected unopposed as President.
- If multiple nominations: conduct vote by secret ballot in accordance with Local Government (Constitution) Regulations 1998 11A and 11B.
- Declaration of elected Shire President.
- Reciting and signing of Declaration of Office.

Election of Deputy Shire President

- Chief Executive Officer advises details of nominations and acceptances of nominations already received for Deputy Shire President.
- Chief Executive Officer calls for additional nominations for Deputy Shire President.
- Nominations received and accepted.
- If only a single accepted nomination is received, that candidate is declared elected unopposed as Deputy Shire President.
- If multiple nominations: conduct vote by secret ballot in accordance with Local Government (Constitution) Regulations 1998 11A and 11B.
- Declaration of elected Deputy Shire President.
- Reciting and signing of Declaration of Office.

Chief Executive Officer formally hands over chairing responsibilities to the newly elected Shire President. The President then assumes the Chair.

The Shire President advises Councillors of their seating arrangements in the chambers.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS:	Neil Morrell	(Elected Member)
	Karen Harrington	(Elected Member)
	Graeme Peirce	(Elected Member)
	Duncan South	(Elected Member)
	Russell Prowse	(Elected Member)
	Natalie O'Neill	(Elected Member)
	Helen Lubcke	(Elected Member)
STAFF:	Vin Fordham Lamont	(Chief Executive Officer)
	Rajinder S Sunner	(Manager Corporate Services)
	Tahnee-Lee Lubcke	(Projects Officer)
	Gary Rasmussen	(Manager Works and Services)
	Sharon Bell	(Community Development Officer)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

MEMBER OF THE PUBLIC:

3 ANNOUNCEMENTS OF PRESIDING MEMBERS

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Nil

6 PETITIONS, DEPUTATIONS, PRESENTATIONS, SUBMISSIONS**6.1 DEPUTATION IN RELATION TO ITEM 17.1**

Author: Renee Schinzig, Administration Officer
Authorising Officer: Vin Fordham Lamont, Chief Executive Officer
Date: 16/10/2025

Mr Dan Reinhold has requested, pursuant to clause 3.12(2) of the Shire of West Arthur Standing Orders Local Law, that a deputation of he and Mr Martin Michelson be able to speak to Council on item 17.1 Application to Camp at 59 Hillman Street, Darkan in this agenda.

The Acting President, Cr Harrington, approved this request.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 DISCLOSURE OF INTEREST**8.1 INTEREST DISCLOSURES IN ITEM 14.1 DARKAN ROADHOUSE FUEL STORAGE**

Author: Renee Schinzig, Administration Officer
Authorising Officer: Vin Fordham Lamont, Chief Executive Officer
Date: 14/10/2025
Attachments: Nil

The Chief Executive Officer has sought Ministerial approval for voting eligibility in Item 14.1 Development Application – Darkan Roadhouse Fuel Storage.

Four Elected Members, being Councillors Harrington, South, Lubcke and Prowse, have all declared proximity interests in the item, meaning that a quorum will not be achieved without the Minister's approval.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD**9.1 ORDINARY MEETING OF COUNCIL 25 SEPTEMBER 2025**

Author: Renee Schinzig, Administration Officer
Authorising Officer: Vin Fordham Lamont, Chief Executive Officer
Date: 14/10/2025

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on 25 September 2025 be confirmed as true and correct.

10 REPORTS FROM COUNCILLORS

Cr Neil Morrell

Cr Karen Harrington

Cr Graeme Peirce

Cr Robyn Lubcke

Cr Duncan South

Cr Helen Lubcke

Cr Natalie O'Neill

11 OFFICE OF THE CHIEF EXECUTIVE OFFICER

11.1 APPOINTMENT OF REPRESENTATIVES TO COUNCIL COMMITTEES UNDER THE LOCAL GOVERNMENT ACT 1995

Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	06/10/2025
Disclosure of Interest:	Nil
Attachments:	1. Audit, Risk and Improvement Committee - Terms of Reference 2. Behaviour Complaints Committee - Terms of Reference

SUMMARY:

Council is requested to appoint new Council representatives to each of its committees which were established under section 5.8 of the *Local Government Act 1995* (LGA), following each local government election and in accordance with relevant legislation and Council policy including the appointment of the Presiding Member and Deputy Presiding Member for each Committee.

BACKGROUND:

Section 5.8 of the *Local Government Act 1995* provides that a local government may, by **absolute majority**, establish committees comprising three or more persons to assist the Council.

The Shire of West Arthur currently has the following committees established under section 5.8:

- **Audit, Risk & Improvement Committee** – Previously named the Audit and Risk Committee, updated at the May 2025 Ordinary Meeting of Council to comply with the Local Government Reforms (required under s7.1A of the LGA and by the Local Government (Audit) Regulations 1996).
- **Behaviour Complaints Committee** – Comprises all 7 Council Members as per Council Policy – C4.

Section 5.11(1)(d) provides that Committee tenure expires the day after the next ordinary local government election, unless otherwise resolved.

Section 5.12 indicates that the Local Government appoints the Presiding Member and, if necessary, the Deputy Presiding Member to these committees by absolute majority.

COMMENT:

The current members of the Audit, Risk and Improvement Committees are:

Cr Karen Harrington – Chairperson
Cr Neil Morrell – Deputy Chairperson
Cr Graeme Peirce

The Behaviour Complaints Committee consists of all seven Council Members. Cr Morrell is the current Chairperson and Cr Harrington is the Deputy Chairperson.

The Presiding and Deputy Presiding Member of the Behaviour Complaints Committee will be elected at this meeting, while members of the Audit, Risk and Improvement Committee will coordinate the recruitment of an Independent Chair and Deputy.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

s5.8 – Establishment of committees

s5.10 – Appointment of committee members

s5.11 – Tenure of committee membership

s5.12 – Presiding members and deputies

Local Government (Audit) Regulations 1996

Reg 16– Functions of audit committee

Local Government (Administration) Regulations 1996

Part 2 – Council and committee meetings

POLICY IMPLICATIONS:

Policy C3 – Audit & Risk Management Committee – Terms of Reference

Policy C4 – Behaviour Complaints Committee – Terms of Reference

Policy C7 – Code of Conduct for Council Members, Committee Members & Candidates

FINANCIAL IMPLICATIONS:

Costs associated with these committees have been included in the adopted annual budget.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme: Leadership and Management – inspirational, dynamic, transparent

Outcome: Councillors represent the community and are well trained

Strategy: The Shire Council is representative of the community and collaborates with Shire staff to ensure the best outcomes for the community.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct

- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Failure to appoint representatives may result in non-compliance with statutory requirements and hinder governance functions.
Risk Likelihood (based on history and with existing controls)	Almost Certain (5)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	High (15)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Appoint committee representatives as required

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

1. That Council, by **absolute majority** and in accordance with section 5.10(1) of the *Local Government Act 1995*, appoint the following representatives to the Shire of West Arthur committees established under section 5.8:
 - A. Audit and Risk Committee – 3 Council Members
Cr _____
Cr _____
Cr _____
 - B. Behaviour Complaints Committee
Cr Neil Morrell
Cr Karen Harrington
Cr Graeme Peirce
Cr Duncan South
Cr Russell Prowse
Cr Helen Lubcke
Cr Natalie O'Neill
2. That Council, by **absolute majority** and in accordance with section 5.12(1) of the *Local Government Act 1995*, appoint Cr _____ as Presiding Member of the Behaviour Complaints Committee.
3. That Council, by **absolute majority** and in accordance with section 5.12(2) of the *Local Government Act 1995*, appoint Cr _____ as Deputy Presiding Member of the Behaviour Complaints Committee.

Policy Title	C3 - Audit & Risk Management Committee – Terms of Reference
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To ensure the Audit, Risk & Improvement Committee plays a key role in assisting the Council to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and internal and external audit functions.

Scope

Audit, Risk & Improvement Committee functions

The Local government (Audit) Regulations state that an audit committee has the following functions:

- a) to guide and assist the local government in carrying out —
 - i. its functions under Part 6 of the Act; and
 - ii. its functions relating to other audits and other matters related to financial management;
- b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- c) to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —
 - i. report to the council the results of that review; and
 - ii. give a copy of the CEO's report to the council;
- d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
 - i. regulation 17(1); and
 - ii. the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- f) to oversee the implementation of any action that the local government —
 - i. is required to take by section 7.12A(3); and
 - ii. has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - iii. has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - iv. has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- g) to perform any other function conferred on the audit committee by these regulations or another written law.

Definitions

Nil

Policy Statement**Powers of the Audit, Risk & Improvement Committee**

The committee is a formally appointed committee of Council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

Membership

The committee shall consist of a Presiding Member (not an Elected Member or Employee), an Alternative Presiding Member (not an Elected Member or Employee) and Elected Members in accordance with the *Local Government Act 1995*. All members shall have full voting rights.

External persons appointed to the committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.

Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to council's elected representatives.

Reimbursement of approved expenses will be paid to each external person who is a member of the committee.

Required staff in attendance to provide administrative support (non-voting) are the Chief Executive Officer and Manager Corporate Services.

Quorum

The quorum at any meeting shall be half plus one of the number of members.

Meetings

The committee shall meet at least twice annually. Additional meetings may be convened at the discretion of the presiding person.

Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

Duties and Responsibilities

1. Audit –
 - a) Provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits.
 - b) For audits other than the standard interim and annual audits, develop and recommend to Council:
 - a list of those matters to be audited; and

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- the scope of the audit to be undertaken;
- c) For audits other than the standard interim and annual audits, recommend to council the person or persons to be appointed as auditor;
- d) For audits other than the standard interim and annual audits, develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include:
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the local government to communicate with, and supply information to, the auditor;
- e) Meet with the auditor once in each year and provide a report to Council on the matters discussed and the outcome of those discussions.
- f) Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out their other duties under the Local Government Act 1995; and
 - ensure that audits are conducted successfully and expeditiously.
- g) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters.
- h) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and present the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time.
- i) Review the scope of the audit plan and program and its effectiveness.
- j) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of council or CEO (see reference to internal audit page 14);
- k) Review the level of resources allocated to internal audit and the scope of its authority;
- l) Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which council and management react to matters raised;
- m) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
- n) Review the local government's draft annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- o) Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed.
- p) Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference.
- q) Seek information or obtain expert advice through the CEO on matters of concern within the scope

of the committee's terms of reference following authorisation from the Council.

- r) Review the Compliance Audit Return and make a recommendation on its adoption to Council.
- s) Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to Council the results of those reviews

2. Risk Management –

- a) Provide oversight in the areas of risk management, internal control and legislative compliance in accordance with the Local Government (Audit) Regulations 1996 r.17.
- b) Consider, approve and review the annual Internal Audit Plan, if such a plan exists.
- c) Advise Council on performance against the adopted Internal Audit Plan, if such a plan exists.

3. CEO support and advice –

- a) Provide the CEO with interim advice of a complex or confidential nature on request by the CEO.

History	25/05/2023 22/05/2025
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>Part 5 – Division 2 - Committees and their meetings</i> <i>Part 7 – Audit</i> <i>Local Government Amendment Regulations 2024</i>
Related Documentation	C7 – Code of Conduct for Council Members, Committee Members & Candidates

Policy Title	C4 - Behaviour Complaints Committee
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

To establish Terms of Reference for the Behaviour Complaints Committee of the Shire of West Arthur.

Scope

This Policy applies exclusively to the Shire's Behaviour Complaints Committee.

Definitions

Act means the Local Government Act 1995.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

Behaviour Complaints Officer means a person authorised in writing [by Council resolution or by the CEO exercising delegated authority] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints.

Breach means a breach of Division 3 of the Shire of West Arthur Code of Conduct for Council Members, Committee Members and Candidates.

Code of Conduct means the Shire of West Arthur Code of Conduct for Council Members, Committee Members and Candidates.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Policy Statement

Committee Function

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of West Arthur's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.

- Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur *[clause 12(3) of the Code of Conduct]*.
- Determining reasons for such a Finding.
- Where a Finding is made that a breach has occurred, determining:
 - To take no further action; or
 - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

Membership

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of seven (7) Council Members, appointed by Council in accordance with s.5.10 of the Act.

The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee's Function by providing an apology.

Meeting Schedule

Meetings are to be scheduled as required by the CEO in consultation with the Committee Presiding Member.

Committee Governance

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- make the Committee Notice Papers and Agenda publicly available *[s.5.94(p), s.5.96A(f)]*, with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2) *[Admin.r.14]*; and
- make Committee minutes publicly available *[s.5.94(n), s.5.96A(h)]*, with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).

NOTE 1: Notice paper and agenda are required, just not required to be published on the website and made available for public inspection – see Admin r.14. Admin r.13 also applies, so that conversion of the agenda to unconfirmed minutes is capable of being published in accordance with Admin r.13 with minutes including the detail prescribed in Admin r.11.

NOTE 2: See Admin r.13 and Admin r.11. The confidential content must be captured in confidential attachments to the minutes, with only the public minutes published that contain the details prescribed in Admin r.11. The official minute book / archival record, signed at confirmation of the minutes, includes both the public minutes and the confidential attachments.

History	25/05/2023 Adopted 22/02/2024 Amended
Delegation	Refer to Policy
Relevant Legislation	<i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Related Documentation	Policy – Code of Conduct Complaint Handling

11.2 APPOINTMENT OF COUNCIL REPRESENTATIVES TO COMMITTEES UNDER OTHER LEGISLATION

Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/10/2025
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to appoint elected members of Council to the Shire of West Arthur Local Emergency Management Committee (LEMC) in accordance with the *Emergency Management Act 2005* and the Shire's Local Emergency Management Arrangements, and to the Shire of West Arthur Bush Fire Advisory Committee in accordance with the *Bush Fires Act 1954* and the Shire's Bush Fire Brigades Local Law.

BACKGROUND:

Under section 38 of the *Emergency Management Act 2005*, each local government is to establish a Local Emergency Management Committee. The committee assists in the development and maintenance of emergency management arrangements for the district. Membership typically includes representatives from local emergency services, relevant agencies, and elected members of Council.

Section 67 of the *Bush Fires Act 1954* enables a local government to appoint a Bush Fire Advisory Committee "for the purpose of advising the local government regarding all matters" relating to bush fire prevention, control and extinguishment, and requires that the committee include a member of Council nominated by it. Membership typically includes elected members of Council, alongside the Chief Bush Fire Control Officer, deputy(s), brigade captains, Fire Control Officers and agency representatives.

Following the local government election held on 18 October 2025, Council is required to appoint its representatives to the LEMC and BFAC at the first ordinary meeting after the election.

Council Representatives sit for a two-year term on these committees, with appointments following each biennial local government election.

The Bush Fire Advisory Committee requires at least 1 Council Representative.

The Local Emergency Management Committee requires the Shire President as Chair and at least 1 additional Council Representative.

COMMENT:

The current appointed members on the committees are as follows:

BFAC – Cr Duncan South

BFAC – Cr Graeme Peirce – Proxy

LEMC – Cr Neil Morrell - Chairperson

LEMC – Cr Duncan South

Council is invited to nominate and appoint elected members to represent the Shire on these committees. LEMC meets quarterly and plays a key role in ensuring preparedness and coordination during emergencies. BFAC

CONSULTATION:

Chief Executive Officer
WALGA
Other local governments

STATUTORY ENVIRONMENT:

Bush Fires Act 1954
s67 Advisory committees

Emergency Management Act 2005
s38 Local emergency management committees
State Emergency Management Policy

POLICY IMPLICATIONS:

State Emergency Management Policy
Bush Fire Advisory Committee Terms of Reference – Adopted in February 2024
Local Emergency Management Committee Terms of Reference – Adopted in March 2025

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan
Theme: Leadership and Management
Outcome: Actively engage with community, business and other stakeholders to grow and develop the community
Strategy: Continued improvement in communication with the community through various platforms that ensure all members of the community have access to information

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes

- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	If Council representatives are not appointed in terms of the relevant legislation, the ability of the Shire to coordinate emergency management functions in the district may be compromised.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (1)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Appointment of Council Representatives as required

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

1. That Council, in accordance with section 5.10(1) of the Local Government Act 1995, appoint the following representatives to the Shire of West Arthur Bush Fire Advisory Committee:

Bush Fire Advisory Committee – 2 Council Members

Cr _____

Cr _____ - Proxy

2. That Council, in accordance with section 38(3) of the *Emergency Management Act 2005*, appoint the following representatives to the Shire of West Arthur Local Emergency Management Committee:

Local Emergency Management Committee – 2 Council Members

Shire President – Cr _____ as Chair

Cr _____

11.3 LAKE TOWERRINNING MANAGEMENT PLAN AND TERMS OF REFERENCE

Location:	Shire of West Arthur
Applicant:	Shire of West Arthur
Author:	Tahnee-Lee Lubcke, Projects Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/10/2025
Disclosure of Interest:	Nil
Attachments:	1. Lake Towerrinning Management Plan 2025 DRAFT V2 2. Lake Towerrinning Strategic Plan Reference Group Terms of Reference

SUMMARY:

The Shire of West Arthur updated the Lake Towerrinning Management Plan in July 2025. Consultation was undertaken with relevant stakeholders, and the plan was updated accordingly. The Shire has also introduced a new Terms of Reference document for this advisory group for the purpose of outlining the groups responsibilities, purpose and structure. Council is requested to endorse the updated Management Plan and new Terms of Reference for the Lake Towerrinning Strategic Plan Reference Group.

BACKGROUND:

The Shire of West Arthur consistently revises its management plan for Lake Towerrinning in alignment with its agreement with the Department of Biodiversity, Conservation and Attractions regarding the lease of a section of the Lake for public recreation and aquatic sports. The latest review was conducted in July 2025.

The plan was developed following discussions with a group of stakeholders (refer to the consultation section below) and was made available for public feedback for a duration of 14 days, from June the 24th to July the 8th. There were no comments received from the public during this consultation period.

As part of the Lake Towerrinning Strategic Plan Reference Group, a terms of reference document was developed to guide existing and new members when influencing the direction of Lake Towerrinning.

COMMENT:

Nil

CONSULTATION:

Department of Transport
Department of Conservation, Biodiversity and Attractions
Gnaala Karla Booja
Neighbouring Landholders
Local landholders with an interest in the Lake
Shire Chief Executive Officer
Shire President (Chairperson)
Shire Projects Officer

STATUTORY ENVIRONMENT:

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Commonwealth)
- *Native Title Act 1993* (Commonwealth)
- *Aboriginal Heritage Act 1972* (State)
- *Bushfires Act 1954* (State)
- *Biosecurity and Agriculture Management Act 2007* (State)
- *Conservation and Land Management Act 1984* (State)
- *Biodiversity Conservation Act 2016* (Commonwealth)
- *Emergency Management Act 2005* (State)
- *Fire and Emergency Services Act 1998* (State)
- *Heritage Act 2008* (State)
- *Land Administration Act 1997* (State)
- *Planning and Development (Local Planning Scheme) Regulations 2015.*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme: Natural Environment – our natural assets are valued and meet the needs of the community

Outcome 3.1: Maintain and improve our key natural assets

Strategy: Maintain Lake Towerrinning as our premier iconic asset

Action: Collaborate with DBCA and DoT in relation to the management of Lake Towerrinning. Hold a meeting of stakeholders every two years to monitor use and review strategic direction of the Lake through the Lake Management Plan.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices

- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Failure to update important reference and management documents relating to Lake Towerrinning could lead to the loss of the lake as a premier visitor attraction in district.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (6)
Principal Risk Theme	Inadequate environmental management
Risk Action Plan (Controls or Treatment Proposed)	Adopt the Plan and Terms of Reference prepared as requested.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

1. That Council endorse the updated Lake Towerrinning Management Plan as presented.
2. That Council adopt PC14 – Lake Towerrinning Strategic Plan Reference Group Terms of Reference as presented and approve its inclusion in the Shire's Policy Manual.

LAKE TOWERRINNING

Management Plan 2025

Shire of West Arthur

31 Burrowes Street
DARKAN WA 6392

Phone: 9736 2400
Email: Shire@westarthur.wa.gov.au



Acknowledgement of Country

The Shire of West Arthur respectfully acknowledges that the land upon which we work and live, is the traditional land of the Wilman Noongar people. We recognise their cultural heritage, beliefs and continuing relationship with the land. We honour Elders past, present and emerging and we support the principles of a reconciled Australia for all its people.



Photo credits throughout the report: Caroline Telfer, Astrid Volzke and Kerryn Chia

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1.0 INTRODUCTION

1.1 Location

Lake Towerrinning is located 32km south of Darkan Figure 1 within the Shire of West Arthur in the Towerrinning Nature Reserve (24917). It is approximately 180ha of permanent brackish water (Cale et al., 2004) which is vested in the Conservation Commission of Western Australia and is managed by the Department of Biodiversity, Conservation and Attractions (DBCA). However, because of the significance of the Lake as a recreational facility, the Shire of West Arthur has for many years leased part of the reserve and used the water as a gazetted ski area. Public facilities have been provided by the Shire on land owned by the Shire adjacent to the Lake, for use by the community and tourists who visit this area.



Figure 1: Location of Lake Towerrinning

The Lake Towerrinning catchment covers an area of approximately 15,700ha (Raper and van Wyk, 2009) which includes the Capercup Nature Reserve. The Lake sits at the bottom of the catchment and discharges into the Arthur River (Figure 2). Water coming into the Lake comes in through an inlet swamp on the north western side and is released to the Arthur River through an Outlet swamp located to the south of the main water body of the Lake.



Figure 2: Lake Towerrinning catchment (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012b).

1.2 History of Lake Management

Lake Towerrinning was originally discovered by Captain Bannister on 5th January 1832 and he described it as a “rushy lagoon” (Lake Towerrinning Landcare Group, 1994). Extensive land clearing for agriculture in the 1950s and 60s resulted in an increase in salinity of the lake until the lake was receiving around 6500 tonnes of salt in 1993. In 1986 the lake was described as polluted by phosphorus and organic nitrogen, dirty and experiencing severe blue green algae blooms (Lake Towerrinning Landcare Group, 1994). Today around 90% of the Lake catchment is cleared and an obvious decline in the water quality was observed from 1973 onwards (Froend and McComb, 1991). From 1979-1981 lake levels were very

low with the Lake completely drying out on occasions. Flooding caused by cyclonic activity during the summer months of 1982 resulted in the lake refilling and the lake has not dried out again since that time.

1.2.1 Local Management

Lake Towerrinning Catchment Landcare Group formed in 1989 to improve water quality in Lake Towerrinning by diverting fresher water into the Lake from the catchment area (George et al., 1995). Water originally flowed through the Cordering and Morlup creeks into Lake Towerrinning, however in the 1950s the erosion of a firebreak resulted in water from these creeks being diverted into Darlingup Creek and away from the Lake (Lake Towerrinning Landcare Group, 1994).

The Landcare group, together with the Department of Agriculture (now Department of Primary Industries and Regional Development) designed and constructed the Lake re-diversion at the confluence of the Cordering and Morlup Creeks in 1993 to re-divert water to the Lake. The re-diversion structure allows saltier water to bypass the lake and fresher water to be redirected through a 12km waterway into the Lake. The incorporation of gates at the outlet of the Lake controls lake levels and enables flushing of the Lake to be controlled manually. Since that time water quality has remained below 2500mS/m based on van Wyk and Raper 2008 (Raper and van Wyk, 2009). Even in 2015 (a well below average rainfall year), Lake salinity was still below 2500mS/m at 2300mS/m in December 2015.

Prior to the lease being renewed in 1999, the Shire of West Arthur, at the (formerly) Department of Conservation and Land Management's (CALM) request, organised a public meeting in August 1998 at Moodiarrup. The meeting discussed issues concerning the Lake and formed a management plan for the future direction of Lake Towerrinning. The need for management had arisen because of the pressures that were being put on the Lake by skiers, sailboats, commercial businesses and other recreational users of the Lake. The management plan would have a dual purpose in that it would ensure that CALM's (now DBCA's) interest of conservation in this reserve would be secured and it would give the Shire Council some direction in terms of what facilities and measures are required to satisfy all interested parties.

A committee was assembled to develop the Management Plan based on the issues raised at the public meeting and the first management plan was developed. This management plan has been reviewed a number of times over the years and this current review was undertaken in July 2025 after consultation with relevant stakeholders.

It is expected that after each update, and following public approval of the Plan, the Council will adopt the Plan as the official Management Plan for Lake Towerrinning. By doing this Council will have satisfied DBCA's requirements and can implement any directions that are listed in the Plan.

1.2.2 Living Lakes Project

In addition to the management plan, the Department of Regional Development (DRD) identified Lake Towerrinning as wetland worthy of inclusion in the Living Lakes Project in 2011. The aim of the Living Lakes Project was to identify three existing lake systems in the Wheatbelt that would be suitable for investing government funds for enhancement in order to create permanent and accessible water bodies (JDA Consultant Hydrologists, 2011). This project resulted in detailed environmental surveys being undertaken including flora, fauna (Bamford Consulting, 2012), Aboriginal heritage, soils and landforms.

Following the surveys a feasibility study was undertaken to identify engineering Enhancement Options that would "future proof" the Lake (JDA Consultant Hydrologists, 2012). This report contains comprehensive details on water quality within Lake Towerrinning. The engineering enhancement options outlined in this report were:

- Increase the capacity of the re-diversion structure through the addition of an extra culvert which would result in more rapid filling of the Lake during early winter, greater flushing of salt from the Lake and a longer period of high Lake levels (ET1).
- A drain from Capercup Nature Reserve to the Lake in order to manage salinity within the reserve (ET2).
- Dredging of the Lake to create an island (ET3)
- Groundwater replenishment to increase water flow into the Lake (ET4)
- Rehabilitation of the re-diversion structure to reshape the 12km drain and the possible upgrade of the culverts under the roads that cross the drain (ET5).
- Refine outlet from outlet swamp to the Arthur River which involved and excavated drain to connect the outlet swamp more efficiently to the Arthur River (ET6).
- Modified outlet structure from the Lake to the outlet swamp to allow higher Lake water levels to be maintained (ET7).

Of these options the rehabilitation of the re-diversion structure through reshaping of the 12km of drains and increasing water flow beneath the roads (ET5) was considered to be the option that met the project objectives of increasing the Lake hydro-period and improving

water quality. The estimated cost of construction for this option was \$137,000¹ and ongoing maintenance was \$13,770.

The Capercup Nature reserve drain (ET2), whilst not meeting the Living Lakes project objectives was noted as an opportunity to prevent further degradation of Capercup Nature Reserve. It was estimated that this would cost \$24,300¹ to construct and annual maintenance would be in the order of \$2,430.

Neither option (ET5 or ET2) was pursued due to lack of funding from the State Government.

Finally, a land use concept plan was developed by DRD for each of the lakes included in the Living Lakes Project including Lake Towerrinning (EPCAD Pty Ltd, 2016) with the aim of enhancing visitor experiences. Opportunities for enhancement identified in this report included:

- improved signage at the entrance of the Lake;
- reconstruction of the boat ramp to enable improved public access to the Lake;
- improvements to connectivity (in terms of revegetation) between the carpark and Lakeside Camping;
- installation of viewing towers;
- installation of a walking trail;
- development of land based recreation (e.g. BMX and mountain biking track);
- promotion of the Moodiarrup Sporting Complex to Lake visitors; and
- development of corporate-retreat facilities or lifestyle villas.

At the time of the completion of the Living Lakes Project, there was no funding available for development of any of the concepts developed by DRD. Note that these options were developed by DRD and are not necessarily reflective of the opinions and ideas of the local community or the Shire of West Arthur.

1.2.3 Recent Upgrades

The Shire of West Arthur has recently invested funds from the Federal Local Roads and Community Infrastructure Program into upgrades to Lake infrastructure in 2021, 2022 and 2023.

A major upgrade of the jetties was undertaken in 2021 as part of this funding program after assessment by a structural engineer resulted in them being closed to the public due to

¹ This estimate was made in 2012.

potential danger of collapse. The refurbishment involved the removal of the decking which was rebuilt on the existing piles.

The boat ramp reconstruction was undertaken in April 2022 to improve access when water levels are low and to prevent damage to vehicles and boats. It is anticipated that the newly installed cement extension to the boat ramp will resolve the issue of “blow out” occurring at the end of the ramp.

Additional funds have been used to upgrade the public facilities on the upper level of the lake. Installation of new shade structures to replace trees that were dying as a result of watering with salt water from the lake were installed in 2022. New furniture has also been installed including a wheelchair accessible table.



The playground has also been refurbished and is now more in keeping with its surrounds. It features nature based play items including a carved long neck tortoise and a recycled boat with a wake board for imaginative play based around the water skiing theme.

Dead trees in the picnic area have also been removed. Stump grinding will be required to complete the removal of these trees which were beginning to cause a hazard due to limbs dropping.

The construction of an all-abilities access boardwalk was completed in January 2023. The ramp now provides wheelchair users with access to the lake beach and BBQ areas. The ramp finishes at the first shade shelter along the beach, having begun at the boat ramp.

Additional improvements are anticipated in the second half of 2025, with funding being sought to transform the changeroom facilities into an interpretive centre and undercover picnic area.

1.3 Legislation and relevant documents

Management of Lake Towerrinning needs to be undertaken in accordance with various Federal and state legislation including the following:

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)(Commonwealth)
- *Native Title Act 1993* (Commonwealth)
- *Aboriginal Heritage Act 1972* (State)
- *Bushfires Act 1954* (State)
- *Biosecurity and Agriculture Management Act 2007* (State)
- *Conservation and Land Management Act 1984* (State)
- *Biodiversity Conservation Act 2016*
- *Emergency Management Act 2005* (State)
- *Fire and Emergency Services Act 1998* (State)
- *Heritage Act 2008* (State)
- *Land Administration Act 1997* (State)
- *Planning and Development (Local Planning Scheme) Regulations 2015*.

In addition, other documents, guidelines and policies relevant to management of Lake Towerrinning include:

- Australia and New Zealand Environment and Conservation Council (ANZECC) and Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) (2000) Guidelines for Recreation Water Quality: Primary Contact
- Wetlands Conservation Policy of Western Australia 1997
- Wetlands Policy of the Commonwealth Government of Australia 1997
- National Health and Medical Research Council (NHMRC) 2008, Guidelines for Managing Risks in Recreational Water
- Department of Biodiversity, Conservation and Attraction lease document signed by the Shire of West Arthur in 2009
- Bushfire Risk Management Planning – Guidelines for preparing a Bushfire Risk Management Plan (2015)

- Shire of West Arthur Bush Fire Risk Management Plan 2017
- Shire of West Arthur Local Emergency Management Arrangement (EMA) 2016
- Shire of West Arthur Community Strategic Plan 2021-2031

2.0 PHYSICAL ENVIRONMENT

2.1 Climate

Lake Towerrinning is located in an area with a Mediterranean climate (hot dry summers and wet winters). Rainfall at Duranillin (the closest rainfall station to the Lake) has decreased in recent years. An average of 561mm was recorded pre-1975 and this has reduced by 14% to 484mm post 1975 (Raper and van Wyk, 2009). More notably the winter rainfall (May-October) has fallen by 18%.

Climate change is expected to result in increases to average temperatures in all seasons and less rainfall in winter and spring months in the South west of Western Australia (<https://www.agric.wa.gov.au/climate-change/climate-projections-western-australia> accessed November 2019) which may impact on water inflow into Lake Towerrinning.

2.2 Soils and Landscape

The Lake catchment landscape is characterised by gently undulating rises, low hills, narrow incised valleys and broad flats. Soils are largely duplex sandy gravels within the Darkan System (gently undulating to rolling rises and low hills, and narrow alluvial plains of the Blackwood, Arthur and Hillman Rivers) (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012a).

There has been some work done to identify issues associated with increasing salinity in the catchment and the Lake (Raper and van Wyk, 2009). In 2009, salinity was estimated to cover 12% of the Lake Towerrinning catchment area and was estimated to rise to 20-25% by 2028 if no further action was taken. At the time local land holders agreed to contain salinity to 15% of the catchment by 2028.

2.3 Hydrology

Lake depth varies with seasonal rainfall and as part of the Living Lakes Project a number of measurements were made and average depth was recorded as 2.55m in February 2012. The water temperature in February averaged 24.9°C and was fully mixed throughout the water column.

Water quality in Lake Towerrinning has been highly variable over the years. Prior to the construction of the re-diversion structure, salinity levels ranged from <2000-10,000 mS/m. Since the construction of the re-diversion salinity levels within the lake have stabilised and range from <1,000-2,500 mS/m even in low rainfall years such as 2015 (Figure 3, data collected by Lakeside Camping). Water salinity in the outlet swamps is higher with average salinity in the outlet swamp approaching sea water (JDA Consultant Hydrologists, 2012).

Detailed water quality analysis of the Lake was undertaken as part of the Living Lakes Project (JDA Consultant Hydrologists, 2012), and only Selenium (Se) was identified as being elevated above guidelines and it was recommended that sampling be undertaken during winter months to determine levels of Se.

Algal levels were also identified as exceeding guidelines however no toxigenic cyanobacteria species were identified.

The owner of the Caravan Park has indicated in the past that the smell emanating from the decomposition of sediment and restriction of water flow through the swamps is an issue. An investigation was undertaken by the then Landcare Officer at the Shire of West Arthur in 2008 (Shire of West Arthur, 2008a). There has been no resolution to this issue to date.

3.0 NATURAL ENVIRONMENT

3.1 Vegetation and Flora

Lake Towerrinning is located within the Beaufort Vegetation System which is dominated by marri (*Corymbia calophylla*) and wandoo (*Eucalyptus wandoo*) on undulating country and swamp yate (*E. occidentalis*) on clay valley floors (Beard, 1981). Large areas of land around Lake Towerrinning have been cleared in the past for agricultural purposes. The vegetation remaining around the Lake was mapped as part of the Living Lakes Project and ten major vegetation formations were identified (Figure 4) (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012a).

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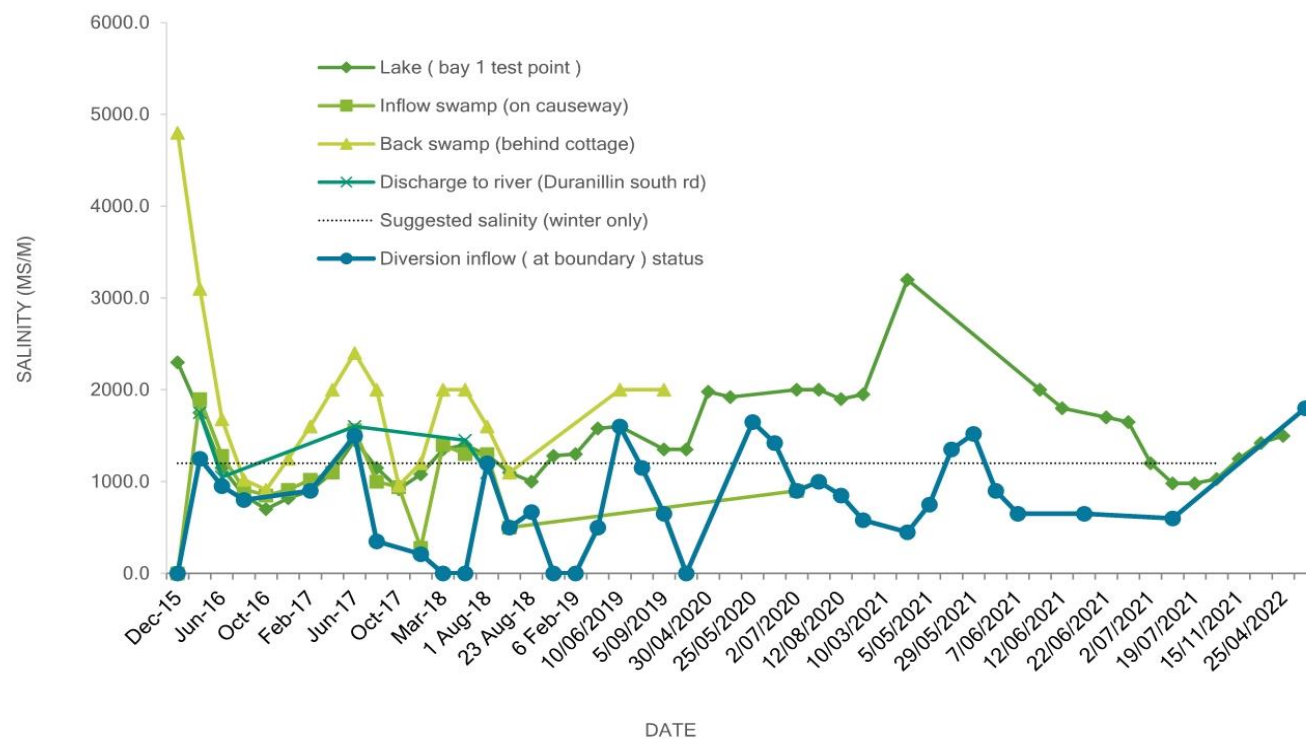


Figure 3: Salinity measures at Lake towerrinning from December 2015.

These vegetation associations consist of:

- woodlands around the main water body of the Lake of either flooded gums (*E. rudis*), rock sheoak (*Allocasuarina huegeliana*), mixed flooded gum/wandoo (*E. wandoo*), acorn banksia (*B. prionotes*), or freshwater paper bark (*Melaleuca raphiophylla*) with two small pockets of marri (*C. calophylla*) woodland.
- woodlands around the back swamps of saltwater paperbark (*M. cuticularis*), saltwater sheoak (*Casuarina obesa*), freshwater paperbark (*M. raphiophylla*), acorn banksia (*B. prionotes*), or flood gum (*E. rudis*); and
- freshwater paper bark (*M. raphiophylla*), rock sheoak (*A. huegeliana*), samphires (*Tecticornia* spp.), flooded gum (*E. rudis*), wandoo (*E. wandoo*) around the diversion drain entering the Lake.

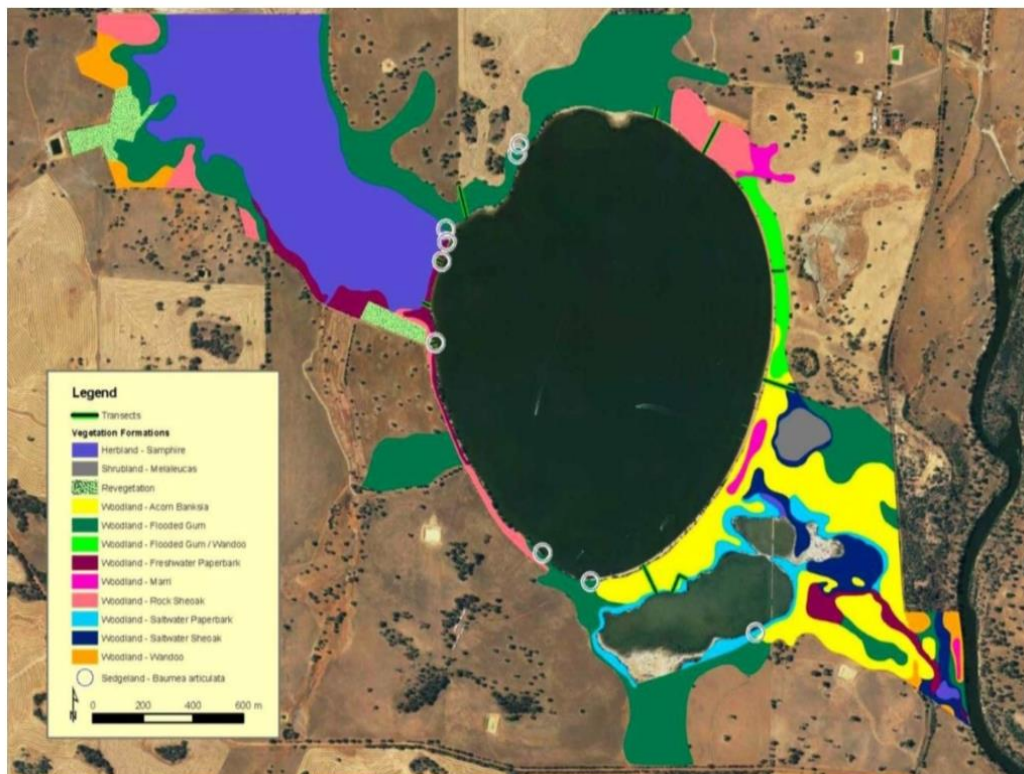


Figure 4: Vegetation associations around Lake Towerrinning (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012a)

None of the vegetation associations mapped around Lake Towerrinning are considered to be Threatened Ecological Communities (TEC) or Priority Ecological Communities (PEC). Some of these communities may however be susceptible to dieback, in particular the *Banksia* communities.

A total of 50 species was recorded in the immediate vicinity of Lake Towerrinning during the flora surveys undertaken for the Living Lakes Project (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012b) and these are listed in Appendix 1. There are no known Declared Rare Flora (DRF) Threatened or Priority species that occur around the Lake.

In 2017, the Shire of West Arthur applied for a Community Action Grant through the State Natural Resource Management Program to undertake some work on the dune system around the public area of the lake and to install some pathways to ensure the lake vegetation is protected. The paths were constructed in 2018, fencing installed in the boat ramp car park area and over 900 seedlings planted on the dunes. Whilst survival of seedlings has not been high, those plants that have survived will increase vegetation cover on the dunes and the pathways will encourage people to stick to certain areas rather than making their own way through the dune systems.

3.2 Weeds

A number of introduced species were identified as occurring at Lake Towerrinning (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012b). *Asparagus asparagoides* (bridal creeper) was identified as occurring in the native vegetation adjacent to the fence line near private land at the northern end of the boat ramp car park (pers. obs.). It is also located near the rock steps at boat ramp and is prevalent in the ephemeral swamps on the north eastern side of the lake. Bridal creeper is listed as a Declared Pest in the *Biosecurity and Agriculture Management Act 2007* and is listed in the control category “C3 – Management” (i.e. organisms that should have some form of management applied that will alleviate the harmful impact of the organism, reduce the numbers or distribution of the organism or prevent or contain the spread of the organism).

Wild turnip is also known to be present at Lake Towerrinning and is considered to be a weed of agricultural crops (Shire of West Arthur, pers. obs.).

Ruppia megacarp is a native submerged aquatic plant that occurs in Lake Towerrinning. On occasions it has become quite dense and become a problem for recreational users of the Lake. High levels of nutrients and lower water levels (increased light availability ensure perfect growing conditions for weeds. Such conditions were evident in 2015 when rainfall and runoff was particularly low.

Lupins were also observed on the banks – if left unchecked these can become a serious weed also.

3.3 Dieback

Phytophthora dieback refers to the introduced plant disease caused by *Phytophthora cinnamomi*. Phytophthora dieback spends its entire life in the soil and in plant tissue and causes root rot in susceptible plants, thereby limiting or stopping the uptake of water and nutrients. The pathogen

is able to survive within plant roots during the dry soil conditions commonly experienced during the summer months. *Banksia prinoites* (a species that occurs around Lake Towerrinning is highly susceptible to dieback. There have been no surveys undertaken to determine if dieback is present at Lake Towerrinning.

3.4 Fauna

A complete fauna survey has never been undertaken at Lake Towerrinning however a list of 252 species that could potentially occur at the Lake has been compiled by Bamford Consulting (specialist fauna consultants) as part of the Living Lakes Project. One fish species, 14 frog species, 43 reptile species, 171 bird species and 23 mammal species could potentially occur in or around Lake Towerrinning (Bamford Consulting, 2012). Of these species, a total of 14 are listed as significant (either Threatened or Priority Fauna) and are considered to be wetland dependant or reliant on fringing vegetation of wetlands (Appendix 2). All 14 of these species are considered to be resident or regular visitors to Lake Towerrinning.

Lake Towerrinning provides regionally significant habitat for birds by (Bamford Consulting, 2012):

- being part of an Important Bird Area (IBA) identified by Birdlife Australia because it supports more than 1% of the global population of the Blue billed Duck (*Oxyura australis*);
- providing significant habitat for diving waterbirds in the form of extensive areas of deep water;
- supporting regionally significant numbers of waterfowl (in the top 15 of 1017 wetlands in the south western Australia)
- providing a breeding ground for 14 different bird species.

In August 2019, the Shire of West Arthur was approached by Recfish West regarding the potential for introducing a native fish species into the lake environment for the purposes of recreational fishing. After initial discussions Recfish West decided not to pursue this option.

4.0 SOCIAL ENVIRONMENT

4.1 Aboriginal Heritage

All of Lake Towerrinning including the inlet and outlet swamps is a registered Aboriginal Site (ID 964). This site is listed as a Ceremonial and Mythological site. The Lake was used as a meeting place, for camping, a hunting place and water source (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012b).

Department of Indigenous Affairs (now Department of Planning Lands and Heritage) advised that (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012a); *Lake Towerrinning is a place*

where traditional Aboriginal ceremony was practised and is associated with a sacred narrative. The site is described as 'winnaitch' (dangerous) due to events which occurred during the Dreaming at this place. It is also known as a place where corroborees used to be practised. As such it has previously been determined to be a place to which section 5(b) of the Aboriginal Heritage Act 1972 (AHA) applies. DIA is unaware of any Aboriginal heritage surveys which have been undertaken over the area of the Lake and there may be currently unrecorded Aboriginal heritage values which relate to the area of the Lake and its immediate surrounds.

Lake Towerrinning is located within the Gnaala Karla Booja Native Title claim area. As part of the Living Lakes Project, the consultants met with Gnaala Karla Booja Working Group and Named Applicants. The working group expressed a strong interest in including interpretative signage and for the cultural heritage of the Lake to be acknowledged (JDA Consultant Hydrologists, 2012).

There is evidence of a connection between the Aboriginal people and the Lake. There have been reports of finding camp sites, hunting grounds and burial sites. Last recorded evidence of aboriginal settlement was in 1938 where temporary camps were set up to hunt for local bush food (Shire of West Arthur, 2008b).

4.2 European heritage

The clearing of agriculture lands saw water tables rise resulting in an increase in surface area run-off. Low lying areas became increasingly inundated with water, forming an almost permanent freshwater Lake. Local residents came to increasingly enjoy the opportunity for recreation in the area. The decline in the lake health in the 1960s resulted in the death of many of the reeds and rushes on the Lake's edge. The locals proceeded to remove more of the reeds and rushes to construct a boat ramp in the area (Pers. comm. B. Smith nee Whitaker). This decline in Lake health resulted in the idea for a re-diversion Project which was finally implemented by the Lake Towerrinning Catchment Group (formed by local landholders with technical support from the then named Department of Agriculture and Water Authority) in 1993. The group's approach and positive impact was the subject of a State Landcare Award in 1993 and a National Landcare Award in 1994. The Lake is now used for by the local community and others for swimming, water skiing, picnicking, camping bird watching and community events, and other recreational pursuits.

The future of tourism at the lake is set to include Astrotoursim with the inclusion of Darkan and the Shire of West Arthur as part of the Astrotowns WA network (<https://astrotourismwa.com.au/darkan/>). Lake Towerrinning has been identified as an astrophotography hotspot and will be promoted through the Astrotoursim program.

4.3 Infrastructure

A privately owned and operated caravan park, located on the southern side of the Lake, commenced operation in 1992. Other facilities at the Lake are owned and maintained by the Shire of West Arthur and include:

- a picnic area with barbeques, shade shelters, picnic tables, a playground and public amenities (toilets, shower and change rooms) located in a terraced recreation area on the top eastern wall of the Lake,
- two wooden jetties built around 1964-65 by Civil Defence (Pers. comm. B. Smith) and refurbished in 2021,
- permanent shade structures erected on the beach area in 2009;
- sealed car parking area near BBQ area and gravel car park near boat ramp area;
- a boat ramp on the eastern side of the Lake;
- two pathways through the dunes at the boat ramp end of the jetty installed in 2018; and
- An all accessible board walk erected on the beach area in 2023.

In addition, the Shire of West purchased two gates that were installed at the outlet of the lake to replace the original board structure that was installed as part of the re-diversion project. The gates were purchased as part of the Community Action Grant and were installed by Lakeside camping in 2018. The gates allow the water levels to be maintain manually without the need for someone to enter the water.

DBCA have advised that any further developments should be submitted for its approval to ensure there are no negative impacts on the nature reserve or nature conservation values (Land Assessment Pty Ltd and Woodgis Environmental Consultants, 2012b).

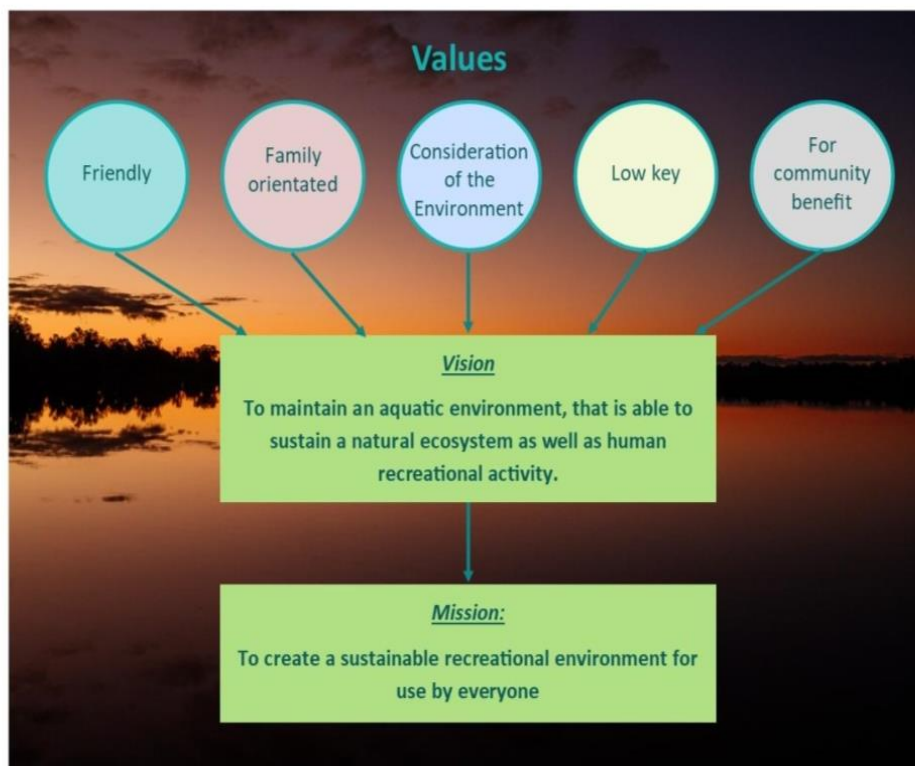
5.0 STRATEGIC MANAGEMENT PLAN

The development of a Management Plan has resulted in better management and decision making, identification of priorities, future planning and funding arrangements across a range of issues that have arisen at Lake Towerrinning over the past 15 years.

The Plan was originally developed by identifying the issues at Lake Towerrinning through an extensive consultation process involving Council, community organisations, government departments, and local public meetings.

The Plan is reviewed regularly with input from relevant stakeholders and following the review there will be the opportunity for community input into the proposed management strategy.

In order to develop management goals, objectives and strategies a clear vision is required to ensure that these goals, objectives and strategies are aiming to create the environment that is expected by the local community. The vision, mission and values of the original committee established to manage Lake Towerrinning are listed below.



The following definitions are provided to clarify the terms used in this plan.

- Goal: Is the overall aim of that component of the plan
- Objective: The outcomes that are to be achieved by the implementation of the plan
- Strategies: Means/methods by which the objective can be achieved
- How: Specific directives or tasks to be carried out to achieve the Objective
- When: Timing for these tasks or directives to be undertaken
- Who: The relevant person or authority required to undertake the tasks.

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GOAL ONE: Conservation of the Lake Towerrinning environment

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
To conserve the natural vegetation and flora found within the Lake Towerrinning Nature Reserve.	Management of human movement through terraced areas on the eastern side of the Lake to prevent damage to natural vegetation.	- Maintain pathways from terraced BBQ area through the vegetation on the lake banks to the swim area. - Maintain the pathways from the boat parking area to local ski area.	Ongoing	Shire
	Continued education of the public on minimising disturbance to Lake vegetation.	- Maintain signage encouraging movement of foot traffic on pathways rather than through vegetation. - Install interpretative signage about the important flora and fauna found at the Lake in the proposed interpretive shelter.	Ongoing	Shire
	Prevent the introduction or spread of dieback through the native vegetation surrounding the Lake.	- Ensuring all machinery, equipment and footwear that will be entering areas of natural vegetation around the Lake is clean (through washing down and removal of all mud and soil). - Avoiding soil movement during wet periods. - Use of certified dieback free construction materials (such as soil, mulch or plant material).	Ongoing	Shire
	Re-vegetation of Lake banks to stabilise banks, reduce weed invasions and ensure an aesthetically pleasing environment.	- Implement weed control on the banks of the Lake. - Revegetate areas of the lake banks with low growing species, once all landscaping is complete.	Ongoing	Shire

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Goal one cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
To conserve the natural vegetation and flora found within the Lake Towerrinning Nature Reserve (cont'd)	Prevent the introduction of weeds and minimise the spread of current weeds.	- Remove and spray bridal creeper in on the terraces, near boat ramp and on eastern banks of the Shire managed area. - Monitor Lake banks for weed invasions and control weeds as soon as noticed. - Ensure that all construction materials such as mulch or plant material is weed free. - Maintain the vegetation on the bank areas with natural vegetation to minimise weed invasion.	- Immediate - Ongoing	Shire/ Landcare officer
	Prevent the continued death of mature trees on the lake banks and in the BBQ area	- Remove dead trees from terraced areas and grind out old stumps. - Continue monitoring trees around the terraced area of the lake and continue investigating potential causes of death. - Plant new trees in the area if required to ensure a succession plan for trees that are dying.	Ongoing	Shire
	Maintain a boat prohibited area (conservation area) to protect wildlife and some shoreline habitats.	- Maintain buoys that define the ski area within the Lake. - Maintain signage at the boat ramp and at the camping ground identifying the ski area and rules and regulations associated with boating and skiing. - Ensure all visitors to the camping area are aware that skiing is restricted in the area for conservation of fauna.	Ongoing	- DoT - DoT - Lakeside camping

Goal one cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
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Lake Towerrinning Management Plan
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To conserve fauna and fauna habitats found within the Lake Towerrinning Nature Reserve	Management of the Lake environment to ensure that habitats important for threatened fauna species that are resident or regularly present at Lake Towerrinning are maintained. The important habitat characteristics are salinity, shallows, open water, bare shoreline and fresh water sedges and seeps.	• Monitor salinity within the Lake to ensure that fringing vegetation is protected. • Monitor and maintain water levels (through the re-diversion structure) to ensure shallows and deep open water remains available for water birds. • Open the gates at the Lake outlet to ensure that Lake water level and quality is maintained through regular flushing. • In the event of fauna death, the resultant animal will be disposed of appropriately (in accordance with Lease Schedule Item 8, Section 4.2).	• Quarterly • Regularly in summer particularly in low rainfall years • When levels reach the base level of the original Lake outlet (generally following winter rainfall) • As required	• Lakeside camping • Shire • Lakeside camping in consultation with other land owners. • Shire
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Goal one cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
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To ensure that the Lake environment is protected from fire.	Prevent visitors from lighting fires	• Maintain signage advising that there are no fires allowed in the public area of Lake Towerrinning. • Regular slashing of grasses and work on a grass eradication program on the public reserve through control burning procedures. • Regular assessment of fire fuel loads within the reserve, and implementation of appropriate control measures in accordance with relevant management policies and guidelines. • Maintain records of fire locations and intensity to assist with tracking changes within the reserve over time. • Notify DBCA in the event of a fire as per lease requirements. • Include procedures to be carried out in the event of a dangerous or uncontrolled fire and/or significant environmental impacts as per lease requirements in the Shire Bush Fire Management Plan.	• Ongoing • Ongoing • Ongoing • Ongoing • As required • Annually	• Shire • Shire • Community Emergency Services Manager • Shire • Shire • Shire
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GOAL TWO: Maintain a high quality of facilities at Lake Towerrinning

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
To maintain the present infrastructure at a level that is considered to be of a high standard.	Maintain jetties which are considered to be an iconic structure within the Shire.	Inspect jetties at the commencement of the summer season for any immediate repairs.	At commencement of the summer season each year	Shire
	Monitor and maintain boat ramp to ensure it remains safe for use.	- High pressure clean algae off the boat ramp to reduce the risks associated with slips and trips for users. Make this a high priority during low rainfall years. - Monitor the new installation of the boat ramp extension for effectiveness.	- On request or on an as required basis particularly during low rainfall years - Throughout the summer	Shire
	Maintain ablution facilities (including pressure pump), BBQ's, car park, playground, shade structures, all-accessible board walk, signage and new interpretative centre (old change rooms).	- Inspect and maintain facilities on a regular basis and in particular before major events held at the Lake such as the Australia Day breakfast. - Weekly refuse removal with more service in peak season (October – March). - Repair any broken playground equipment. - Consolidate and update the signage in the picnic area and interpretative centre including QR codes and a welcome sign. - Install a rail along the edge of the retaining wall to prevent falls off the ledge. - Repair pathways and curbing in the public car park area. - Install garden beds to reduce lawn area and improve aesthetics.	- Ongoing but more frequently during summer months - As soon as noticed - Within the next 2-3 years.	Shire

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Goal two cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
Maintain infrastructure cont'd	Management of lawn area to ensure adequate grass coverage	- Continue watering and maintenance programme as currently implement. - Remove tree stumps. - Consider planting salt tolerant plant species in garden beds along the terraced area to minimise lawn requirements.	- Ongoing - As soon as possible - When funding is available	Shire
	Provide an attractive entrance to the Lake	- Ensure trees are trimmed and weeds slashed at the entrance of the Lake on the Darkan South Road. - Investigate the potential for an entrance statement for the lake to make the entrance more visible.	- At the commencement of the summer season. - Next 2-3 years	Shire
	Provide report to DBCA regarding state of current facilities.	Prepare a report outlining the following points to comply with Lease conditions: - State and repair of any man-made structures at or within the lease area (including boat ramp and jetties). - Maintenance and repairs undertaken by the Shire. - The condition of the leased premises in respect to known hazards and safety situations. - Water quality and suitability for human contact and aquatic activity.	Annually as required by lease arrangements (i.e. seven days after the end of the lease year that is by the 7 th of October).	Shire

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Goal two cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
Continue to develop facilities at the Lake for the use of the general public.	Provide access to all areas of the lake for everyone within the community (including those with limited abilities).	- Investigate an all-access pathway from the top terrace to both the swimming and ski area. - Investigate the possibility of upgrading current all-access pathways from the ablutions to the top terrace and also the possibility of all access at the playground end of the terrace.	When funding is available	Shire
	Provide shade structures on the Shoreline for users of the Lake.	Investigate funding opportunities for construction of additional shade shelters and BBQ facilities at the boat ramp. Suggestions have included a retaining wall and elevated platform for proposed BBQ facilities.	When funding is available	Shire

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GOAL THREE: Maintain watercraft regulation and safety on the waters of Lake Towerrinning

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
To ensure boat and user safety at Lake Towerrinning through the regulation of boat movements on the Lake.	Implement boat usage plan: • Ski in anticlockwise direction only. • Skiing permitted between sunrise and sunset only. • Skiing prohibited within 30m of shoreline except within designated take-off and landing areas. • Take-off and landing is restricted to the two designated areas only. • Motorised Personal Water Craft (i.e. jet skis) are not permitted unless towing a skier. • In case of an emergency or incident dial 000 or contact the Shire on 9736 2222.	• Include Boat usage plan and map on Shire Website. • Provide information on the Shire website that includes the Boat usage plan and other important information for visitors. Include a QR code on any signage at the Lake that links to the Shire website and the Boat usage plan. • Distribute boat usage plan to campers and other users of Lake Towerrinning. • Direct complaints to the DoT using Marine Safety Form on the Departments website: http://www.transport.wa.gov.au/mediaFiles/marine/MAC_F_MarineSafetyComplaint.pdf	• Ongoing • As soon as possible	Shire/Lakeside camping

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OBJECTIVE	STRATEGY	HOW	WHEN	WHO
Boat and user safety cont'd	Implement a safety education program to ensure all users are aware of safety issues at Lake Towerrinning.	- Update information and map on Shire website including the Boat Usage Plan as outlined above. - Remind local boat users via Shire Facebook page at the beginning of the summer season of boating safety. - Information to be distributed to all campers regarding boat safety including boat usage plan.	Ongoing but ensuring that the information is prominently available during summer months	Shire/ Lakeside camping
	Ban on water craft when water levels are extremely low as per DoT recommendations of 1.6m depth.	- Measure water levels particularly during the summer months and during seasons of low rainfall. - Use signage at boat ramp and on the beach to close the Lake if required. - Communicate issues including closure of the Lake via the Shire website and Facebook page ensuring that public comments cannot be made on any posts if required.	When required	DoT/Shire

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GOAL FOUR: Maintain water quality and levels of Lake Towerrinning

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
Maintain the water levels to ensure that fauna habitats are protected, to prevent aquatic weed build up within the water body of the Lake and ensure that the Lake can continue to be used for recreational purposes.	Monitor the Cordering Creek re-diversion dam and associated re-diversion channels to ensure integrity of structures.	- A visual inspection to be undertaken on a regular basis by the landowner. - Should issues be identified, the landowner is required to contact the Shire for further inspections.	Following heavy rainfall events or on a regular basis (3 monthly)	Landowner/ Shire
	Maintain and repair Cordering creek re-diversion dam and drainage system so that it effectively drains fresh water into Lake Towerrinning.	- Clean sediment or silt out of the re-diversion dam structure during summer months. - Inspect the drainage channel from the re-diversion to the lake to ensure that it is clear of all debris and that water is able to flow to the lake. - Inspect drainage channel culverts on all public roads to ensure they are free from vegetation and water is able to flow freely through the channel.	- Prior to the next wet season - Annually prior to the onset of winter runoff and with landowner permission - Annually prior to the onset of winter runoff	Shire
	Investigate means of ensuring Shire has access to the re-diversion system in order to future-proof Lake Towerrinning.	- Investigate possibility of creating an access easement to allow Shire to maintain rediversion structure. - Investigate possibility of a formal agreement with current land owners.	As soon as possible	Shire

Goal four cont'd

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OBJECTIVE	STRATEGY	HOW	WHEN	WHO
Maintain water levels cont'd	Investigate means to improve water flow into the Lake.	- Investigate the possibility of installing a second culvert in the re-diversion dam and upgrading the W-drain to increase water flow to the lake as per recommendations from the JDA Living Lakes Project. - Investigate the potential to drain water from Capercup Nature Reserve into the W-drain and into the lake. This will assist with salinity in the Reserve and also improve water flow into the lake. - Liaise with the disbanded Lake Towerrinning Catchment group regarding remaining funds and the potential for these funds to be invested into improving the redirection structure.	As soon as possible so that improvements can be made during low rainfall seasons	Shire/ Landcare officer/ Landowners
Maintain salinity levels in the Lake at <1200ms/m during winter months (Raper and van Wyk, 2009)	Monitor quality of water passing through the re-diversion system during the summer months.	Monitor the salinity annually at the road crossing/culvert on Scott Road (see Appendix 4).	Winter months	Shire/Lakeside camping
	Monitor salinity levels in the Lake.	- Continue to monitor salinity at bimonthly intervals provide results to the Shire annually. - If significant increases are noticed contact Department of Agriculture and Food for further advice.	Ongoing	Lakeside camping

Goal four cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
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Contain salinity to 15% of the Lake Towerrinning catchment in 2028 (Raper and van Wyk, 2009)	Encourage conservation measures further up the system before water enters Cordering creek.	• Liaise with Landcare officer in relation to encouraging landholders to continue to manage salinity and to determine if funding is available to assist with reducing salinity within the catchment. • Liaise with Department of Primary Industries and Regional Development in relation to water quality measurements from bores within the Lake Towerrinning catchment area.	As soon as possible Annually	Shire/ Landcare officer
To develop a database of information in relation to water quality at Lake Towerrinning	Develop a database of all references and studies associated with Lake Towerrinning.	• Maintain a list of references as part of this Management Plan and keep a copy of all references in the Shire office.	Ongoing	Shire
	Document changes in Lake water levels and quality.	• Continue to sample water quality and measure water levels in Lake Towerrinning • Collate a database of all information relating to water quality and levels over time. • In the event of an incident or emergency dial 000 which will activate emergency services in accordance with the Local Emergency Management Arrangement or contact the Shire on 9736 2400.	Ongoing Ongoing	Shire Shire

Goal four cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
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To manage the water inflow and outflow through the outlet swamp to minimise smell associated with this area.	Ensure that water from the outlet swamp is able to drain to the Arthur River to ensure regular flushing of the outlet swamp.	- Examine road culverts located on public land to ensure that they are not blocked by silt or debris. - Slash weeds that may block water flow through the area. - Subject to support from private land owners, assist with the development of a scope of works and sourcing of funds to implement proposed changes to improve drainage from outlet swamp to Arthur River.	- Following heavy rainfall and regularly throughout the year - As required - Ongoing	- Shire - Shire/ Lakeside Camping/ Other Landowners
	Ensure regular flushing of the outlet swamps.	Opening of the gates at the outlet structure from Lake to outlet swamps.	When levels reach the base level of the original Lake outlet (generally following winter rainfall)	Lakeside camping

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GOAL FIVE: Implement a program for the management of all visitors to Lake Towerrinning.

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
To manage visitors and visitor movement at the public area of the Lake to ensure that the Lake environment is protected and that visitors have a positive experience.	Prevent camping on Shire owned land.	- Shire to maintain appropriate signage indicating that camping is not allowed. - Inform public of alternative arrangements at Lakeside Camping or Darkan Caravan Park. Information to be provided on Shire website. - Shire Ranger to visit when requested and enforce.	Ongoing	Shire
	Provide the public with information relevant to the Lake and surrounds.	- Update the information on the signage at the Lake picnic area. - Pre-visit information available to the public on Shire website. Ensure this remains up to date.	- Update as soon as possible - Maintain as required	Shire
	Determine levels of visitor satisfaction with facilities at the Lake.	Obtain feedback from visitors in relation to facilities, future improvements etc. through the Shire website and Facebook page.	Ongoing	Shire
	Minimise the impact on natural environment by visitors.	- Provision of rubbish bins and removal of refuse at least once a week and sometimes more during peak season. - Enforce no vehicles on beaches with signs and by blocking access pathways.	Ongoing	Shire

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Goal Five cont'd

OBJECTIVE	STRATEGY	HOW	WHEN	WHO
To ensure that visitors are aware of risks associated with swimming or recreating in a natural water body	Provide public with information on water quality at Lake Towerrinning, particularly during low rainfall years.	• Provide information on general signs around the public areas of the Lake. • Monitor levels of bacteria in accordance with Health Department Guidelines. http://ww2.health.wa.gov.au/Articles/A_E/Bacterial-water-quality • Monitor water quality in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality • Advise public if levels are considered dangerous through Shire website, signage and Shire Facebook page. • In the event of a medical emergency, dial 000 which will activate emergency services in accordance with the Local Emergency Management Arrangement.	• Ongoing • Fortnightly Nov-May • As required • Annually	Shire

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APPENDIX 1 - FLORA LIST – LAKE TOWERRINNING

Family	Taxa
ASTERACEAE	<i>Angianthus preissianus</i>
ASTERACEAE	<i>Cotula coronopifolia</i>
ASTERACEAE	<i>Sonchus asper</i>
CARYOPHYLLACEAE	* <i>Cerastium comatum</i>
CARYOPHYLLACEAE	<i>Spergularia marina</i>
CASUARINACEAE	<i>Allocasuarina huegeliana</i>
CASUARINACEAE	<i>Casuarina obesa</i>
CHENOPODIACEAE	<i>Atriplex prostrata</i>
CRASSULACEAE	<i>Crassula natans</i>
CYPERACEAE	<i>Baumea articulata</i>
CYPERACEAE	<i>Baumea juncea</i>
CYPERACEAE	<i>Chorizandra enodis</i>
CYPERACEAE	<i>Ficinia nodosa</i>
CYPERACEAE	<i>Isolepis cernua</i> var. <i>setiformis</i>
CYPERACEAE	<i>Lepidosperma longitudinale</i>
CYPERACEAE	<i>Schoenus subfascicularis</i>
FABACEAE	<i>Eutaxia ?empetrifolia</i>
IRIDACEAE	<i>Romulea rosea</i>
JUNCACEAE	* <i>Juncus bufonius</i>
JUNCACEAE	<i>Juncus kraussii</i> subsp. <i>australiensis</i>
JUNCACEAE	<i>Juncus pallidus</i>
JUNCAGINACEAE	<i>Triglochin mucronata</i>
LOBELIACEAE	<i>Lobelia anceps</i>
LOBELIACEAE	<i>Monopsis debilis</i>
MIMOSACEAE	<i>Acacia acuminata</i>
MIMOSACEAE	<i>Acacia saligna</i> subsp. <i>lindleyi</i>
MYRTACEAE	<i>Corymbia calophylla</i>
MYRTACEAE	<i>Eucalyptus marginata</i>
MYRTACEAE	<i>Eucalyptus rudis</i>
MYRTACEAE	<i>Eucalyptus wandoo</i>
MYRTACEAE	<i>Eucalyptus wandoo</i> subsp. <i>orthostemon</i> x <i>wandoo</i>
MYRTACEAE	<i>Kunzea glabrescens</i>
MYRTACEAE	<i>Melaleuca cuticularis</i>
MYRTACEAE	<i>Melaleuca preissiana</i>
MYRTACEAE	<i>Melaleuca raphiophylla</i>
MYRTACEAE	<i>Melaleuca viminea</i> subsp. <i>viminea</i>
PHORMIACEAE	<i>Dianella revoluta</i>

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POACEAE	<i>*Ehrharta longiflora</i>
POACEAE	<i>*Puccinellia ciliata</i>
POACEAE	<i>Bromus diandrus</i>
POACEAE	<i>Hordeum geniculatum</i>
POACEAE	<i>Lolium rigidum</i> complex.
POACEAE	<i>Paspalum vaginatum</i>
POACEAE	<i>Polypogon monspeliensis</i>
POTAMOGETONACEAE	<i>Ruppia megacarpa</i>
PRIMULACEAE	<i>Samolus junceus</i>
PROTEACEAE	<i>Banksia attenuata</i>
PROTEACEAE	<i>Banksia prionotes</i>
PROTEACEAE	<i>Banksia sessilis</i> var. <i>sessilis</i>
ZANNICHELLIACEAE	<i>Lepilaena cylindrocarpa</i>

*indicates weed or naturalised plant species

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APPENDIX 2 - SIGNIFICANT FAUNA LIST

Bamford Consulting (2012)

Species	Conservation significance*	Wetland Dependence	Distribution and Habitat	Status at Lake Towerrinning
Eastern Great Egret <i>Ardea modesta</i>	Migratory bird (EPBC Act) Schedule 3 (WA Act)	Aquatic	Fresh and occasionally brackish wetlands across much of Australia; highly mobile. Favours wetlands with extensive shallows. Forages on aquatic invertebrates and vertebrates.	Not recorded in large numbers but suitable habitat present.
Peregrine Falcon <i>Falco peregrinus</i>	Schedule 4 (WA Act)	Not dependant on wet land but hunts water fowl	Occurs across Australia, primarily in open woodland and especially where cliffs provide nesting sites.	Present at Lake Towerrinning and abundance of water birds may provide a major food source at times.
Hooded Plover <i>Thinornis rubricollis</i>	P4 (DEC)	Shorebird	Coastline and salt lakes of southern WA; another sub-species on coast of south-eastern Australia. Forages on invertebrates on the shoreline and sometimes shallows.	Not recorded at Lake Towerrinning and low salinity.
Sandpipers (7 species)	Migratory (EPBC Act)	Shorebirds	Throughout Australia on marine tidal shorelines, estuaries and wetlands that provide extensive shallows. Forage on invertebrates on the shoreline and shallows.	Not recorded in large numbers but suitable habitat present.
Species	Conservation significance*	Wetland Dependence	Distribution and Habitat	Status at Lake Towerrinning

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Carnaby's Black Cockatoo <i>Calyptorhynchus latirostris</i>	Endangered (EPBC Act), Schedule 1 (WA Act)	Not dependant but may forage in fringing sheoaks	Forests and woodlands of the South-West, formerly widespread breeding visitor to woodlands in the Wheatbelt.	May utilise the 8ha of sheoak trees in outlet swamp. Likely to be a few nest hollows in Lake fringe.
Forest Red-tailed Black Cockatoo <i>Calyptorhynchus banksia naso</i>	Vulnerable (EPBC Act), Schedule 1 (WA Act)	Not dependant but may forage in fringing sheoaks	Forests of the lower South-West.	May utilise the 8ha of sheoak trees in outlet swamp. Likely to be a few nest hollows in Lake fringe.
Rufous Field wren (west) <i>Calamanthus campestris montanellus</i>	Priority 4 (DEC)	Not dependant, but may occur in samphire heaths	Heathlands; patchily distributed across much of southern Australia.	Not recorded at Lake Towerrinning. If present likely to reside in samphire heaths and shrublands.
Rakali <i>Hydromys chrysogaster</i>	Priority 4 (DEC)	Aquatic	Lakes, streams rivers and some coastlines throughout Australia.	Unlikely to be in high abundance in immediate vicinity of Lake. More likely to occur east of Lake near the Arthur River where remnant vegetation is more extensive.

*Conservation significance definitions

Conservation Categories used for the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

Extinct: Taxa not definitely located in the wild during the past 50 years.

Extinct in the Wild: Taxa known to survive only in captivity.

Critically Endangered: Taxa facing an extremely high risk of extinction in the wild in the immediate future.

Endangered: Taxa facing a very high risk of extinction in the wild in the near future.

Vulnerable: Taxa facing a high risk of extinction in the wild in the medium-term future.

Near Threatened: Taxa that risk becoming Vulnerable in the wild.

Conservation Dependent: Taxa whose survival depends upon ongoing conservation measures.

Data Deficient (Insufficiently Known): Taxa suspected of being Rare, Vulnerable or Endangered, but whose true status cannot be determined without more information.

Least Concern: Taxa that are not threatened.

- Schedules used in the *Biodiversity Conservation Act 2016* (WA Act)

Schedule 1 Rare and Likely to become Extinct.

Schedule 2 Extinct.

Schedule 3 Migratory species listed under international treaties.

Schedule 4 Other Specially Protected Fauna Define Schedule 4, 3

Priority species listed by Department of Biodiversity Conservation and Attraction (DBCA)

Priority 1 Taxa with few, poorly known populations on threatened lands.

Priority 2 Taxa with few, poorly known populations on conservation lands; or taxa with several, poorly known populations not on conservation lands.

Priority 3 Taxa with several, poorly known populations, some on conservation lands.

Priority 4. Taxa in need of monitoring. Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change.

Priority 5 Taxa in need of monitoring. Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years (IUCN Conservation Dependent).

APPENDIX 3- SHIRE OF WEST ARTHUR SCHEDULE OF ACTIVITIES

Immediate or As soon as possible

- Update Shire signage around the lake.
- Remove tree stumps in picnic area.
- Inspect redirection drainage channel and ensure all culverts are clear.

Ongoing

- Weed control – bridal creeper located near boat ramp, on terraced areas and in the ephemeral swamp on the eastern side of the lake.
- Dieback management (through hygiene measures) – all soil removed from machines, equipment and footwear before using in areas that are not paved.
- Lawn maintenance.
- Inspection of visitor facilities (BBQ, toilets, pumps etc).
- Inspect pathways and undertake maintenance as required.

Annually

- Include Lake Towerrinning in bush fire management plan in accordance with lease conditions.
- Assess fuel loads to minimise fire hazards.
- Report to DBCA regarding state of current man made facilities and any repairs undertaken and water quality and suitability for human contact. Such a report is required by October 7th of each year.
- Contact Graeme Peirce and get salinity measures for past year and include in Shire database.
- Advertise boat usage plan and encourage people to be courteous when skiing at Lake Towerrinning through Facebook posts.

Prior to summer swim/ski season

- Ensure weeds are slashed for fire prevention where required.
- Check signage is in good condition and still relevant.
- Inspect jetties and complete report for DBCA.
- Ensure entrance from the road to the Lake is tidy (slash weeds and remove branches if required).

Summer

- Monitor water levels.
- Clean sediment or silt out of re-diversion structure if required.
- Monitor Phosphorous levels in the lake water at the beginning of summer.
- Monitor hydrocarbons in the lake water at the end of summer.

- Examine road culverts on Darkan Road south to ensure they are not blocked by debris or weeds and to allow the swamps to drain effectively (particularly after heavy summer rainfall).
- Monitor water quality for suitability for human contact in accordance appropriate guidelines (including bacteria) on a fortnightly basis.
- Remove rubbish and check facilities on a weekly basis.
- Recreational Waters Microbiological Sampling Program commences in November. Health Department will send a letter and detailed sampling program in October of each year.

Winter

- Monitor salinity of water flowing from the re-diversion at Scott Road during winter months to ensure salinity is not above 1200mS/m.
- Examine road culverts on Darkan Road south to ensure they are not blocked by debris or weeds and to allow the swamps to drain effectively.
- Weed control – lupins and bridal creeper at boat ramp end of lake.

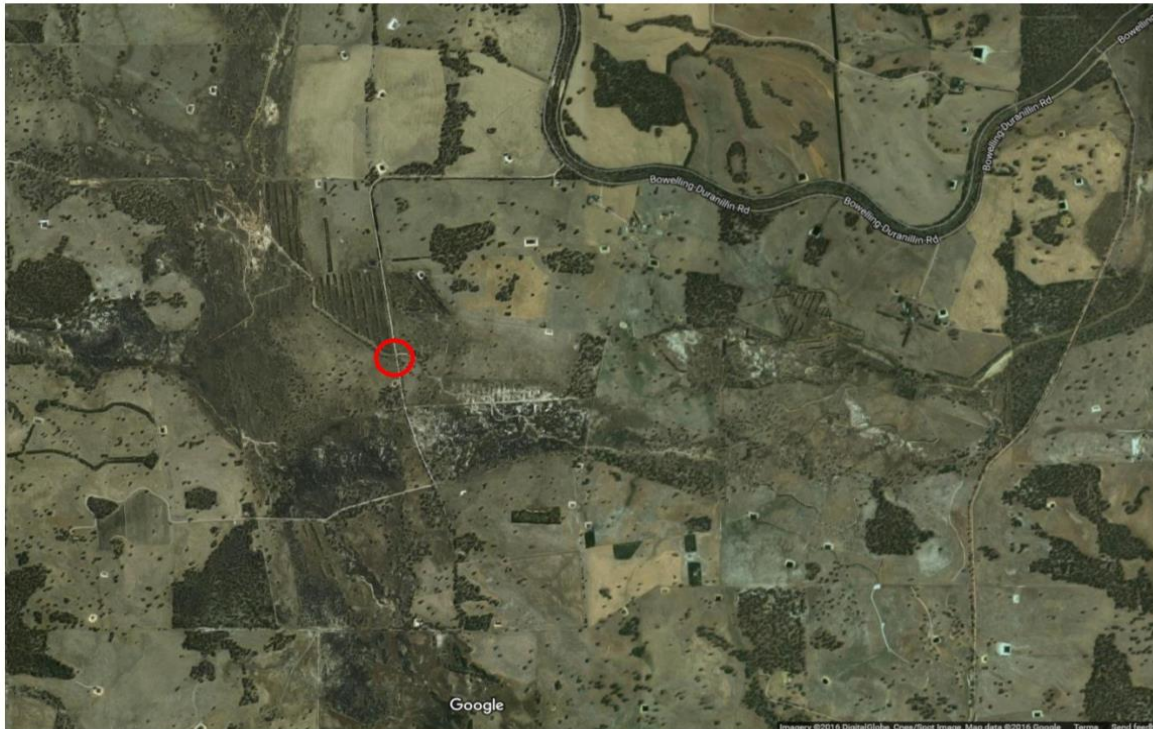
When required

- Clean algae from boat ramp.
- Update map on shire website.

When funding available

- All access pathway.
- Additional shade shelters and BBQ facilities at the ski take off area.
- Investigate possibility of creating an easement to protect redirection structure and allow shire access.
- Seek funding for reducing salinity further upstream as part of Landcare within the Shire.
- Update signage in the picnic area.

APPENDIX 4 - PROPOSED SALINITY SAMPLING SITE



Policy Title	PC14 – Lake Towerrinning Strategic Plan Reference Group – Terms of Reference
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Objective

The Lake Towerrinning Strategic Plan Reference Group plays a crucial role within the organisation framework of the Shire of West Arthur, allowing it to shape the management and strategic direction of Lake Towerrinning. The Group is tasked with the responsibility of assessing and revising the Management Plan in response to concerns brought up during stakeholder consultation meetings and public forums.

Vision: "To maintain an aquatic environment, that is able to sustain a natural ecosystem as well as human recreational activity"

Mission: "To create a sustainable recreational environment for use by everyone"

Statutory Context

The management of Lake Towerrinning must be conducted in compliance with several federal and state legislations.

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (Commonwealth)
- *Native Title Act 1993* (Commonwealth)
- *Aboriginal Heritage Act 1972* (State)
- *Bushfires Act 1954* (State)
- *Biosecurity and Agriculture Management Act 2007* (State)
- *Conservation and Land Management Act 1984* (State)
- *Biodiversity Conservation Act 2016*
- *Emergency management Act 2005* (State)
- *Fire and Emergency Services Act 1998* (State)
- *Heritage Act 2008* (State)
- *Land Administration Act 1997* (State)
- *Planning and Development (Local Planning Scheme) Regulations 2015*.

Furthermore, additional documents, guidelines and policies pertinent to the management of Lake Towerrinning include.

- Australia and New Zealand Environment and Conservation Council (ANZECC) and Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) (2000) Guidelines for Recreation Water Quality: Primary Contact
- Wetlands Conservation Policy of Western Australia 1997
- Wetlands Policy of the Commonwealth Government of Australia 1997

- National Health and Medical Research Council (NHMRC) 2008, Guidelines for Managing Risks in Recreational Water
- Department of Biodiversity, Conservation and Attractions lease document signed by the Shire of West Arthur in 2009
- Bushfire Management Planning – Guidelines for preparing a Bushfire Risk Management Plan (2015)
- Shire of West Arthur Bush Fire Risk Management Plan 2017
- Shire of West Arthur Local Emergency Management Arrangement (EMA) 2016
- Shire of West Arthur Community Strategic Plan 2021-2031

Governance and Management

Regular members of the Lake Towerrinning Strategic Plan Reference Group are:

- Department of Transport
- Department of Conservation, Biodiversity and Attractions
- Gnaala Karla Booja
- Neighbouring Landholders
- Local landholders with an interest in the Lake
- Shire Chief Executive Officer
- Shire President (Chairperson)
- Shire Projects Officer

A regular member is permitted to designate another individual to represent them at a meeting or meetings. The individual appointed will be considered a regular member of the Management Committee and will have the right to vote as a regular member.

Approval is required by the Chair for additional invitees to attend the Management Committee meeting, prior to the meeting.

Member Responsibilities

Members must consistently attend meetings, actively engage in discussions, interact respectfully with fellow committee members, offer informed contributions to the topics being discussed, resolve any conflicts openly, and communicate with and represent the community.

Meeting Arrangements

Meetings are generally held biennially, prior to the onset of the subsequent summer season. The time and location of the meeting to be determined by the Chairperson. The duration of meetings will typically be two hours.

Meeting Procedure

Chair

The committee will be chaired by the Shire's President. The Chair is responsible for ensuring that meetings are conducted effectively, agendas are adhered to, and every member has an opportunity to contribute.

Quorum

It is advisable for a quorum to consist of at least one Shire representative and fifty percent of the community members to hold a meeting. Should a quorum not be achieved before the meeting, or if a quorum is lost during the meeting, the Chair has the authority to call another meeting with the same agenda at a time that is mutually agreed upon by the members.

Administrative Support

The Shire of West Arthur offers secretarial assistance, which encompasses the preparation of agendas, minutes, and various documents related to the administration of the Lake. Other duties of the Shire include.

- Delivering terms of reference to newly appointed Committee members
- Confirm attendance and identify quorum requirements
- Ensure the Committee remains updated on issues and results stemming from agenda items
- Compile relevant reports to Council

Communication and Reporting

The Chairperson is responsible for approving the agenda and minutes before they are distributed. Agendas will be sent out to members approximately one week before the meeting. Minutes from each meeting will be shared with all committee members within one week after the meeting.

Apologies must be submitted to the Chairperson.

Variations

Modifications to the terms of reference require approval from the Lake Towerrinning Strategic Plan Reference Group before they can be endorsed by the Shire of West Arthur Council.

History	
Delegation	Nil
Relevant Legislation	<i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (Commonwealth)</i> <i>Native Title Act 1993 (Commonwealth)</i> <i>Aboriginal Heritage Act 1972 (State)</i> <i>Bushfires Act 1954 (State)</i> <i>Biosecurity and Agriculture Management Act 2007 (State)</i> <i>Conservation and Land Management Act 1984 (State)</i> <i>Biodiversity Conservation Act 2016</i> <i>Emergency management Act 2005 (State)</i> <i>Fire and Emergency Services Act 1998 (State)</i> <i>Heritage Act 2008 (State)</i> <i>Land Administration Act 1997 (State)</i> <i>Planning and Development (Local Planning Scheme) Regulations 2015.</i>
Related Documentation	<i>Lake Towerrinning Strategic Plan</i> <i>Lake Towerrinning Management Plan</i>

11.4 APPOINTMENT OF REPRESENTATIVES TO COUNCIL WORKING AND ADVISORY GROUPS

Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/10/2025
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to appoint a representative to the Lake Towerrinning Strategic Plan Reference Group and to the Museum Reference Group.

BACKGROUND:

Council representatives sit for a two-year term on these groups, with appointments following each biennial local government election. Each of these groups require a single representative.

The Museum Reference Group, in accordance with Council Policy PC5, is responsible for the management of the Betty Brown Historical Centre and its collection.

The Lake Towerrinning Strategic Plan Reference Group is responsible for overseeing the strategic direction and implementation of the lake's management plan. The reference group ensures that the management plan aligns with the Shire's vision and addresses the needs of the community while maintaining the ecological integrity of the lake. Terms of Reference will be presented as Council Policy – PC14, for adoption at this meeting.

COMMENT:

Local Governments may establish 'advisory committees' or working groups to facilitate:

- administrative tasks associated with managing a facility or delivery of a project,
- detailed technical work,
- community collaboration, engagement, or consultation, or
- monitoring and advising on work toward a strategic objective.

Advisory committees or working groups information:

- May be established and operated for a short period of time to achieve a specific objective or may have an ongoing role.
- Membership may be a majority of community members and/or technical experts, sometimes with a couple of Council Members representing the Council.
- Local Government officers coordinate meetings, prepare agenda and minutes, and administer meeting outcomes.
- Informal groups not established under the *Local Government Act 1995*:
 - Agenda provides an order of business without detailed professional reports or recommendations.
 - Minutes may record discussion, as well as matters determined by consensus.
 - Free flow discussion.

- Legislated meeting procedures do not apply.
- Have no decision-making authority and cannot make decisions that bind the Local Government.
- May only provide recommendations, advice, and information to the Local Government's administration.
- As the *Local Government Act 1995* does NOT apply to an advisory committee or advisory group, the meetings are usually less formal, enabling general business discussion and decisions by consensus rather than vote.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

PC5 – Betty Brown Historical Centre Management and Collection

PC14 – Lake Towerrinning Strategic Plan Reference Group Terms of Reference

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan

Theme: Leadership and Management

Outcome: Actively engage with community, business and other stakeholders to grow and develop the community

Strategy: Continued improvement in communication with the community through various platforms that ensure all members of the community have access to information

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management

- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	The potential of inadequate Shire representation in the groups.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Inadequate Project Management
Risk Action Plan (Controls or Treatment Proposed)	Appointment of Council Representatives as required.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

1. That Council, appoint until the next election in 2027, or earlier if required, Cr _____ as Council Representative to the Museum Reference Group.
2. That Council, appoint until the next election in 2027, or earlier if required, Cr _____ as Council Representative to the Lake Towerrinning Strategic Plan Reference Group.

11.5 APPOINTMENT OF COUNCIL REPRESENTATIVES TO EXTERNAL WORKING AND ADVISORY GROUPS

Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	16/10/2025
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to appoint a representative to the West Arthur Community Resource Centre Committee and to the West Arthur Cottage Homes Committee.

BACKGROUND:

The West Arthur Community Resource Centre is a not-for-profit organisation, run by a volunteer management committee and is part of a statewide network of CRCs which number approximately 100. CRCs are community hubs, usually found in towns with a population of less than 2000 people and are meant to fill the gaps and meet the needs that are not serviced by government agencies and private enterprise.

The West Arthur Community Resource Centre Committee requires one Council representative from the Shire of West Arthur

West Arthur Cottage Homes Inc manages housing designed and designated for seniors in the West Arthur community. The day-to-day management of the units is outsourced to the West Arthur Community Resource Centre with the West Arthur Cottage Homes Committee overseeing this via four set meetings a year and extraordinary meetings or email decision-making as required.

The West Arthur Cottage Homes Committee requires one Council representative from the Shire of West Arthur

COMMENT:

Advisory committees or working groups information:

- May be established and operated for a short period of time to achieve a specific objective or may have an ongoing role.
- Membership may be a majority of community members and/or technical experts, sometimes with a couple of Council Members representing the Council.
- Have no decision-making authority and cannot make decisions that bind the Local Government.
- May only provide recommendations, advice, and information to the Local Government's administration.
- Local Government Act does NOT apply to an advisory committee or advisory group and therefore the meetings are usually less formal, enabling general business discussion and decisions by consensus rather than vote.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan

Theme: Leadership and Management

Outcome: Actively engage with community, business and other stakeholders to grow and develop the community

Strategy: Continued improvement in communication with the community through various platforms that ensure all members of the community have access to information

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	The potential of inadequate Shire representation in the groups.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Inadequate engagement practices
Risk Action Plan (Controls or Treatment Proposed)	Appointment of Council Representatives as required.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

1. That Council, appoint until the next election in 2027, or earlier if required Cr _____ as Council Representative to the West Arthur Community Resource Committee.
2. That Council, appoint until the next election in 2027, or earlier if required Cr _____ as Council Representative to the West Arthur Cottage Homes Committee.

11.6 APPOINTMENT OF COUNCIL REPRESENTATION TO EXTERNAL ORGANISATIONS

Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	16/10/2025
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to appoint representatives to the 4WDL Voluntary Regional Organisation of Councils and the Narrogin Subgroup of the Wheatbelt South Regional Road Group.

BACKGROUND:

4WDL is a Voluntary Regional Organisation of Councils (VROC) comprising the Shires of Wagin, West Arthur, Williams, Woodanilling, Dumbleyung and Lake Grace.

Meetings are held each quarter to jointly collaborate, identify key priorities and advocate for various matters common across the 6-member group. 4WDL currently operates in alignment with the 4WDL VROC Strategic Plan 2024-2027.

Council is required to appoint 3 Council representatives.

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement, which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to the SAC regarding the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a sub-group or technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs importantly provide Local Government with a voice in how the State Government's contribution to local roads is spent. RRG members serve a vital and valuable role in ensuring road funding decisions maximise community benefits and preserve and improve the public road network across Western Australia.

Each Local Government shall be a member of a Regional Road Group subgroup and shall be represented on the subgroup by an Elected Member. A proxy from the same Local Government is also required.

COMMENT:

Nil

CONSULTATION:

Terms of Reference for Regional Road Groups
State Road Funds to Local Government Procedures

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Strategic Community Plan 2021-2031

Theme: Built Environment – well maintained roads and infrastructure which reflects our identity

Outcome: Our road network is well maintained

Strategy: Collaborate with surrounding Shires and State government to ensure sound planning and resource utilization

Theme: Leadership and Management – inspirational, dynamic, transparent

Outcome: Actively engage with community, business and other stakeholders to grow and develop the community

Strategy: Continue to collaborate with other regional shires to achieve maximum benefits for the region

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices

- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Failure to appoint delegates will impact Council's ability to influence decisions.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Inadequate engagement practices
Risk Action Plan (Controls or Treatment Proposed)	Appointment of Council Representatives as required.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

1. That Council appoint until the next election in 2027, or earlier if required, the following 3 representatives to the 4WDL Voluntary Regional Organisation of Councils (VROC):

Cr _____
Cr _____
Cr _____

2. That Council appoint until the next election in 2027, or earlier if required, the following representatives to the Narrogin Subgroup of the Wheatbelt South Regional Road Group.

Cr _____
Cr _____ - Proxy

11.7 APPOINTMENT OF WALGA ZONE DELEGATES

Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	01/10/2025
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

The governance structure of WALGA (WA Local Government Association) is designed to ensure it is representative of all 139 Member Local Governments.

Zones are autonomous groupings of geographically aligned Local Governments. The key functions of Zones are to elect one or more representatives to State Council, consider the State Council Agenda and provide direction and feedback to State Council. Zones can also act independently in considering and advocating on regional issues.

State Council is the decision-making, representative body of WALGA, responsible for sector-wide policy making and strategic planning.

The relationship between State Council and Zones is critical as it underpins WALGA's advocacy on behalf of Local Government at the State and Federal Government levels. Zones have an integral role in shaping the political and strategic direction of WALGA.

Delegates are appointed to represent their Local Government on the Zone and make decisions at a regional level. Individual Zones determine how many Delegates represent each member Local Government and are responsible for electing a Zone Chair and Deputy Chair.

When a Delegate is appointed to a Zone, they become eligible to nominate for State Council. As this is an election year, November Zone meetings will hold elections for State Council representatives and Zone Chair.

The time commitment for a Zone Delegate varies from Zone to Zone. Zones meet five times per year (in February, April, June, August and November). Meetings run for approximately 90 minutes. Agendas are distributed a week before Zone meetings.

BACKGROUND:

There are sixteen Local Governments in the Central Country Zone (CCZ).

The CCZ currently meets on the second or third Friday of the month (in February, April, June, August and November) at 9:30am. Hosting of CCZ meetings is rotated between each member Local Government to provide an opportunity to showcase their area.

Each member Local Government on the CCZ is entitled to appoint two voting Delegates and as many Deputy Delegates as they see fit. It is recommended that the Chief Executive Officer be appointed as an additional Deputy Delegate where it may be beneficial, to ensure that representation from each member Local Government can always be achieved at Zone meetings.

At the November Zone meeting, an election will be held for the position of State Councillor (one position) and Deputy State Councillor (one position).

The next meeting of the CCZ is on Friday, 21 November at 9:30am hosted by the Shire of Brookton.

For more information about the role of a Zone Delegate and State Councillor please refer to the 2025 Elected Member Prospectus.

COMMENT:

It is recommended that Council appoint two elected members as delegates and nominate two proxies, one of whom will be the Chief Executive Officer. This ensures consistent representation and continuity in participation at Zone meetings.

CONSULTATION:

WALGA

STATUTORY ENVIRONMENT:

WALGA Constitution and Standing Orders

Local Government Act 1995 - s9.58. Constitution of associations of local government

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

An allowance for attendance at Zone meetings and travel and accommodation costs (if necessary) are provided for in the annual budget.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme: Leadership and Management – inspirational, dynamic, transparent.

Outcome: Actively engage with community, business and other stakeholders to grow and develop the community.

Strategy: Continue to collaborate with other regional shires to achieve maximum benefits for the region.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes

- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Failure to appoint delegates to WALGA Central Country Zone will impact Council's ability to influence the decisions of the Zone.
Risk Likelihood (based on history and with existing controls)	Almost Certain (5)
Risk Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (5)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Appoint delegate to WALGA Central Country Zone.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Appoint Cr [Name] and Cr [Name] as the Shire of West Arthur's delegates to the Central Country Zone of WALGA.
2. Appoint Cr [Name] and the Chief Executive Officer as proxy delegates to the Central Country Zone of WALGA.

11.8 LOCAL GOVERNMENT DEVELOPMENT ASSESSMENT PANEL MEMBER NOMINATIONS

Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	10/10/2025
Disclosure of Interest:	Nil
Attachments:	1. Circular from Department of Planning, Lands and Heritage 2. LG DAP Member Nomination Form 3. LG DAP Member - Nomination Form FAQ 4. Local Government Contact List 2025

SUMMARY:

Council is requested to appoint two representatives and two alternatives for inclusion on the register of Local Government Development Assessment Panel (DAP) Members, pursuant to regulation 25 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations).

BACKGROUND:

Regulation 6 of the DAP Regulations states that a development application for approval of development is prescribed for the purposes of section 171A(2)(ba) of the *Planning and Development Act 2005* if the development is within a district for which a DAP is established and the development —

- (a) has an estimated cost of \$2 million or more; or
- (b) is or includes community housing that is to be provided by a registered community housing provider.

In other words, if a development application satisfies these conditions, then it is to be processed through a Development Assessment Panel, rather than through Council.

DAPs are established by the Planning Minister under section 171C of the *Planning and Development Act 2005*.

Regulation 23 of the DAP Regulations states that a DAP, at any meeting of the DAP to determine or otherwise deal with a development application or an application to amend or cancel a development approval, is constituted by —

- (a) the 2 local government DAP members, designated under regulation 25(2)(a), for the relevant local government in relation to the application; and
- (b) 3 specialist DAP members appointed by the DAP executive director.

Regulation 25(2)(a) states that the register of local government DAP members must include, for each local government of a district for which a DAP is established, the names of 4 members of the council of the local government —

- (a) 2 of whom must be designated as the local government DAP members for the local government; and
- (b) 2 of whom must be designated as the alternate local government DAP members for the local government.

Representation of local interests is a key aspect of the DAP system. The combination of local knowledge with technical expertise provides for informed and balanced decision-making by DAPs.

COMMENT:

Training for those elected members nominated for inclusion on the register of Local Government DAP Members will be provided by the Department of Planning, Lands and Heritage (DPLH).

Once the Minister registers the local government DAP members, the DAP Secretariat will contact those who are within a Local Government district where there is a current DAP application that will require a DAP meeting within the next 3-4 months.

As of January 2026, the DAP Secretariat will be holding regular training sessions that will be extended to those who have not received training and are expected to be required at an upcoming DAP meeting. These training sessions have been staggered to ensure members will have received training within a reasonable timeframe of participating in a DAP meeting.

Training sessions will be hosted by the DAP secretariat at DPLH, which is situated at 140 William Street, Perth. While attendance in person is encouraged, it is acknowledged that this is not always possible. Online attendance is available to those who cannot attend in person.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

s.171A(2)(ba) Prescribed development applications, DAP to determine and regulations for

s.171C Establishment of DAPs

Planning and Development (Development Assessment Panels) Regulations 2011

Reg.23 Constitution of DAPs

Reg.25 Register of local government DAP members

Reg.31 Fees and allowances for local government DAP members

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There are no costs applicable to the Shire as those members nominated for inclusion on the register of DAP members are eligible for receipt of allowances from the DAP Secretariat as per regulation 31 of the DAP Regulations.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme: Leadership and Management – inspirational, dynamic, transparent

Outcome: Councillors represent the community and well trained

Strategy: Elected members have the training and skills relevant to serving as Councillors in order to act in the best interest of the Shire

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and***

multiplying these scores by each other. The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
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- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Failure to appoint elected members to the register of local government DAP members as required by the relevant legislation
Risk Likelihood (based on history and with existing controls)	Likely (4)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	High (12)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Appoint the 4 required elected members to the register

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Appoint Cr [Name] and Cr [Name] as the Shire of West Arthur's local government representatives, and Cr [Name] and Cr [Name] as alternate members, for inclusion on the register of Local Government Development Assessment Panel (DAP) Members, pursuant to Regulation 25 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
2. Direct the Chief Executive Officer to complete the required nomination form (attached) and submit it to the DAP Secretariat, along with a copy of this Council resolution, in accordance with the nomination process outlined by the Department of Planning, Lands and Heritage.



Department of **Planning,
Lands and Heritage**



Our ref: DG-2025-2387 (PLH2023P1487)
Enquiries: DAP Secretariat, 6551 9919

Dear Local Government CEO

DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS

Representation of local interests is a key aspect of the Development Assessment Panel (DAP) system. The combination of local knowledge with technical expertise provides for informed and balanced decision making by DAPs. The Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations) provides for this local knowledge in the constitution of a DAP by requiring the local government to nominate elected members for inclusion on the register of Local Government DAP Members.

All existing Local Government DAP Members are currently appointed for a term ending 26 January 2026. Prior to this date, your local government is required to nominate four (4) DAP members for inclusion on the register by the Minister for Planning and Lands. With the upcoming local government elections on 18 October 2025, there may be changes in the composition of your Council and this is considered to be the appropriate time to review nominations for Local Government DAP Members ahead of the expiry date.

Please note that if an existing member is not re-elected as a Councillor, they will cease to be a Local Government DAP Member as of 19 October 2025.

Pursuant to Regulation 25 of the DAP Regulations, your local government is requested, by Friday 21 November 2025, to nominate four elected council members to sit as DAP members for your local government district. The nominations must include two members who will be the primary Local Government DAP Members for your district and two alternate members whom the DAP Executive Director can invite if either of the primary members are unavailable.

Please complete the attached nomination form and provide it to the DAP Secretariat, along with a copy of the council resolution. If you are unable to provide nominations by the above date, please contact the DAP Secretariat to discuss alternative arrangements and implications. Once nominations are received, the Minister will include the nominees on the register of Local Government DAP Members for the term ending 26 January 2028.

Nominations should be submitted via email to the DAP Secretariat at dapnomination@dplh.wa.gov.au.

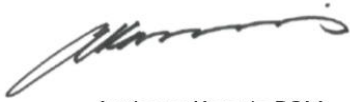
140 William Street Perth WA 6000 | Locked Bag 2506 Perth WA 6001 | (08) 6551 8002
info@dplh.wa.gov.au | www.dplh.wa.gov.au
ABN 68 565 723 484



The WA Government is committed to increasing the diversity and backgrounds of Government Board and Committee members along with the total number of women appointed. Therefore, I encourage you to consider diversity of representation when putting forward your nominations in supporting this important commitment. Further information about can be found in the [Premier's Circular 2025/15 – State Government Boards and Committees](#) as well as the [Department of the Premier and Cabinet's State Government Boards and Committees – Classification and Appointment Guidelines](#).

If you have any queries regarding this request for nominations, please contact Zoe Hendry at the DAP Secretariat on (08) 6551 9919 or via email to dapnomination@dplh.wa.gov.au. Further information is available online at [Development Assessment Panels \(www.wa.gov.au\)](#).

Yours sincerely



Anthony Kannis PSM
Director General

10 October 2025

Att 1 – LG DAP Members – Nomination Form
Att 2 – LG DAP Members – Nomination Form FAQ
Att 3 – Local Government Contact List 2025





Government of Western Australia
Development Assessment Panels

OFFICIAL

DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT MEMBER NOMINATION

Please complete the form and submit to dapnomination@dph.wa.gov.au.

Local Government	
DAP Name	

	Member	Member
Name		
Address		
Phone		
Email		
Date of Birth		
Gender		
*Employer Name/s		
<i>Please note, this is for employment OUTSIDE the role of councillor</i>		
*Position/s		
*Employment Status	Full Time Part Time/Casual - Specify hrs per week	Full Time Part Time/Casual - Specify hrs per week
*Eligibility for Payment		
Council Term		

	Alternate Member	Alternate Member
Name		
Address		
Phone		
Email		
Date of Birth		
Gender		
*Employer Name/s		
<i>Please note, this is for employment OUTSIDE the role of councillor</i>		
*Position/s		
*Employment Status	Full Time Part Time/Casual - Specify hrs per week	Full Time Part Time/Casual - Specify hrs per week
*Eligibility for Payment		
Council Term		

* The employment details refer only to external employment and does not include your role as a Local Government member. Eligibility for DAP sitting fees is determined in accordance with the [Premiers Circular 2025/15](#)



Government of Western Australia
Development Assessment Panels

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DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT MEMBER NOMINATION FREQUENTLY ASKED QUESTIONS

Question: When are nominations due back?

Answer: Completed nominations are due Friday 21 November 2025

Question: What is the term the local government DAP members will be nominated for?

Answer: The Minister for Planning and Lands will appoint local government DAP members from 27 January 2026 until 26 January 2028.

Question: What's the email address to return completed nominations or if we have any queries about the nominations?

Answer: dapnomination@dplh.wa.gov.au

Question: Is there anything else that we need to provide with the completed nomination form?

Answer: Yes, along with the completed form, a copy of the council resolution nominating up to four (4) elected council members from the respective local government

Question: Are Local Government DAP Members representatives of the Council on a DAP?

Answer: The role as a Local Government DAP Member is independent of your role as a Local Government Councillor and is covered by different legislation. While Local Government DAP Members are mostly elected members of the relevant local government, they are not bound by any previous decision or resolution of the local government. All DAP Members are required to exercise independent judgment in relation to any DAP application before them and consider the application on its planning merits

Question: Why don't DAP member terms align with Councillor terms?

Answer: A transition period of 3 months is provided to allow sufficient time for nominations by the Local Government, registration by the Minister, and training requirements.

Question: Is being a councillor considered my employment?

Answer: No, employment details refer only to external employment and does not include your role as a Local Government member. If you don't have employment outside of being a councillor, then mark yourself as unemployed.

Question: How do I know if I am eligible for payment?

Answer: Eligibility for DAP sitting fees is determined in accordance with the [Premiers Circular 2025/15](#).

Board members may not be eligible for remuneration (other than reimbursement for travel expenses) if they:

- are being paid from public monies including:
- current full time local, State and Australian Government employees;
- current Members of Parliament;
- current and retired judicial officers (except magistrates);
- current non-academic employees of public academic institutions; or
- were a Member of Parliament within the last six (6) months.

Instances where board members may be eligible for remuneration include:

- Local, State and Commonwealth Government employees who are:
 - part time and where the relevant Minister is satisfied that the work relating to the board occurs outside their employment and all other potential conflicts of interest are appropriately managed; or
 - not currently being paid from public monies such as those on leave without pay and volunteers;
- university academics (defined as those engaged primarily for the purpose of providing education services and not administrative or other services); and
- elected Local Government councillors.



Question: What if I am employed part time in one of the above and would like to receive payment for sitting on a DAP meeting?

Answer: Please provide evidence of your part time status from your employer, which will accompany the nomination. Your request to receive payment is required to be approved by the Minister for Planning and Lands.

Question: If I am eligible for payment, what are the sitting fees?

Answer: The sitting fees are as per schedule 2 of the *Planning and Development (Development Assessment Panels) Regulations 2011*. For a Local Government DAP Member, as at 1 March 2024 they are currently as follows:

- Per meeting to determine DAP applications (Form 1) - \$425
- Per meeting to determine DAP applications to amend or cancel determination (Form 2) - \$100
- Attendance at a SAT proceeding - \$425
- DAP Member training - \$400
- DAP member re-training - \$200

Question: I have undertaken Local Government training as a Councillor, is it the same thing?

Answer: The role as a Local Government DAP Member is independent of your role as a Local Government Councillor and is covered by different legislation. While there may be some common themes, it is important you attend the training to ensure you are aware of the specific requirements and responsibilities of DAP Members.

Question: When can I sit on a DAP meeting?

Answer: Before you can sit on a DAP meeting, you will need to complete the DAP member training run by the DAP Secretariat. If you have previously completed training the DAP Executive Director will consider time since you completed that training and/or since you last participated on a DAP meeting to determine whether you are required to attend a refresher training before participating on another DAP meeting. We do encourage everyone to attend a training session, even if you have attended training previously, to ensure you are aware of any recent changes to DAP procedures and protocols.

Question: When will training sessions be held?

Answer: Once the Minister registers the local government DAP members, the DAP Secretariat will contact those who are within a Local Government district where there is a current DAP application that will require a DAP meeting within the next 3-4 months.

As of January 2026, the DAP Secretariat will be holding regular training sessions that will be extended to those who have not received training and are expected to be required on an upcoming DAP meeting. These training sessions have been staggered to ensure members have received training within a reasonable timeframe of participating on a DAP meeting.

Question: Where will training sessions be held?

Answer: Training sessions will be hosted by the DAP secretariat at the Department of Planning, Lands and Heritage, at 140 William Street, Perth. While attendance in person is encouraged, it is acknowledged that this is not also possible. Online attendance is available to those who cannot attend in person.



Government of Western Australia
Development Assessment Panels

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DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT CONTACT DETAILS

Please complete the form and submit to dapnomination@dph.wa.gov.au.

Local Government	Shire of West Arthur
DAP Name	Regional DAP

LOCAL GOVERNMENT CONTACT DETAILS			
Planning Admin Name	Not applicable		
Phone		Email	
Planning Manager Name	Not applicable		
Phone		Email	
Planning Director Name	Joe Douglas (Exurban) - Planning Consultant		
Phone	0429 303 100	Email	joe@urp.com.au
Additional Name	Vin Fordham Lamont - CEO		
Phone	0473 072 017	Email	ceo@westarthur.wa.gov.au
Generic Email Addresses	shire@westarthur.wa.gov.au		
Generic Email Addresses	Not applicable		

Please nominate which contacts you would like to be advised of the various stages within a DAP application (this would be in addition to the applications nominated report writer)

11.9 2026 COUNCIL MEETING DATES

Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	03/10/2025
Disclosure of Interest:	N/A
Attachments:	Nil

SUMMARY:

Council is requested to set the dates and start time for its 2026 Ordinary Council Meetings to enable timely publication of meeting details, in line with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

BACKGROUND:

- Ordinary meetings must be held “not more than 3 months apart,” and the CEO must convene meetings with the required notice and agenda. Setting dates in October enables compliance and forward planning.
- The CEO is required to publish meeting details (date, time, place) on the Shire’s website before the beginning of the year in which the meetings are to be held. Early setting of the schedule facilitates this publication requirement.
- The Shire’s established practice is to meet on the fourth Thursday of each month, with no meeting in January, and the third Thursday of December to avoid the Christmas period.

COMMENT:

It is proposed that Ordinary Meetings of Council in 2026 continue to be held at 7:30pm in the Council Chambers, 31 Burrowes Street, Darkan, on the fourth Thursday of each month except for January (no meeting) and December (third Thursday). The proposed dates balance continuity for the community and administration with avoidance of peak holiday periods.

Proposed 2026 Ordinary Council Meeting Dates

- January – *No Meeting*
- Thursday 26 February 2026
- Thursday 26 March 2026
- Thursday 23 April 2026
- Thursday 28 May 2026
- Thursday 25 June 2026
- Thursday 23 July 2026
- Thursday 27 August 2026
- Thursday 24 September 2026
- Thursday 22 October 2026
- Thursday 26 November 2026
- Thursday 17 December 2026 (*Third Thursday to avoid Christmas period*)

Notes:

- Special Council Meetings may be called as required to address urgent matters.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995:

- **s5.3** – Ordinary and special council meetings (ordinary meetings not more than 3 months apart).
- **s5.5** – Convening council meetings (notice to members with agenda).
- **s5.25** – Regulations about council and committee meetings (public notice, minutes, agenda availability).

Local Government (Administration) Regulations 1996:

- **Reg 12** – Publication of meeting details (publish on website before the beginning of the year).
- **Reg 14** – Notice papers, agendas and documents to be publicly available and published on the website (unless confidential).

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Provision for meeting preparation and elected member attendance fees is included in the annual budget; no additional allocation is required for adopting the dates.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme: Leadership and Management

Outcome: Councillors represent the community and are well trained

Strategy: Council process is open and transparent to the general community

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management

- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Failure to correctly advertise Ordinary Meeting of Council dates
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Advertise Council Meeting dates as per legislative requirements

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council set the following Ordinary Meeting dates for 2026, to be held at 7:30pm in the Council Chambers, 31 Burrowes Street, Darkan, and authorises the CEO to publish the meeting details on the Shire's website in accordance with the Local Government (Administration) Regulations 1996:

- Thursday 26 February 2026
- Thursday 26 March 2026
- Thursday 23 April 2026
- Thursday 28 May 2026
- Thursday 25 June 2026
- Thursday 23 July 2026
- Thursday 27 August 2026
- Thursday 24 September 2026
- Thursday 22 October 2026
- Thursday 26 November 2026
- Thursday 17 December 2026 (*Third Thursday to avoid the Christmas period*)

11.10 BETTY BROWN HISTORICAL CENTRE ANNUAL REPORT AND FORWARD PLAN

Location:	Shire of West Arthur
Applicant:	Shire of West Arthur
Author:	Tahnee-Lee Lubcke, Projects Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	16/09/2025
Disclosure of Interest:	Nil
Attachments:	1. DRAFT Annual report 2025 Betty Brown Historical Centre 2. Forward Plan 2024 - reviewed 8102025

SUMMARY:

Council is requested to consider endorsing the Forward Plan 2024-2028 and the Annual Report 2024-2025 for the Betty Brown Historical Centre.

BACKGROUND:

The Betty Brown Historical Centre is overseen and maintained by the Shire of West Arthur Community Resource Centre, with guidance from a Museum Reference Group. An Annual Report, along with an updated Forward Plan, is presented here for the Council's review and endorsement. The Annual Report details the activities carried out at the Centre during the preceding financial year, as well as any expenditures incurred during that time. The current Forward Plan was approved in November 2024. It is recommended that some minor modifications be made to this document, which are indicated in attachment 2. The Forward Plan aims to provide strategic direction for the Museum Reference Group for the upcoming three years.

COMMENT:

These documents were presented and endorsed by the Museum Reference Group in October 2025.

CONSULTATION:

Museum Reference Group

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

PC5 – Betty Brown Historical Centre Management and Collection Policy

FINANCIAL IMPLICATIONS:

The continuous administration of the Centre will be funded by the Shire of West Arthur. A portion of the funds left to the Shire by Ms. Betty Brown (\$50,000), along with the remaining funds from the bequest after establishment, has been designated for future management. Furthermore, in addition to the bequeathed funds, the Shire strives to allocate \$5,000 annually, whenever feasible, for the ongoing maintenance and enhancement of the Centre.

STRATEGIC IMPLICATIONS:

Outcome 1.3 - A unique identity and a strong connection to our past

Strategy: Support community events that connect to our history (e.g. Sheepfest/exhibition/displays in Betty Brown Historical Centre)

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	The Betty Brown Historical Centre is unable to continue operating due to lack of funds or lack of volunteers.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Inadequate project or change management
Risk Action Plan (Controls or Treatment Proposed)	Train staff to continue to assist with the management of the centre.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorse the Annual Report 2024-2025 and updated Forward Plan 2024-2028 for the Betty Brown Historical Centre.



Betty Brown
Historical Centre

Annual Report
2024-2025



ANNUAL REPORT 2024 | Betty Brown Historical Centre



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ACKNOWLEDGEMENT OF COUNTRY

The Betty Brown Historical Centre and the Shire of West Arthur respectfully acknowledges that the land upon which we work and live, is the traditional land of the Noongar people. We recognise their cultural heritage, beliefs and continuing relationship with the land. We honour Elders past, present and emerging and we support the principles of a reconciled Australia for all its people.



ABOUT THIS REPORT

The Betty Brown Historical Centre has been established in accordance with the bequest bestowed upon the Shire of West Arthur by Ms Betty Edith Brown who requested the facility preserve the wool trophies, needlework and memorabilia of the Brown family, and that it house historical relics and items of the district particularly in relation to the sheep industry.

Betty passed away on the 12 March 2015 and the Shire of West Arthur was advised of the bequest on January 8th, 2016.

Following notification, the Shire met with stakeholders (including Betty's friends, executor and other community members), identified a location for the Centre, established a committee to oversee the development of the Centre and trained staff in collecting, cleaning and curating an historical centre. The Centre was opened on the 8th of March 2020.

This document outlines what has been achieved during the 2024-2025 financial year. The annual report will:

- Document what has been achieved in that year
- Financial expenditure and income (including grants) over the past year associated with the Centre
- Proposed activities for the upcoming year.

This report is produced for internal reporting and planning purposes only.

ORGANISATION STRUCTURE

The Betty Brown Historical Centre is managed by a Museum Reference Group (MRG) which consists of two staff members from the Shire of West Arthur, one staff member and one committee member from the West Arthur Community Resource Centre (CRC), one Shire Councillor, and one Betty Brown Historical Centre volunteer.

Current MRG members are:

Vin Fordham Lamont – Shire Chief Executive Officer

Tahnee Lubcke – Shire Projects Officer and BBHC Curator

Karen Prowse – West Arthur CRC Manager

Janice King - West Arthur CRC committee member and BBHC volunteer

Robyn Lubcke – Shire Councillor

Pam Stockey – BBHC volunteer

REPORT ON ACTIVITIES TO DATE

The major activities undertaken in the 2024-25 financial year were the curation and opening of the Women at War Exhibition.

Women at War Exhibition

Curation of the Women at War exhibition began in April 2024 when the West Arthur CRC was awarded a Saluting Their Service Grant by the Australian Government Department of Veterans' Affairs. This grant helped to provide the Betty Brown Historical Centre with the opportunity to showcase the many women from the West Arthur community who were engaged in active service.

Objects for the display were collected over the course of the 2024 year from the Australian Army Museum, Red Cross, the Aviation Heritage Museum of Western Australia, local community members, and people with a connection to either the display or the community. The objects were catalogued (hard copy and some electronic cataloguing only), cleaned and readied for display. Panels were researched by Pam Stockley, with the assistance of Louise Higham's book 'On Active Service'. The panels were then designed and produced by Creative spaces who undertook the original design of the Centre.

An opening event was coordinated by Pam Stockley and facilitated by the CRC. This was held on April 24th and was attended by roughly 50 people. The new display was opened by Carmel Buller, daughter of Margaret 'Peg' McCarthy (one of the women featured in the exhibition). Morning tea was provided by the West Arthur CRC.

Museum Training Day

A museum training day was held on the 27th of November 2024. This training day was designed to upskill museum volunteers and the public on the handling and storing of historical objects. Participants learnt to handle, clean, catalogue and store their objects to ensure longevity. There were roughly 8 people in attendance with some expressing their desire to help as a volunteer at the museum in the future.

Cataloguing

A total of 35 objects were catalogued in 2023 in both hard copy and in the digital collection. A total of 60 objects were catalogued in 2024 both hard copy with the majority in the digital collection. The remainder are in the process of being added to the electronic database (Collection WA).

FINANCIAL STATEMENT

Betty Brown Historical Centre	Budget	Actual
For the period 1 July 2024 to 30 June 2025	2024/25	2024/25
Income		
Museum donations	\$100	\$172
Grant from Department of Veterans Affairs through West Arthur CRC		\$10,000
Total income	\$100	\$10,172
Expenditure		
Equipment purchase (Thumb drives)		\$27
Women at War - design and production		\$1,810
Purchase of Teardrop Banner, printing and promotion, historical research and minor costs funded by Department of Veterans Affairs grant		\$10,000
Printing of Panels		\$514
BBHC Promotion 24/25 (CRC)		\$1,555
Reimbursement – K Chia (Cleaning of Ida Spencer Dress)		\$59
Total expenditure	\$5,000	\$13,965
–Deficit to be funded from reserve	-\$4,900	-\$3,793
	Budget	Actual
	2024/25	2024/25
Funds held in Shire of West Arthur Reserve Account		
Opening balance at 1 July 2024	\$134,654	\$134,654
Interest allocated to reserve	\$5,825	\$5,709
Transfer from reserve	-\$5,000	-\$3,800
Closing balance at 30 June 2025	135,479	136,563

THE YEAR AHEAD 2025-2026

To be current and creative, high-class museums need to invest their funds. To make sure that the collection is appropriately maintained, catalogued and continues to be of interest to the intended audience, the coming year will be busy.

Insurance

Currently, the Shire is still investigating insurance for the contents within the BBHC. As previously mentioned, the advice from David Wood (LGIS) in 2017 indicated that the Shire would need to catalogue all items in the Centre (including pictures) and that valuations should be sorted on items of high value or importance. As indicated above, every object within the centre itself has been catalogued, and the process of documenting the items is now ongoing. At this point, no values have been assigned to any objects. It will be necessary to keep updating the insurance as the number of the objects in the collection grows. To determine the worth of the collection, further guidance is required.

Museum committee members should prioritise investigating insurance options for the collection. The first attempts to contact AMaGA WA have not been successful but other avenues will be explored.

Museum Reference Group Meeting

The Museum Reference Group meets on an “as required” basis. In the past year, the MRG has met on two occasions (May and November) to discuss the proposed exhibitions, the annual report, and forward planning for the Centre.

New exhibitions

Football in West Arthur (1956 & 1976 Football Reunion)

A new exhibition ‘Football in West Arthur’ is currently in the process of being developed. The Shire will approach the West Australian Football League, and teams within the West Australian Football League that feature in the display to assist with funding. Shire staff will curate the display and some funds from the Reserve will be required to establish the exhibition. A budget for the proposed exhibition is included below.

INCOME	Shire	BBHC Reserve	Total
	\$9,500.00	\$5,000.00	\$14,500.00
Total Income	\$9,500.00	\$5,000.00	\$14,500.00
EXPENSES			
12 exhibition panels 4 large object labels Project management	\$5,000.00	\$470.00	\$5,470.00
Print 12 exhibition panels		\$3,352.80	\$3,352.80
Print 4 large object labels		\$96.80	\$96.80
Purchase promotional signage for Museum	\$188.35	\$1,011.65	\$1,200.00
Digitisation of exhibition material	\$4,311.65		\$4,311.65
Delivery to Darkan of panels		\$68.75	\$68.75
Total Expenses	\$9,500.00	\$5,000.00	\$14,500

It is proposed to open this exhibition on or around April 2026 to tie in with the proposed reunion of the 1956 and 1976 grand final teams.

Review of documents

It has become clear that certain sections of the policy and procedures documents, which were created at the start of the BBHC's design phase, need to be reviewed in order to guarantee that the Centre runs effectively and that records are kept in a professional manner.

Continuation of cataloguing

Although a significant quantity of items have been catalogued for the museum's inauguration (the existing collection comprises 455 catalogued objects), there remains a substantial number of items that require cataloguing, cleaning, and proper storage in the BBHC administration room within the CRC.

Furthermore, the Museum Administration room within the CRC requires organisation to establish systems that enable volunteers to effectively clean, store, catalogue, and input items into the database.

Australian Museums and Galleries National Awards

The Australian Museums and Galleries Association (AMaGA) conducts a National annual award ceremony in March each year, recognizing a range of exhibits from both small and large museums and galleries. Exhibitions may only be considered for entry one year following their installation. The Centre should endeavour to submit applications for these awards with each exhibition.

Social Media Presence and Advertising

The CRC currently promotes the Centre on a fortnightly basis through the Bleat and occasionally on the Centre's Facebook page. Promotion of the museum remains a challenge, and future initiatives should focus on ensuring that the Betty Brown Historical Centre receives extensive promotion.

Community Archives

The community archives located in the Shire office may be integrated into the Betty Brown Historical Collection as a sub-collection. They can remain stored in the Shire office, but their inclusion on the Collections WA website will make them accessible to public search. Additionally, efforts to promote the Community Archives could be initiated to raise public awareness regarding their availability for research purposes.



Betty Brown
Historical Centre

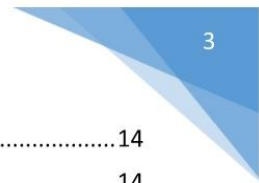
Forward Plan 2024-2028





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ACKNOWLEDGEMENT OF COUNTRY

The Shire of West Arthur respectfully acknowledges that the land upon which we work and live, is the traditional land of the Noongar people. We recognise their cultural heritage, beliefs and continuing relationship with the land. We honour Elders past, present and emerging and we support the principles of a reconciled Australia for all its people.



EXECUTIVE SUMMARY

The Betty Brown Historical Centre began conserving, collecting and protecting artefacts and materials relating to historical development of the region in 2016. The opening of the Centre in March 2020 was the culmination of planning, design, collection and interpretation by staff, consultants, contractors and volunteers over the period from 2016 to 2020.

This document outlines a future vision for the organisation from 2024 to 2028. This forward plan addresses the continuing development of the Betty Brown Historical Centre within the limited financial and personnel resources of the Shire.

INTRODUCTION

The Betty Brown Historical Centre (the Centre) has been established in accordance with the bequest bestowed upon the Shire of West Arthur by Ms Betty Edith Brown who requested the facility preserve the wool trophies, needlework and memorabilia of the Brown family, and that it house historical relics and items of the district particularly in relation to the sheep industry.

This is the second Forward Plan for the Betty Brown Historical Centre (BBHC or The Centre) and this has been prepared in 2024. This strategic plan aims to set out the direction and development of this Centre over the next four years. It outlines the Centre's mission, vision, goals and action plan.

Mission

Develop a high class, modern facility that engages the local community in recording and conserving its history and heritage.

Vision

The Centre is developed and managed as a community resource to explore the contribution of women to rural communities, provide a centre for historical celebrations of milestones and key events, engage with the local community in relation to all things historical and create a vital attraction that will encourage visitors to the region.

CONTEXT

The Betty Brown Historical Centre is located in the West Arthur Community Resource Centre and is funded and managed by the Shire of West Arthur under guidance from a Museum Reference Group (MRG). The MRG is made up of representatives from the Shire of West Arthur and the West Arthur Community Resource Centre in accordance with the Shire's Policy PC5 – Betty Brown Historical Centre Management and Collection.

All items in the Centre are owned and insured by the Shire of West Arthur. The day-to-day operations relating to the opening of the Centre and the management of visitors into the Centre is undertaken by the West Arthur CRC.

This plan feeds into the Shire's Strategic Community Plan.

Stakeholders within the community that have an interest in the operation of the Centre include

- Shire of West Arthur
- West Arthur CRC
- Betty's friends
- Executor of the will
- Local businesses that have a link to tourism (accommodation and food)
- Local community

SWOT ANALYSIS

The following SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis outlines the current situation within the Centre.

Strengths

- Exhibition space is modern and new.
- Well-funded through Betty's Bequest.
- Guaranteed funding on an annual basis for the foreseeable future.
- There is a reasonable amount of storage space available.
- The use of an administration room for quarantining objects as they come into the Centre to minimise pest incursion.
- Connections and communications with Australian Museums and Gallery Association (AMaGA) commenced at the beginning of the development of the Centre and as a result the centre procedures are well established. AMaGA continues to provide support on an ongoing basis.
- Reconnection of members of the Noongar community that grew up in Darkan through the initial display.
- Display collection is digitised and stored as part of Collections WA.
- Donation of a large collection of books by Barry Strickland that can be leveraged for historical tourism.
- Regular promotion by the CRC in the Bleat.
- Potential to open on weekends.

Weaknesses

- There are still a large number of items that need to be catalogued and included in the digitised collection.
- Volunteer numbers are very limited or non-existent.
- There is no computer at the Centre.
- The displays are directed at adults and there is no child friendly displays or opportunities to interact in the centre.
- There is currently very little Aboriginal/Noongar history in the Centre.
- Potential for promotion of the Centre and Barry Strickland book collection to be forgotten in the day to day operation of the Shire and CRC.

Opportunities

- To establish a digital collection that is high class from the outset and maintain the collection to a high standard.
- To establish a base for AMaGA WA to run regional training sessions and store digitising equipment for the region at the CRC.
- To update changing exhibit on a regular basis to enable engagement with the community and to collect the Shire history.
- To be part of the annual National Trust Heritage Festival in April each year.
- To incorporate the community archives as a sub-collection in the centre.
- To engage with the community while enthusiasm for the Centre is high.
- To engage with historical requests through the Shire and promote the Centre and historical book collection.
- To collaborate with the Darkan Town Library and continue to develop a historical book collection and promote this as part of our historical tourism.
- Promotion of the Centre through a wider variety of mediums.

Threats

- Limitation of resources in terms of staff and volunteers.
- Limitation of funds.
- Pest incursion and disaster management – currently do not have procedures in place for these.
- Light incursion is of concern in relation to textiles and organic materials. These objects need to be rested from display occasionally.
- Potential for the BBHC to be a low priority for Shire staff and therefore lose its relevance to the community.

LONG TERM GOALS

The long-term goals of the BBHC are to continue to be dynamic and to encourage the region to become a Historical Hub. This in turn will encourage visitation from ex-residents, those interested in researching their family history and others. Additionally, through the creation of a high class, modern facility we will encourage those passing through the area to stop and visit and spend some extra time in the area.

Local residents are essential to the continuation of enthusiasm for the BBHC and the engagement with the local community should be forefront of any new exhibits. Engagement through the Lost West Arthur Facebook page and the Bleat is encouraged.

The following is a list of long term goals that will ensure that the BBHC remains relevant within the community.

Establishment of a digital photo collection

The BBHC received a grant in 2023 to digitise some of the photos stored in the Administration room of the Centre. These have not yet been catalogued, are stored on a

staff computer and are grouped in folders according to the person that supplied the photos. Our Shire was lucky to have some very capable photographers during the early years. It would be great to collate more of these photos from private collections into a public Shire collection. The aim will be to collect as many photos of a historical nature and have them digitised and catalogued. Sourcing funding and personnel for this project may be difficult but could be a project suitable for volunteers. The cataloguing of the photos should include:

- A unique identifying cataloguing number.
- Meta data – including names of people in the photo, location of the photo, date of the photo, photographer name if known.
- Photos could be uploaded to Collections WA – meta data such as above could be included in Collections WA.

Continue updating exhibitions on a regular basis

The initial concept of the Centre was to have a permanent display in the main room of the centre and in the old Road Board Building create exhibitions relevant to the community that could be regularly rotated. Exhibition themes could include:

- Women at War – the CRC has received a grant to install this exhibition and the aim will be to install this for ANZAC day 2025.
- Sports clubs – In 2026, the West Arthur football club celebrates 50 years since winning the 1976 Grand Final and 70 years since winning the 1956 Grand final. This should be a high priority exhibition. The Shire should liaise with Nathan Cuthbert who is organising the reunion and have the display established in time for returning visitors to the Shire. Commencement of collation of this display should begin in April 2025.
- Aboriginal history – this is an area that needs more exploration. The Centre needs to strive to follow the recently developed Indigenous Roadmap from AMA GA. The Centre could continue to build on relationships established through the development of the centre. A display centred around the football club provides an opportunity to feature some high profile Aboriginal players from the district. The community should be engaged to contribute to this display.
- Feature a new suite of women who have played an important role in our community.
- The Butcher, the Baker and the Grocer. The collection includes the following items which could be included in the display:
 - ledger book from the bakery;
 - original post boxes from the Post Office which could be included in a display;
 - Items from Mrs Strickland's drapery;
 - KB's oral history and his biography in the library.

The display could also include some photos from KB Thompson's shop in Duranillin and look at the evolution of shopping in a rural community.

- Railways – the impact of the railway line on our community could be explored. The Centre could also look into sourcing more photos associated with the building of the railway line or collecting information from those families that worked on the railway

line. Many of these people were Aboriginal or immigrants so this story would also result in the collection of different stories from the area. Rail Heritage WA Research Officer (who at the time of writing was Jeff Austin) may be able to help.

- The wool industry – the development of the wool industry in our area could be explored in more detail. Great Southern Merino Sheep Breeders Association (Karlene Goss) maybe able to help with such a display.
- Darkan show.
- Innovators and engineers.

Continue to collect historical books

Barry Strickland donated a significant collection of historical books to the Darkan Town Library. These books are a great resource for people researching State history and their own family histories.

A collection of books relevant to the Shire, surrounding Shires and Western Australian rural history could be collected and housed in the Shire Library. This could include books that are written about the Shire or region, about families within the Shire or regions, books that are written by people from the Shire or regions (both fiction and non-fiction), recipe books, etc. Books that are known to be absent from the collections include:

- Moodiarrup – an Oral History of its Hall & People
- History of the Upper Blackwood By A Schorer
- A Rich and Diverse Heritage (A snapshot of Collie 1898-2010) by John Bird
- Ray Strickland's Biography
- Other biographies written by local identities as they become available
- Anthea Hodgson's books
- A Peaceful Place – Arthur River Church book
- The Great Southern Expedition of 1835 by Lloyd Nelson
- On Active Service (Williams) - Louise Higham
- Western Australia: As it is today 1906 – Leopoldo Zunini, Royal Consul of Italy
- Off Shears - the story of shearing sheds in Western Australia by June Lacy
- The Emu's Watering Place – a brief history of the Wagin District by MJ Pederick
- Have Wife Must Travel: Bracky's Stories. A collection of stories and incidents in the life of truckie Brian Bracknell, Dumbleyung, Western Australia
- Voices of the Wheatbelt
- South Kukerin, Merilup and Pingaring Schools 1914-1950
- Windows on the Wheatbelt by Laurie Anderson
- Picaninny Dawn: Early days in Ongerup and other Stories by Helen Johns
- From our Humble Beginnings 1928-1978
- Paddy Bakker Picture Show Man by Max D Bell
- Round Pool to Woodanilling by John Bird 1986
- Old Bush Schools by John McKenzie 1988
- Trying to be Sailors by John Leggoe 1983

This idea of an historical book collection was suggested by Barry Strickland. It would be worth consulting with him in regards to books that could be included in this collection. Liaison with the library staff and CRC would also be required.

Incorporation of community archives into the Centre

Currently community archives and records are stored by the Shire in the strong room of the Shire office building. These archives could be incorporated into the BBHC as a sub-collection and promoted for club or family history research purposes. Community documents should continue to be added to the collection. The Shire has a separate policy for this collection – PC6 – Community Archives.

Continuation of the Oral History Project

The oral history project has been very popular and the information collected has been fantastic for use as audio in the Centre but also as a record of the memories of Darkan and the Shire in earlier times. This project could be ongoing and continue through the encouragement of local volunteers to continue recording histories. The oral histories can continue to be incorporated into displays and included in the oral history collection to be developed for the library. Investigations into a better method of delivery of oral histories in the Centre could be investigated. Currently the oral snippets in the Centre can be heard through the izi.travel app. The full oral histories are on Collections WA.

Potential Exhibition Space on Side of Building

The possibility of exhibiting some large objects outside the Centre in the garden between the CRC and Shire offices has been raised. There has also been consideration given to and “Inventor’s Museum” to display objects that have been invented in the Shire. Should such a display be developed by the Shire at some stage in the future this display should be catalogued with other Museum items and included in Collection WA.

SHORT TERM GOALS

This section outlines the goals that we are aiming to achieve in the next 12 months of operation:

- Exhibition and collection
- Programs and services
- Building and facilities
- Marketing, promotions, visitor development
- Finances, fundraising and sponsorship
- Staffing and volunteers

At this stage the focus of our short term goals is still largely centred around cataloguing and managing the collection.

Exhibition and Collection

Continued cataloguing and digitisation of the collection

The current collection on display in the Museum has largely been catalogued and uploaded to Collections WA, although there are a few outstanding items. The objects in the CWA display have all been catalogued, filed in the catalogue files and given numbers but have not been uploaded to Collections WA. All borrowed objects have been catalogued and are filed in Loan File in the Museum administration room.

There are many objects in the Museum administration room that have been donated that have not yet been catalogued. There are a number of objects donated in recent times that have forms attached to them from the person donating them. There are however a large number of objects from the original collection (Betty's house) that have no forms and have not been catalogued.

The cataloguing of these objects should be prioritised. Uploading all objects to Collections WA ensures that the data connected to each object is safely stored in a cloud based collection program. A hard copy of all cataloguing information should also be kept as per the procedures outlined in the Museum Procedures manual. The hard copy of this document is located in the Museum Administration room and an electronic copy is located in Monarch.

Purchase a computer

Data is entered into Collections WA on a Shire laptop allocated to the personnel associated with the Museum. Currently there is no Museum specific laptop which means that volunteers cannot enter any data. With the appropriate training, a dedicated computer will also allow volunteers to continue to digitise the collection without the requirement for Centre personnel to be present. Funding could be sought for this purchase and training.

Update Documentation

The policy and procedure documents for the BBHC were developed prior to the collection commencing. These documents are located in the Administration room of the Museum and are also stored on the Shire Monarch system. There are many things that now need to be updated to reflect the actual activities that are being undertaken. Discussions with AMaGA staff indicate that some areas that need attention include the following:

- our donations procedures and forms need to be updated to reflect the correct entity and a pre-donations form is required to ensure that people are aware that items need to be assessed for suitability prior to inclusion or rejection.
- our volunteer policy and procedures document needs to be developed.
- a pest management procedure needs to be developed (including monitoring the lace works from the Wagin Historical Village which have not been frozen).
- electronic storage of oral histories will also require procedures to be developed.

Update the exhibits

To remain relevant, and to continue to engage the local community a review of the display in the Road Board building should take place yearly with any changes to take place if necessary. Funding was sourced for a Women at War display which opened on ANZAC day 2025. This display was largely being managed by the CRC.

A display should be prepared during the 2025 year for installation in 2026 to celebrate the West Arthur Football Club's 1956 and 1976 grand final wins. Liaison with the Football Club (Nathan Cuthbert) will enable a display to compliment the football club's proposed celebrations.

Provide something to engage with children

The focus to date has been to establish the Centre and comply with the requirements of Betty's will. Now that the Centre is open there is an opportunity to create exhibits or displays that are of interest to children. This could include a permanent object (something like a holographic or virtual reality display), a scavenger type hunt or a display of relevance to children (such as toys from yesteryear). Ideally the display needs to be interactive.

Some ideas include:

- using the handwritten letters in the Centre as a starting point. Can kids write a letter from the past using ink and calligraphy pens. Possibility of getting a creative writing consultant (Greenough did this for the National Trust festival).
- Use modern day clues to find objects that match.
- Dress up in period costumes and have photos taken.
- Play games from yesteryear.
- Purchase of some very modern type of display using technology such as virtual reality or holographic display.

Programs and Services

National Trust Heritage festival

The National Trust annual Heritage Festival is held in April each year and the BBHC should use this festival as a way of engaging with the local community and enticing enthusiasm in relation to local history. It also provides an opportunity to engage with the school and other community groups. Consideration could be given to using the space in the Station Master's Cottage or the Railway Station building for hosting events. Some suggestions for festival activities based on activities undertaken in other areas are listed below:

- Preserving your personal history for the future (have someone come and talk about how to preserve letters, cards, photos documents etc., how to manage your personal collection and catalogue items. Could also hold a "meet and greet" with the expert where people can show objects and some discussion on how to preserve them is undertaken by the expert.
- Historical bridges tour – Manjimup did something similar for the Heritage Festival in 2019.
- Station masters' house – possibly do a temporary railways exhibit featuring the railway line, station and station masters' house.

- We are West Arthur – what ten items would you pick to tell your story? We have picked ten items from the centre that tell the story of West Arthur. Can you fill the gaps, do you have suggestions, do you have an object to donate or loan to the Centre?
- Antique roadshow – do you have an antique, do you know what it is worth, do you know its story?
- An event at the Arthur River historical buildings – this could be an afternoon tea or some sort of event where the historical buildings are open to the public to have a look inside.
- Private West Arthur (based on the concept “Private York”) – tours of heritage buildings rarely opened to the public, this could include shire buildings, private houses or other buildings.
- Historical tour of Arthur River/Darkan cemeteries and the stories behind the people buried there. Could make this an early evening event to add to the intrigue.
- Historical scavenger hunt around the Shire.
- Wedding dresses – something old something new. Or possibly dresses from the past.
- Behind the scenes tour of the Museum.
- Archaeology – its uses and how objects tell a story.

Buildings and facilities

Administration room in the CRC

Establish a system in the Administration room that allows volunteers to operate within the room and undertake work without centre personnel being available. This should include a space for objects that need to be catalogued, a space for recently donated objects that need to be assessed, labelling of all files, draws, and storage systems and general tidying of this area. Much of the office furniture in the administration room needs to be updated. When redesigning or purchasing new furniture, increasing storage should be considered wherever possible.

Staffing and Volunteers

Establishment of a volunteer program

At this stage we only have one volunteer that assists in the BBHC. A recruitment drive for volunteers should be held and then those people that have volunteered need to be trained in the Centre’s procedures, how to handle objects and how the systems in the administration room work. The training of some local volunteers will also assist with succession planning for the museum, create ownership amongst locals and possibly generate some interest in history that has largely been lost in recent years.

Some interest has been expressed by local people in being involved.

Marketing, Promotions and Visitor Development

Museum Promotion

Current promotion is undertaken in the Bleat and occasionally on the BBHC Facebook page and is done by the CRC. This promotion features an object each fortnight that is displayed in the Museum. There is the potential to feature the books in Barry Strickland's collection – each fortnight a different book could be featured or this could be interspersed with the objects in the Museum. In addition, the community archives offers another option for promoting our historical past to the community and maintaining interest.

As the Centre is new and the community has embraced the Centre with enthusiasm, we have the opportunity to engage and market the Centre and continue to create momentum.

Enter MAGNA awards

New displays could be considered for the Museum and Art Gallery National Awards if they fit the categories.

Collate visitor numbers

The CRC collects data on visitor numbers and provides them to the Shire on a regular basis. Gold coin donations are made in a box outside the Museum which needs to be regularly cleared.

Finances, Fundraising and Sponsorship

Funds are provided through the Shire and distribution of the funds is outlined in the Shire policy document.

LotteryWest and Library grants are options for funding for future developments or displays.

Investigate grants for National Trust Heritage Festival

The National Trust Heritage Festival is held in April each year. This provides us with an opportunity to investigate funding for programs that are run as part of the festival and consider different options for engaging with the local community.

Insurance

The museum building is insured by the Shire. Investigations have commenced into the insurance of the objects in the Museum however the value of these items is difficult to determine and obtaining insurance for the items has proven difficult.

ACTION PLAN

The Action plan in the following section provides an outline of how these short term activities need to be undertaken.

Activity	Timeframe	Responsibility	Budget and funding	Success Indicator
Purchase a computer for the BBHC	Jan 2025	Shire of West Arthur	\$2000. Grant funding could be applied for through the WA Libraries grant scheme.	Computer installed in the Museum Administration room.
Recruit volunteers and establishment of a volunteer program	Dec 2025	Shire of West Arthur	Funded staff time.	Volunteers have been trained and are regularly encouraged to assist in cataloguing items.
Catalogue at least 50 objects per year until the backlog of objects has all been catalogued.	Ongoing	Shire of West Arthur	This requires an allocation of staff time.	- All objects on display in the Centre are included in a digital database. - Additional items in storage are also included in the digital database.
Upload all objects that have been catalogued to Collections WA	Ongoing	Shire of West Arthur	Funded staff time.	All items catalogued in a year are uploaded to Collections WA in that same year.
Update procedures and cataloguing forms	Prior to June 2026	Shire of West Arthur	Funded staff time.	All forms and procedures complete and filed in the Museum.
Update Exhibit – Women at War Exhibit	April 2025	CRC and Shire of West Arthur	CRC has funding of \$10,000 for the Women at War exhibition. Shire to contribute funds from the reserve to the exhibition based on budget provided by the CRC.	Exhibitions installed and opened to the public.

– Celebration of the West Arthur Football club	April 2026	Shire of West Arthur in collaboration with the West Arthur Football Club	Only funding available at this stage is from the Shire reserve fund. A budget of \$10,000 will be required for this exhibition.	
Promote Museum	Ongoing	CRC	The Shire currently pays the CRC to undertake the promotion of the Centre	New and more innovative ways of promoting the museum.
Investigate options for updating office furniture	As funding allows	Shire of West Arthur	As funding becomes available – potentially WA libraries grant.	Office fitted out with good quality storage and desks.

DATE FOR REVIEW

This forward plan will be updated on a three yearly basis initially. As the Centre becomes more established this could be revised on a more infrequent timeframe. The next review will be undertaken in March 2028.

The action plan at the end of this document will be reviewed in February/March of each year.

DATE FOR ENDORSEMENT

This Policy has been endorsed by:

Chief Executive Officer, Shire of West Arthur

Name: Vin FORDHAM LAMONT

Signature: 

Date: 13 November 2024

Manager, West Arthur Community Resource Centre

Name: Karen Prowse

Signature: 

Date: 15/11/2024

11.11 COMMENCE REVIEW OF LOCAL LAWS

Location:	N/A
Applicant:	N/A
Author:	Leanne Parola, LG Best Practices Consultant
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	01/10/2025
Disclosure of Interest:	Nil
Attachments:	1. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 2. Bush Fire Brigades Local Law 1988 3. Local Laws Relating to Parking and Use of Vehicles 1997 4. Property Local Law 2000

SUMMARY:

Council is requested to authorise the commencement of advertising the Shire's intention to review a number of its local laws.

BACKGROUND:

Section 3.16 of the *Local Government Act 1995* requires local governments to review local laws at least once every fifteen years. The Shire has five local laws that do not appear to have been reviewed within that timeframe:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
- By-laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades
- Local Laws relating to Parking and Use of Vehicles
- Local Government Property Local Law
- Standing Orders Local Law

Local Governments have been advised that they have until 7 December 2026 to review any local law which was due or overdue for a review by 7 December 2024, or it will be automatically repealed and no longer applicable or enforceable.

COMMENT:

While the Standing Orders Local Law 2002 is one of these local laws, management does not intend review it as the Department of Local Government, Industry Regulation and Safety has advised a uniform set of regulations are proposed to be made which will ensure that all Council meetings operate in the same way and which will replace individual local government Standing Orders Local Laws.

In not reviewing the Standing Orders Local Law 2002, it will be automatically repealed after 7 December 2026 if the Governor has not already exercised his power to repeal it.

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

These local laws govern activities on thoroughfares and trading in public places in the Shire of West Arthur. They regulate the following activities:

Activities on Thoroughfares and Public Places

- General prohibitions include damaging signs and playing games that impede movement
- Activities like digging or lighting fires require a permit

- Consumption of liquor on thoroughfares is restricted unless permitted

Obstructing Animals or Vehicles

- Leaving animals or vehicles in public places is prohibited without a permit
- Owners must not allow animals with diseases in public places

Roadside Conservation

- Local government can declare flora roads and designate special environmental areas
- Construction on flora roads must follow specific guidelines
- Planting or clearing vegetation in thoroughfares requires a permit

Trading in Thoroughfares and Public Places

- Stallholders and traders must obtain permits to operate in public places
- Applications for permits must include detailed information about the stall or trading activity
- Charitable organisations may be exempt from permit fees

While the current local law appears to have been based on a Western Australian Local Government Association template local law, there are some significant differences.

The template is a lot more detailed and prescriptive, with additional divisions for vehicle crossings, verge treatments, property numbers, fencing, shopping trolleys, street entertainers, and outdoor eating facilities, and includes more offences and higher penalties.

In reviewing the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, Council can either elect to keep the current local law as adopted, repeal it or make a new local law to amend it. If the local law is repealed, the Shire would be able to make a new local law based on the latest template instead of amending the existing one.

By-laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades

The Shire of West Arthur By-laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades, established under the Bush Fires Act 1954, outlines the following:

Establishment of Brigade

- Council may establish, maintain, and equip bush fire brigades for the whole Shire or specific areas. Brigades are registered with the Council, including details of officers.

Appointment of Officers

- Council appoints a captain, first lieutenant, second lieutenant, and additional lieutenants as needed. Members elect a secretary, and the Council may appoint an equipment officer responsible for maintaining firefighting equipment.

Powers and Duties of Officers:

- Officers' roles are defined by the Bush Fires Act 1954, and they are provided with copies of the Act and regulations.

Membership of Brigade:

- Subscribing Members: Pay annual subscriptions (\$1 for landowners/occupiers, \$0.50 for others) to support brigade activities.
- Firefighting Members: Able-bodied individuals over 15 years who volunteer for firefighting duties. They sign an undertaking and require Council approval for enrolment. No fees are required for firefighting members.

Finance:

- Brigade expenses, including equipment and services, are charged to the Council's ordinary revenue and audited as per municipal requirements.

Meetings

- Brigades hold meetings as necessary.

The by-laws also include a form for enrolling firefighting members, requiring applicants to declare their health, age, and commitment to the brigade's objectives and regulations.

There are significant differences between the local law and the Western Australian Local Government Association's current template Bush Fire Brigade Local Laws. The new template is a comprehensive, multi-part law with detailed governance, membership, equipment, and procedural rules and is more reflective of the modern legislation, frameworks and expectations of bush fire brigades.

In reviewing the Bush Fire Brigades Local Law 1988, Council can either elect to keep the current local law as adopted, repeal it or make a new local law to amend it. If the local law is repealed, the Shire would be able to make a new local law based on the latest template instead of amending the existing one.

Local Laws relating to Parking and Use of Vehicles

These local laws regulate parking and vehicle use in the Shire of West Arthur including:

Council Powers to Control Parking

- Council can control vehicle parking within the designated parking region
- Signs erected prior to the local laws are recognized as valid
- Specific rules for reading and interpreting parking signs are provided

Standing and Parking of Vehicles in Street

- Vehicles must be parked parallel to the left boundary on two-way carriageways
- Parking must allow at least 3 meters for other vehicles to pass
- Prohibitions on parking in No Parking areas and other specified locations

Parking Use of Vehicles on Reserves

- Vehicles cannot be parked on reserves without Council permission
- Speed limits on roads within reserves are set by Council
- Parking must not obstruct entrances or thoroughfares within reserves

Standing and Parking of Vehicles Generally

- Vehicles must not be parked in areas designated for different classes of vehicles
- Inspectors can direct the removal of vehicles parked in violation of the laws
- Penalties for violations are outlined, with specific amounts for different offences

Miscellaneous

- Council can appoint Inspectors to enforce these local laws
- Inspectors have the authority to mark vehicles and demand identification from offenders
- Penalties for non-compliance can reach up to \$200, with specific modified penalties listed

There are significant variations between the local law and Western Australian Local Government Association's current template Parking Local Laws. The new template is a lot more detailed and prescriptive, with more offences and higher penalties.

In reviewing the local law, Council can either elect to keep it as adopted, repeal it or make a new local law to amend it. If the local law is repealed, the Shire would be able to make a new local law based on the latest template instead of amending the existing one.

Local Government Property Local Law

The document outlines the Shire of West Arthur's Local Government Property Local Law, detailing regulations and procedures for local government property use. It includes provisions for:

Determinations In Respect of Local Government Property

- Local government can set determinations for property use and prohibit certain activities
- Procedures for making determinations include public notice and consideration of submissions
- Activities that may be pursued or prohibited on local government property are specified

Permits

- A permit is required for various activities, including hiring property and conducting functions
- The application process includes submitting a form and paying a fee
- Conditions may be imposed on permits, and they can be renewed or transferred

Behaviour on all Local Government Property

- Prohibitions include detrimental behaviour, intoxication, and drug use on local government property
- Signs may be erected to specify conditions of use

Matters Relating to Particular Local Government Property

- Entry to fenced or closed property is restricted
- Gender-specific access to toilet blocks and change rooms is enforced
- Unauthorized entry to functions is prohibited unless proper fees are paid

The current Western Australian Local Government Association's template Local Government Property Local Law includes additional sections to include facilities such as jetties, saleyards and golf courses and more detailed enforcement mechanisms including permits, penalties and authorised officers.

In reviewing the Property Local Law 2000, Council can either elect to keep the current local law as adopted, repeal it or make a new local law to amend it. If the local law is repealed, the Shire would be able to make a new local law based on the latest template instead of amending the existing one.

CONSULTATION:

The proposed review of local laws will be advertised for public submissions via local public notice boards, on the Shire's website, Facebook and in the local newspaper "The Bleat" in accordance with the local public notice requirements of the *Local Government Act 1995*.

STATUTORY ENVIRONMENT:

Section 3.16 of the *Local Government Act 1995* requires local governments to review local laws at least once every fifteen years.

The *Local Government Act 1995* and associated regulations are currently under reform. One of the reforms was to extend the local law review period from eight years to fifteen years and to introduce the ability to adopt a Model Local Law with reduced advertising requirements to reduce costs and the public submission period.

POLICY IMPLICATIONS:

The outcome of the proposed review of local laws could potentially impact on the following Shire policies if the Standing Orders Local Law 2002 were included in the review:

C2 – Audio Recordings of Council Meetings

C23 – Public Questioning Time, Presentations, Deputations & Petitions

C29 – Electronic Attendance Policy

FINANCIAL IMPLICATIONS:

There are costs associated with the review, advertising for public comment, amendment and/or making of existing or new local laws and their eventual Gazettal. The costs for the review process and potential additional local law making processes are included in the 2025/26 Annual Budget.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme – Community – Safe, Friendly and Inclusive

Outcome: A safe place to work, live and visit

Strategy: Support for the provision of emergency services and volunteers and Communication of risks and hazards to the community and assistance with management of these

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	The local laws will automatically be repealed if they are not reviewed, amended or replaced by 7 December 2026.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Advertise intent to review local laws well before deadline

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Give local public notice stating that the Shire proposes to review the following local laws under s3.16 of the *Local Government Act 1995*:
 - a. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
 - b. By-laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades
 - c. Local Laws relating to Parking and Use of Vehicles
 - d. Local Government Property Local Law;
2. Note that a copy of the local laws may be inspected or obtained at the Shire office or from its website;
3. Advise that submissions about the local laws may be made to the Shire before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
4. Note that the results of the above advertising are to be presented to Council for consideration of any submissions received.

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1997

LOCAL GOVERNMENT ACT 1995

SHIRE OF WEST ARTHUR

**ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW**

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SCHEDULE 1

PRESCRIBED OFFENCES

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LOCAL GOVERNMENT ACT 1995

SHIRE OF WEST ARTHUR

**ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of West Arthur resolved on 23rd August 1999 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of West Arthur Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

1.2 Definitions

In this local law unless the context otherwise requires—

- “**Act**” means the *Local Government Act 1995*;
- “**applicant**” means a person who applies for a permit;
- “**authorized person**” means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;
- “**built-up area**” has the meaning given to it in the *Road Traffic Code 1975*;
- “**carriageway**” means the paved or made portion of a thoroughfare used or intended for use by vehicles;
- “**CEO**” means the chief executive officer of the local government;
- “**commencement day**” means the day on which this local law comes into operation;
- “**Council**” means the council of the local government;
- “**district**” means the district of the local government;
- “**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;
- “**kerb**” includes the edge of a carriageway;
- “**liquor**” has the meaning given to it in section 3 of the *Liquor Licensing Act 1988*;
- “**local government**” means the Shire of West Arthur;
- “**local government property**” means anything except a thoroughfare—
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
 - (b) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;
- “**permit**” means a permit issued under this local law;
- “**permit holder**” means a person who holds a valid permit;
- “**person**” does not include the local government;
- “**premises**” for the purpose of the definition of “public place” in both this clause and clause 5.1, means a building or similar structure, but does not include a carpark or a similar place;
- “**public place**” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—
 - (a) premises on private property from which trading is lawfully conducted under a written law; and
 - (b) local government property;
- “**Regulations**” means the *Local Government (Functions and General) Regulations 1996*;
- “**sign**” includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;
- “**townsite**” means the townsite of [insert names of townsites] which are—
 - (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
 - (b) referred to in clause 37 of Schedule 9.3 of the Act;
- “**vehicle**” includes—
 - (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

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- (b) an animal being ridden or driven,
but excludes—
- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath;
and
- (b) a pram, a stroller or a similar device; and

1.3 Application

This local law applies throughout the district.

1.4 Repeal

- (1) The following local laws are repealed—

Local Laws Relating to—

Control of Hawkers, published in the Government Gazette of 5 July 1967;

Prevention of Damage to Streets, published in the Government Gazette of 7 December 1967.

- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

- (3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person shall not—

- (a) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (b) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare.

2.2 Activities allowed with a permit—general

- (1) A person shall not, without a permit—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) damage a thoroughfare;
- (c) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 4.13;
- (d) fell any tree onto a thoroughfare; or
- (e) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.

- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—

- (a) that is permitted under the *Liquor Licensing Act 1988* or under another written law; or
- (b) the person is doing so in accordance with a permit.

- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Driving on a closed thoroughfare

2.4 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless—

- (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a permit.

- (2) In this clause—

“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3—OBSTRUCTING ANIMALS OR VEHICLES

Division 1—Animals and vehicles

3.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.

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(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

(3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

3.2 Prohibitions relating to animals

(1) In subclause (2), "owner" in relation to an animal includes—

- (a) an owner of it;
- (b) a person in possession of it;
- (c) a person who has control of it; and
- (d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal shall not—

- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
- (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
- (c) train or race the animal on a thoroughfare.

(3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

PART 4—ROADSIDE CONSERVATION

Division 1—Preliminary

4.1 Interpretation

In this Part—

"MRWA" means Main Roads Western Australia;

"protected flora" has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

"rare flora" has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

"Roadside Conservation Committee" means the Roadside Conservation Committee established under the Land Resource Policy Council within the Office of Premier and Cabinet; and

"special environmental area" means an area designated as such under clause 4.7.

4.2 Application

This Part does not apply to the townsites.

Division 2—Flora roads

4.3 Declaration of flora road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

4.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the 'Code of Practice for Roadside Conservation and Road Maintenance' prepared by the Roadside Conservation Committee.

4.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA 'flora road' sign.

4.6 Driving only on carriageway of flora roads

(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.

(2) Subclause (1) does not apply where—

- (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
- (b) there is no carriageway; or
- (c) an exemption from the application of subclause (1) has been obtained from the local government.

Division 3—Special environmental areas

4.7 Designation of special environmental areas

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which—

- (a) as protected flora or rare flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

4.8 Marking of special environmental areas

The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

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*Division 4—Planting in thoroughfares***4.9 Permit to plant**

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

4.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 4.9, the local government is to have regard to—

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

*Division 5—Clearance of vegetation***4.11 Permit to clear**

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

4.12 Application for permit

In addition to the requirements of clause 6.1(2), a person making an application for a permit for the purpose of clause 4.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

*Division 6—Fire management***4.13 Permit to burn thoroughfare**

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

4.14 Application for permit

In addition to the requirements of clause 6.1(2), an application for a permit for the purposes of clause 4.13 shall—

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

4.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 4.13 only if the burning of the particular part of the thoroughfare will—

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

4.16 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 4.13 is not to be approved by the local government—

- (a) for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
- (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

*Division 7—Firebreaks***4.17 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

4.18 When application for permit cannot be approved

- (1) The local government is not to approve an application for a permit for the purpose of clause 4.17 where the thoroughfare is less than 20m wide.
- (2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

*Division 8—Commercial wildflower harvesting on thoroughfares***4.19 General prohibition on commercial wildflower harvesting**

Subject to clause 4.20, a person shall not commercially harvest native flora on a thoroughfare.

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4.20 Permit for revegetation projects

- (1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
- (2) The local government may approve an application for a permit under subclause (1) only where—
 - (a) the seed is required for a revegetation project in any part of the district; and
 - (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
- (3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions—
 - (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
 - (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES*Division 1—Stallholders and traders**Subdivision 1—Preliminary***5.1 Interpretation**

In this Division, unless the context otherwise requires—

“**Competition Principles Agreement**” means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

“**public place**” includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property, but does not include premises on private property from which trading is lawfully conducted under a written law.

“**stall**” means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

“**stallholder**” means a person in charge of a stall;

“**stallholder’s permit**” means a permit issued to a stallholder;

“**trader**” means a person who carries on trading;

“**trader’s permit**” means a permit issued to a trader; and

“**trading**” includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and—
 - (i) offering goods or services for sale or hire;
 - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services; or
 - (iii) carrying out any other transaction in relation to goods or services,

but does not include—

- (d) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
- (e) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (f) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (g) the selling or hiring or the offering for sale or hire of—
 - (i) goods by a person who represents a manufacturer of the goods; or
 - (ii) services by a person who represents a provider of the services,
 which are sold directly to consumers and not through a shop.

*Subdivision 2—Permits***5.2 Stallholder’s permit**

- (1) A person shall not conduct a stall on a public place unless that person is—
 - (a) the holder of a valid stallholder’s permit; or
 - (b) an assistant specified in a valid stallholder’s permit.

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- (2) Every application for a stallholder's permit shall—
- (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
 - (c) specify the proposed location of the stall;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
 - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
 - (f) be accompanied by an accurate plan and description of the proposed stall.

5.3 Trader's permit

- (1) A person shall not carry on trading unless that person is—
- (a) the holder of a valid trader's permit; or
 - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall—
- (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
 - (c) specify the location or locations in which the applicant proposes to trade;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
 - (e) specify the proposed goods or services which will be traded; and
 - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

5.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

5.5 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
- (a) any relevant policies of the local government;
 - (b) the desirability of the proposed activity;
 - (c) the location of the proposed activity;
 - (d) the principles set out in the Competition Principles Agreement; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—
- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit;
 - (c) that—
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or
 - (d) that the needs of the district, or the part for which the permit is sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall; or
 - (e) such other grounds as the local government may consider to be relevant in the circumstances of the case.

5.6 Conditions of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—
- (a) the place, the part of the district, or the thoroughfare to which the permit applies;
 - (b) the days and hours during which a permit holder may conduct a stall or trade;
 - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;

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- (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
 - (e) the number of persons and the names of persons permitted to conduct a stall or trade;
 - (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
 - (g) whether and under what terms the permit is transferable;
 - (h) any prohibitions or restrictions concerning the—
 - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
 - (ii) the use of amplifiers, sound equipment and sound instruments;
 - (iii) the use of signs; and
 - (iv) the use of any lighting apparatus or device;
 - (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
 - (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
 - (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
 - (l) the acquisition by the stallholder or trader of public risk insurance;
 - (m) the period for which the permit is valid; and
 - (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorize another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

5.7 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause—

“charitable organisation” means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

“commercial participant” means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—

- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
- (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Subdivision 3—Conduct of stallholders and traders

5.8 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading shall—

- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Weights and Measures Act 1915*.

(2) A stallholder or trader shall not—

- (a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader.
- (b) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
- (c) act in an offensive manner;
- (d) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
- (e) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

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PART 6—PERMITS

Division 1—Applying for a permit

6.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

6.2 Decision on application for permit

- (1) The local government may—
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

Division 2—Conditions

6.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

6.4 Imposing conditions under a policy

- (1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 6.2(1)(a).
- (2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 6.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

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6.5 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

*Division 3—General***6.6 Duration of permit**

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 6.10.

6.7 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of—

- (a) this Part; and
- (b) any other provision of this local law relevant to the permit which is to be renewed,

shall apply to an application for the renewal of a permit *mutatis mutandis*.

6.8 Transfer of permit

(1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—

- (a) an endorsement on the permit signed by the CEO; or
- (b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

6.9 Production of permit

A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

6.10 Cancellation of permit

(1) Subject to clause 7.1, a permit may be cancelled by the local government on any one or more of the following grounds—

- (a) the permit holder has not complied with a—
 - (i) condition of the permit; or
 - (ii) provision of any written law which may relate to the activity regulated by the permit; or
- (b) if it is relevant to the activity regulated by the permit—
 - (i) the permit holder has become bankrupt, or gone into liquidation;
 - (ii) the permit holder has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.

(2) On the cancellation of a permit the permit holder—

- (a) shall return the permit as soon as practicable to the local government; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 7—OBJECTIONS AND APPEALS**7.1 Application of Part 9 Division 1 of Act**

When the local government makes a decision—

- (a) under clause 6.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

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PART 8—MISCELLANEOUS NOTICES**8.1 Notice to repair damage to thoroughfare**

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

PART 9—ENFORCEMENT*Division 1—Notices given under this local law***9.1 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

*Division 2—Offences and penalties**Subdivision 1—General***9.3 Offences**

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

*Subdivision 2—Infringement notices and modified penalties***9.4 Prescribed offences**

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

*Schedule 1***PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.1(a)	Damaging or interfering with signpost or structure on thoroughfare	300
2.1(b)	Playing games so as to impede vehicles or persons on thoroughfare	100
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	100
2.2(1)(c)	Lighting a fire on a thoroughfare without a permit	300
2.2(1)(d)	Felling tree onto thoroughfare without a permit	100
2.2(1)(e)	Interfering with anything on a thoroughfare without a permit	100
2.3(1)	Consumption or possession of liquor on thoroughfare	100
2.4(1)	Driving or taking a vehicle on a closed thoroughfare	300

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Clause	Description	Modified Penalty \$
3.1(1)	Animal or vehicle obstructing a public place or local government property	100
3.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	100
3.2(2)(b)	Animal on public place with infectious disease	100
3.2(2)(c)	Training or racing animal on thoroughfare in built-up area	100
3.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	100
4.6(1)	Driving a vehicle on other than the carriageway of a flora road	200
4.9	Planting in thoroughfare without a permit	200
4.11	Failure to obtain permit to clear a thoroughfare	500
4.13	Burning of thoroughfare without a permit	500
4.17	Construction of firebreak on thoroughfare without a permit	500
4.19	Commercial harvesting of native flora on thoroughfare	500
4.20(1)	Collecting seed from native flora on thoroughfare without a permit	300
5.2(1)	Conducting of stall in public place without a permit	300
5.3(1)	Trading without a permit	300
5.8(1)(a)	Failure of stallholder or trader to display or carry permit	100
5.8(1)(b)	Stallholder or trader not displaying valid permit	100
5.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100
5.8(2)	Stallholder or trader engaged in prohibited conduct	100
6.5	Failure to comply with a condition of a permit	100
6.9	Failure to produce permit on request of authorized person	100
9.1	Failure to comply with notice given under local law	100

Dated this 25th day of November 1999.

The Common Seal of the Shire of West Arthur was affixed by authority of a resolution of the Council in the presence of—

R. K. SAUNDERS, President.
N. C. WASMANN, Chief Executive Officer.

30 December 1988]

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2. Subject to Paragraph Four (4) hereof all owners or occupiers of land within the Shire of Nungarin shall provide and maintain firebreaks during the firebreak period as prescribed in these by-laws.

Rural Land: To a width of Three metres wide inside and along all external boundaries of land and around areas of not more than 200 ha (500 acres) owned or occupied by you; and to a width of two metres wide around all buildings, haystacks and fuel storage areas.

Firebreaks may be ploughed, scarified or otherwise cleared of all debris of a flammable nature and must be maintained free of such materials.

Townsite Land—

(a) Where area of land is 5 000 square metres or less the Land shall be cleared of all flammable material and maintained free of such material.

(b) Where area of land exceeds 5 000 square metres a firebreak of not less than two metres wide shall be cleared of all flammable material and maintained free of such material, inside the external boundaries of that land, notwithstanding that where the common boundary adjoins a constructed road, the installation of the said firebreak is optional.

3. Licensed Fuel Depots and Ramps: Fire protection standards at all licensed fuel depots within the Shire of Nungarin will be in compliance with all the requirements of the Explosives and Dangerous Goods Act 1961 and the Flammable Liquids Regulations 1967.

All grass and similar flammable materials to be cleared from areas where drum ramps are located and where drums, full or empty, are stored and such areas maintained clear of grass and similar flammable materials.

4. If it is considered impractical to clear firebreaks or remove flammable material from the land as required by these By-Laws application may be made in writing to the Council or its duly authorised officer for permission to provide firebreaks in alternative positions. If permission is not granted by the Council or its duly authorised officer the requirements of these By-laws shall be complied with.

5. If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act 1954.

6. Penalty for Non-Compliance: A fine not exceeding \$1 000 and in default the Council may enter upon the land and perform the requisite works at the cost of the owner or occupier.

Dated this 31st Day of August, 1988.

The Common Seal of the Municipality of the Shire of Nungarin was affixed hereto in the presence of—
[L.S.]

R. R. CREAGH,
Shire President.

P. J. VARRIS,
Shire Clerk.

Recommended—

IAN TAYLOR,
Minister for Police and Emergency Services.

Confirmed by His Excellency the Governor in Executive Council this 20th day of December 1988.

G. PEARCE,
Clerk of the Council.

BUSH FIRES ACT 1954

Municipality of the Shire of West Arthur

By-laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades.

IN pursuance of the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the Shire of West Arthur hereby records having resolved on the 18 August 1988, to make and submit for confirmation by the Governor, the following by-laws.

The by-laws published in the *Government Gazette* dated 21 March 1941 at page 361 and as amended in the *Government Gazette* dated 28 September 1960, relating to the establishment, maintenance and equipment of Bush Fires Brigades are hereby repealed and replaced by the following:

Establishment of Brigade

1. (a) By resolution, the Council may establish, maintain and equip a bush fire brigade under the provisions of the Bush Fires Act 1954 and regulations thereunder. The brigade shall be formed in accordance with these by-laws; and a name shall be given to the brigade. Details of the brigade and its officers shall be entered in the register of Bush Fire Brigades held by Council.

(b) A bush fire brigade may be established for the whole of the Shire or for any specified area thereof.

Appointment of Officers

2. The Council shall appoint a captain, a first lieutenant, a second lieutenant and such additional lieutenants as it shall deem necessary to act as Officers of the brigade.

3. Members of the Brigade shall elect a person to act as Secretary to the Brigade and shall inform the Council accordingly.

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4. The Council may appoint an equipment officer who shall be responsible for the custody and maintenance in good order and condition of all equipment and appliances acquired by the Council for the purpose of the brigade. Such officer may station such equipment at a depot approved by the captain.

Powers and Duties of Officers

5. The powers and duties of all officers appointed under these by-laws shall be laid down in the provisions of the Bush Fires Act 1954 and each officer so appointed shall be supplied with a copy of the Act and regulations.

Membership of Brigade

6. (1) The membership of a bush fire brigade may consist of the following:
- subscribing members; and
 - firefighting members.
- (2) Subscribing members shall be those persons, who being interested in forwarding the objects of the brigade, pay an annual subscription to the funds of the brigade at the following rates:
- owner or occupier of land within the brigade area—minimum subscription of \$1.00
 - other persons—minimum subscriptions of \$0.50
- (3) Firefighting members shall be those persons, being able bodied persons over 15 years who are willing to render service at any bush fire when called upon; and who sign an undertaking in the form contained in the First Schedule to these by-laws.
- (4) No fees or subscriptions shall be payable by firefighting members and the enrolment of persons as such members shall in every case be subject to the approval of the Council.
- (5) A subscribing member shall be eligible for enrolment as a firefighting member.

Finance

7. The expenditure incurred by the Council in the purchase of equipment, payment for services and generally for the purpose of this Act, shall be a charge on the ordinary revenue of the Council and records of such expenditure shall be maintained in accordance with Municipal audit requirements.

Meetings of Brigades

8. Meetings will be held as necessary.

First Schedule

Form of Enrolment—Firefighting Member

I, the undersigned,
hereby make application to be enrolled as a firefighting member of the Bush Fire Brigade.
My Private address is
My Business address is
I can be contacted on Telephone No.
I hereby declare that I am over years of age and in good health.
On enrolment as a firefighter member. I hereby undertake:

- To promote the objects of the brigade as far as shall be in my power.
- To be governed by the provisions of the constitution, such By-Laws and regulations as may from time to time be made thereunder.
- To use my best endeavour to give assistance in firefighting measures when called upon and on such occasions to obey all orders and instructions issued by duly authorised officers of the brigade.

Applicant's Signature.....
Date.....

Dated this 18th day of August, 1988.
The Common Seal of the Shire of West Arthur was
hereto affixed in the presence of
[L.S.]

K. M. McINERNEY,
President.
G. S. WILKS,
Shire Clerk.

Recommended—

IAN TAYLOR,
Minister for Emergency Services.

Approved by His Excellency the Governor in Executive Council this 20th day of December 1988.

G. PEARCE,
Clerk of the Council.

24 June 1997]

GOVERNMENT GAZETTE, WA

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LOCAL GOVERNMENT ACT 1995*THE SHIRE OF WEST ARTHUR***LOCAL LAWS RELATING TO PARKING AND USE OF VEHICLES****Interpretation****1. In these Local laws, unless the context requires otherwise—**

- “Authorised vehicle” means a vehicle authorised by the Council;
- “Carriageway” means a portion of a street that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders and areas, including embayments, at the side of centre of the carriageway used for the standing or parking of vehicles and where a street has two or more of these portions divided by a median strip, the expression means each of these portions separately;
- “Chief Executive Officer” means the Chief Executive Officer of the Council;
- “Council” means the Shire of West Arthur Council;
- “Crossover” means a pavement to the specification fixed by Council for use by vehicles over the verge from the carriageway to the nearest property line;
- “Driver” includes rider and the person in charge of a vehicle;
- “Footway” includes every footpath, lane or other place intended for use of pedestrians only, or habitually used by pedestrians and not by vehicles, except cycles where the path is set aside for dual use by both cyclists and pedestrians;
- “Inspector” means a Parking Inspector appointed by the Council under these Local laws;
- “Local Government” means the Shire of West Arthur;
- “No Parking Area” means a portion of a carriageway that lies between two consecutive white signs inscribed with the words “No Parking”, in red lettering, and each with an arrow pointing generally towards the other item;
- “Notice” means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to Local law 35;
- “Owner” of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;
- “Park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law or of immediately taking up or setting down persons or goods, and “parking” has a correlative meaning;
- “Parking area” means a portion of a carriageway between two consecutive white signs inscribed with the word “Parking”, in green lettering, each with an arrow pointing generally towards the other of them.
- “Parking region” means streets and reserves and any private land in respect of which the owner or occupier from time to time requests the Council to control parking under these Local laws within the Scheme Area of the Shire of West Arthur Town Planning Scheme;
- “Parking stall” means a section or part of a street or of a reserve car park which is marked or defined by painted lines, by metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked whether on payment of a fee or charge or otherwise;
- “Property line” means the boundary between the land comprising a street and the land that abuts thereon;
- “Reserve” means any land, other than street reserves, owned by, vested in or otherwise under the care, control or management of the Local Government;
- “Reserve car park” means any portion of a reserve set aside by the Council for the purpose of the standing or parking of vehicles whether on payment of a fee or charge or otherwise;
- “Sign” means a traffic sign, mark, structure or device placed or erected on or near a street or reserve or within a reserve car park for the purpose of regulating, guiding or directing traffic;
- “Stand” in relation to a vehicle means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law and “standing” has a correlative meaning;
- “Street” has the meaning given to it by the Act;
- “Vehicle” includes any vehicle (excluding wheelchairs) which comes within the interpretation of that expression in the Road Traffic Act;
- “Verge” means that portion of a street which lies between the carriageway and the nearest property line.

2. In these Local laws a reference to the Council having the power to do something in its discretion and subject to any condition it thinks fit shall be deemed to include a reference to any person, committee or body to whom the Council has delegated the power or the doing of the thing exercising such discretion and imposing any conditions thought fit.

Council Powers to Control Parking and Erect Signs

3. The Council may provide for and control the standing and parking of vehicles within the parking region.
4. Any sign that was lawfully erected prior to the coming into operation of these Local laws and relates to the standing or parking of vehicles within the parking region shall be deemed, for the purposes of these Local laws, to have been erected by Council under the authority of these Local laws.
5. Where under these Local laws the standing or parking of vehicles in a street is controlled by a sign, such sign shall be read as applying to that part of the street which—
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign beyond that sign;
 - (c) is that side of the carriageway of the street nearest to the sign.
6. An inscription on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under these Local laws.
7. A person shall not without the authority of the Council mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these Local laws.
8. A person shall not remove, damage, deface or misuse any sign or attempt to do such acts.
9. A person shall not, without the permission of the Council, affix any board, sign, placard, notice or other thing to or paint or write upon any part of a sign.

Standing or Parking of Vehicles in Street

10. Subject to Local law 11 a person standing or parking a vehicle in a street shall stand or park it—
 - (a) on a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the carriageway on which the vehicle is standing or parked.
 - (b) on a one-way carriageway, so that it is as near as practicable to and parallel with, either boundary of the carriageway and headed in the direction of the movement of traffic.
11. (1) Where a traffic sign associated with a parking area is not inscribed with the words "Angle Parking" then—
 - (a) where the parking area is adjacent to the boundary of a carriageway, a person standing a vehicle in the parking area shall stand it as near as practicable to and parallel with, that boundary;
 - (2) Where a traffic sign associated with a parking area is inscribed with the words "Angle Parking" a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the inscription on the sign or by marks on the carriageway.
12. Where a street is provided with parking stalls set at an angle to the kerb a person shall not stand a vehicle or permit a vehicle to stand on such street otherwise than wholly within a parking stall and as close to the kerb as is practicable.
13. A person parking a vehicle on a street shall park it—
 - (a) so that at least 3 metres of the width of the street is available for the passage of other vehicles;
 - (b) so that it is not less than 1.2 metres from any other vehicle, except a motor bicycle or a bicycle parked in accordance with these Local laws;
 - (c) so that it does not cause any undue obstruction on the street.
14. A person shall not stand a vehicle or permit a vehicle to stand in a street—
 - (a) in a parking area, other than in a manner indicated by the inscription on the sign or signs associated with the parking area and where the parking area includes parking stalls, except as in these Local laws provided, with reference to such parking stall;
 - (b) in a parking area contrary to any limitation in respect of time, days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area.
15. A person shall not park a vehicle in a street—
 - (a) in a "No Parking" area;
 - (b) partly within and partly outside a parking area, unless directed to do so by an Inspector or a member of the Police Force;
 - (c) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a street;
 - (d) if the vehicle is exposed for sale.
16. A person shall not stand or park a vehicle in a street so that any portion of the vehicle is—
 - (a) between any other standing vehicle and the centre of the carriageway;
 - (b) obstructing a right of way, passage or private drive or carriageway or so close thereto as to deny vehicles reasonable access to or egress from the right of way, passage or private drive or carriageway;
 - (c) in front of a footway constructed across a reservation;
 - (d) on any footway or pedestrian crossing;

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- (e) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or a fire plug;
 - (f) within 3 metres of a public letter pillar box, unless the vehicles being used for the purpose of collecting postal articles from the pillar box;
 - (g) within 6 metres of the nearer property line of any street intersecting the street on the side on which the vehicle is standing;
17. Subject to Local law 18 and 19 a person shall not drive or park or cause a vehicle to be driven or parked on a verge.
18. Local law 17 does not apply to a vehicle driven or parked on a crossover or other usual accessway to land adjoining a carriageway provided that such vehicle is driven or parked at right angles to the carriageway and not parked on or near a footway so as to cause an obstruction.
19. Local law 17 does not apply to the owner or occupier of the adjoining property or if the vehicles owner has the permission of the property owner or occupier, provided that—
- (a) A private vehicle is not parked on the street verge for more than 24 hours without being moved.
 - (b) Vehicles over eight metres in length are not parked on the street verge for more than one hour in any 24 hour period.
 - (c) A vehicle is not parked on the verge to effect repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a street.
 - (d) A vehicle is not parked on the verge to be wrecked.

Parking and Use of Vehicles on Reserves

20. A person, other than an employee of the Council carrying out official duties, shall not, without the permission of the Council, drive, ride, stand or park a vehicle on any portion of a reserve which is not set aside or intended for vehicular use.
21. Subject to Local law 20 a person shall not drive or ride a vehicle on any road or carriageway at a speed in excess of any maximum set by the Council and indicated by signs.
22. A person shall not stand or park a vehicle in any area of a reserve contrary to any prohibitions, regulations or restrictions indicated by the inscription on a sign or signs on or associated with the area.
23. A person shall not stand or park a vehicle so as to obstruct an entrance to, an exit from or a thoroughfare within a reserve or a reserve carpark or beyond the limits of any defined right-of-way within a reserve car park.

Standing and Parking of Vehicles Generally

24. A person shall not stand or park a vehicle or permit a vehicle to stand in a street or reserve carpark—
- (a) which is by any sign thereon or adjacent thereto set apart for the standing or parking of vehicles of a different class;
 - (b) if by any sign the standing of vehicles is prohibited or restricted during any period or periods, during such period or periods;
 - (c) which is by any sign designated "Authorised Vehicles Only" or "Council Vehicles Only", unless the person first obtains the permission of the Council, the Chief Executive Officer or an Inspector.
25. A person shall not stand or park a vehicle on any part of a street or reserve if an Inspector or member of the Police Force directs the driver to remove it.

Miscellaneous

26. The Council may appoint such of its officers as it deems necessary as Inspectors for the purposes of these Local laws.
27. Inspectors appointed by the Council are authorised—
- (a) to take all reasonable necessary steps to enable the Local laws to be given full force and effect;
 - (b) to initiate and conduct prosecutions as directed by the Council or the Chief Executive Officer from time to time.
28. An Inspector shall be furnished with a certificate of appointment in a form determined by the Council from time to time.
29. An Inspector shall on demand show a certificate of his or her appointment.
30. A person who is not an Inspector shall not in any way assume the duties of an Inspector.
31. A person shall not in any way obstruct or hinder an Inspector in the execution of his or her duties.
32. An Inspector may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his or her duties and powers and a person shall not remove such a mark made by an Inspector so that the purpose of affixing the mark is defeated or likely to be defeated.
33. An Inspector who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of these Local laws may demand from that person his or her name and place of abode.
34. A person who refuses a demand from an Inspector to state his or her name or place of abode, or who states a false name or place of abode, commits an offence.

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35. (1) A notice served under section 9.13 of the Act in respect of an offence alleged to have been committed against any provision of these Local laws shall be in or to the effect of Form 1 in the First Schedule.

(2) An infringement notice served under section 9.16 of the Act in respect of an offence alleged to have been committed against any provision of these Local laws shall be in or to the effect of Form 2 in the First Schedule.

(3) A notice sent under section 9.20 of the Act withdrawing an infringement notice served under that section in respect of an offence alleged to have been committed against any provision of these Local laws shall be in or to the effect of Form 3 in the First Schedule.

36. A person, other than the driver of the vehicle, shall not remove from the vehicle any notice affixed thereto or left therein or thereon by an Inspector.

37. The amount appearing in the final column of the Third Schedule directly opposite the offence described in that Schedule is the modified penalty for that offence if dealt with under section 9.16 of the Act.

38. The Council shall cause adequate records to be kept of all infringement notices served and modified penalties received under section 9.16 of the Act in respect of offences against these Local laws.

39. A penalty for an offence against these Local laws (not being a modified penalty) may be recovered by the Council by taking proceedings against the alleged offender in a Court of Petty Sessions.

40. Any person who contravenes or fails to comply with any provision of these Local laws commits an offence and is liable on conviction to a penalty not exceeding \$200.

First Schedule

Form 1

LOCAL GOVERNMENT ACT 1995

Shire of West Arthur

Local Laws Relating to Parking and Use of Vehicles

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To: _____ Date _____
 _____ Notice No. _____
 _____ Ranger No. _____
 _____ Registration No. _____
 _____ Amount Due \$ _____

It is alleged that the above vehicle did in contravention of the provisions of Local law No of the Shire of West Arthur Parking and Use of Vehicle Local Laws.

You are hereby required to identify the person who was the driver or person in charge of the above vehicle at the time when the above offence is alleged to have been committed.

Unless within twenty-eight (28) days after the date of the service of this notice you—

- (a) inform the Chief Executive Officer of the Shire of West Arthur in writing as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the offence; or was being unlawfully used at the time of the above offence.
- (b) satisfy the Chief Executive Officer of the Shire of West Arthur that the above vehicle had been stolen or was being unlawfully used at the time of the above offence.

YOU WILL IN THE ABSENCE OF PROOF OF THE CONTRARY, BE DEEMED TO HAVE COMMITTED THAT ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Chief Executive Officer, Shire of West Arthur.

First Schedule

Form 2

LOCAL GOVERNMENT ACT 1995

Shire of West Arthur

Local Laws Relating to Parking and Use of Vehicles

INFRINGEMENT NOTICE

To: Ranger No.
Notice No.
Date of Service

You are hereby notified it is alleged on the day of at about you did in contravention of the provisions of Local-law No of the Shire of West Arthur Parking and Use of Vehicles Local Laws.

The modified penalty prescribed for this offence is \$

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty eight (28) days of the service of this notice.

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Unless payment is made within twenty eight (28) days of the date of the service of this notice Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$ To the Chief Executive Officer, Shire of West Arthur or by delivering this form and paying the amount at the Administration Centre, Burrowes Street, Darkan between 8:30am and 4:30pm Mondays to Fridays. If payment is not received within twenty eight (28) days of the date of this notice, it will be assumed that you wish to insist on your right to a Court Hearing, and Court proceedings will be issued against you in due course.

Chief Executive Officer, Shire of West Arthur.

First Schedule

Form 3

LOCAL GOVERNMENT ACT 1995

Shire of West Arthur

Local Laws Relating to Parking and Use of Vehicles

WITHDRAWAL OF INFRINGEMENT NOTICE

To: _____ Date _____
 Infringement Notice No. _____ Date _____
 Modified Penalty \$ _____ is hereby withdrawn.
 Signature of Authorised Officer:

Chief Executive Officer, Shire of West Arthur.

Second Schedule

Local law	Nature of Offence	Penalty
12	Parking not wholly within a Parking Stall.	\$20.00
13 (C)	Causing an obstruction	\$30.00
15(a)	Parking in a "No Parking" area.	\$30.00
16(1)b &	Causing an obstruction	\$30.00
16(1)c &	Causing an obstruction	\$30.00
16(1)d	Causing an obstruction	\$30.00
17	Parking or Driving on a Street Verge	\$30.00

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LOCAL GOVERNMENT ACT 1995

SHIRE OF WEST ARTHUR

LOCAL GOVERNMENT PROPERTY LOCAL LAW

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LOCAL GOVERNMENT ACT 1995

SHIRE OF WEST ARTHUR

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of West Arthur resolved on [insert date] to make the following local law.

PART 1—PRELIMINARY

Citation

1.1 This local law may be cited as the Shire of West Arthur Local Government Property Local Law.

Definitions

1.2 In this local law unless the context otherwise requires—

“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit under clause 3.2;

“**authorized person**” means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

“**boat**” means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

“**building**” means any building which is local government property and includes a –

(a) hall or room;

(b) corridor, stairway or annexe of any hall or room; and

(c) jetty;

“**CEO**” means the chief executive officer of the local government;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**date of publication**” means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

“**determination**” means a determination made under clause 2.1;

“**district**” means the district of the local government;

“**function**” means an event or activity characterised by all or any of the following—

(a) formal organisation and preparation;

(b) its occurrence is generally advertised or notified in writing to particular persons;

(c) organisation by or on behalf of a club;

(d) payment of a fee to attend it; and

(e) systematic recurrence in relation to the day, time and place;

“**liquor**” has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

“**local government**” means the Shire of West Arthur;

“**local government property**” means anything except a thoroughfare—

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;

“**Manager**” means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person’s assistant or deputy;

“**permit**” means a permit issued under this local law;

“**permit holder**” means a person who holds a valid permit;

“**person**” does not include the local government;

“**pool area**” means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

“**Regulations**” means the *Local Government (Functions and General) Regulations 1996*;

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“**sign**” includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

“**trading**” means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of—

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

“**vehicle**” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
 - (b) an animal being ridden or driven,
- but excludes –
- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
 - (d) a pram, a stroller or a similar device; and
 - (e) a boat.

Interpretation

1.3 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

Application

1.4 (1) This local law applies throughout the district.

(2) Notwithstanding anything to the contrary in this local law, the local government may—

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

Repeal

1.5 (1) The following local laws are repealed—

By-laws relating to –

Recreation Reserves, published in the Government Gazettes of 10 January 1986 and 8 May 1987; and

Control and Management of Darkan Shire Hall, Equipment and Property, published in the Government gazette of 4 October 1985.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

Determinations as to use of local government property

2.1 (1) The local government may make a determination in accordance with clause 2.2—

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 2—

- (a) are to be taken to have been made in accordance with clause 2.2;
- (b) may be amended or revoked in accordance with clause 2.6; and
- (c) have effect on the commencement day.

Procedure for making a determination

2.2 (1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that—

- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
- (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
- (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

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- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to—
 - (a) consider those submissions; and
 - (b) decide—
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice—
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

Discretion to erect sign

2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

Determination to be complied with

2.4 A person shall comply with a determination.

Register of determinations

2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of a determination

2.6 (1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2—Activities which may be pursued or prohibited under a determination

Activities which may be pursued on specified local government property

2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may—

- (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice—
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—
- (a) the days and times during which the activity may be pursued;

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- (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

Activities which may be prohibited on specified local government property

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—

- (a) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (e) taking or using a boat, or a particular class of boat;
- (f) the playing or practice of—
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
- (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular—

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

(3) In this clause—

“premises” means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3—Transitional

Signs taken to be determinations

2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3—PERMITS

Division 1—Preliminary

Application of Part

3.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2—Applying for a permit

Application for permit

3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall—

- (a) be in the form determined by the local government;
- (b) be signed by the applicant;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

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(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

Decision on application for permit

3.3 (1) The local government may—

- (a) approve an application for a permit unconditionally or subject to any conditions; or
- (b) refuse to approve an application for a permit.

(2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.

(3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

Division 3—Conditions

Conditions which may be imposed on a permit

3.4 (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) compliance with a standard or a policy of the local government adopted by the local government;
- (c) the duration and commencement of the permit;
- (d) the commencement of the permit being contingent on the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (f) the approval of another application for a permit which may be required by the local government under any written law;
- (g) the area of the district to which the permit applies;
- (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
- (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.

(2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –

- (a) when fees and charges are to be paid;
- (b) payment of a bond against possible damage or cleaning expenses or both;
- (c) restrictions on the erection of material or external decorations;
- (d) rules about the use of furniture, plant and effects;
- (e) limitations on the number of persons who may attend any function in or on local government property;
- (f) the duration of the hire;
- (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*;
- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

Imposing conditions under a policy

3.5 (1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

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(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

Compliance with and variation of conditions

3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

*Division 4—General***Agreement for building**

3.7 Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

Duration of permit

3.8 A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

Renewal of permit

3.9 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

Transfer of permit

3.10 (1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

3.11 A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

Cancellation of permit

3.12 (1) Subject to clause 7.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

- (a) condition of the permit; or
- (b) determination or a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—

- (a) shall return the permit as soon as practicable to the CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

*Division 5—When a permit is required***Activities needing a permit**

3.13 (1) A person shall not without a permit—

- (a) subject to subclause 3, hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
- (e) plant any plant or sow any seeds on local government property;
- (f) carry on any trading on local government property unless the trading is conducted—
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or

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- (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stand any vehicle on local government property;
 - (h) conduct a function on local government property ;
 - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (j) light a fire on local government property except in a facility provided for that purpose;
 - (k) parachute, hang glide, abseil or base jump from or on to local government property;
 - (l) erect a building or a refuelling site on local government property;
 - (m) make any excavation on or erect or remove any fence on local government property;
 - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or
 - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

Permit required to camp outside a facility

3.14 (1) In this clause—

“facility” has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit—

- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
- (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

Permit required for possession and consumption of liquor

3.15 (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless—

- (a) that is permitted under the *Liquor Licensing Act 1988*; and
- (b) a permit has been obtained for that purpose.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6—Responsibilities of permit holder

Responsibilities of permit holder

3.16 A holder of a permit shall in respect of local government property to which the permit relates -

- (a) ensure that an authorized person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Licensing Act 1988* for that purpose.

PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour on and interference with local government property

Behaviour which interferes with others

4.1 A person shall not in or on any local government property behave in a manner which—

- (a) is likely to interfere with the enjoyment of a person who might use the property; or
- (b) interferes with the enjoyment of a person using the property.

Behaviour detrimental to property

4.2 (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.

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(2) In subclause (1)—

‘detrimental to the property’ includes—

- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

Taking or injuring any fauna

4.3 (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorized under a written law to do so.

(2) In this clause—

“animal” means any living thing that is not a human being or plant; and

“fauna” means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal—

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

Intoxicated persons not to enter local government property

4.4 A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

No prohibited drugs

4.5 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

*Division 2—Signs***Signs**

4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is—

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY*Division 1—Fenced or closed property***No entry to fenced or closed local government property**

5.1 A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorized to do so by the local government.

*Division 2—Toilet blocks and change rooms***Only specified gender to use entry of toilet block or change room**

5.2 Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

PART 6—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**No unauthorized entry to function**

6.1 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorized, except—

- (a) through the proper entrance for that purpose; and
- (b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7—OBJECTIONS AND APPEALS**Application of Division 1, Part 9 of the Act**

7.1 When the local government makes a decision as to whether it will—

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

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the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 8—MISCELLANEOUS

Authorized person to be obeyed

8.1 A person on local government property shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.

Persons may be directed to leave local government property

8.2 An authorized person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

Disposal of lost property

8.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

Liability for damage to local government property

8.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of—

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where—

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
- (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

(3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

PART 9—ENFORCEMENT

Division 1—Notices given under this local law

Offence to fail to comply with notice

9.1 Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

Local government may undertake requirements of notice

9.2 Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

Subdivision 1—General

Offences and general penalty

9.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

Prescribed offences

9.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Form of notices

9.5 (1) For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

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- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3—Evidence in legal proceedings

Evidence of a determination

- 9.6 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

Schedule 1

PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
2.4	Failure to comply with determination	100
3.6	Failure to comply with conditions of permit	100
3.13(1)	Failure to obtain a permit	100
3.14(3)	Failure to obtain permit to camp outside a facility	100
3.15(1)	Failure to obtain permit for liquor	100
3.16	Failure of permit holder to comply with responsibilities	100
4.2(1)	Behaviour detrimental to property	100
4.4	Under influence of liquor or prohibited drug	100
4.6(2)	Failure to comply with sign on local government property	100
5.1	Unauthorized entry to fenced or closed local government property	100
5.2	Gender not specified using entry of toilet block or change room	100
6.1(1)	Unauthorized entry to function on local government property	100
9.1	Failure to comply with notice	200

Schedule 2

DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1—PRELIMINARY

Definitions

1.1 In these determinations unless the context otherwise requires—

“local law” means the *Local Government Property Local Law* made by the local government;

Interpretation

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

Dated 25th of November 1999.

The Common Seal of the Shire of West Arthur was affixed by authority of a resolution of the Council in the presence of—

R. K. SAUNDERS, President.
N. C. WASMANN, Chief Executive Officer.

11.12 LICENCE AGREEMENT FOR THE INSTALLATION AND USE OF WATER INFRASTRUCTURE

Location:	N/A
Applicant:	N/A
Author:	Tahnee-Lee Lubcke, Projects Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	09/10/2025
Disclosure of Interest:	Nil
Attachments:	1. Water Infrastructure Agreement - A & J South (Confidential) 2. Water Infrastructure Agreement - S & J Angwin (Confidential)

SUMMARY:

Council is requested to approve the execution under common seal of two documents relating to the installation, management and use of water infrastructure on Lot 4578 on Deposited Plan 227772 and Lot 4733 on Deposited Plan 204290 for a period of 10 years.

BACKGROUND:

The Shire of West Arthur is responsible for the installation, maintenance and use of public water infrastructure at locations on both Gorn Road (Lot 4578 on Deposited Plan 227772) and Moodiarrup Road West (Lot 4733 on Deposited Plan 204290). The infrastructure at Gorn Road pertains to a tank situated on private property, with the bore and pump positioned within the road reserve. The infrastructure at Moodiarrup West Road involves a tank and piping on private property, along with a standpipe and bore within the road reserve.

To apply for any funding streams, such as the Community Water Supplies Program (CWSP) offered by the Department of Water and Environmental Regulation, to upgrade this existing water infrastructure, agencies such as these want to see an agreement in place which safeguards the Shire's assets on private property.

COMMENT:

There have been multiple communications with property owners to finalise the agreements to a point where the landowner is satisfied with signing. Each individual agreement is customised to the specific circumstances of the property owner. Having this flexibility in the agreement, allows property owners to form a mutual understanding with the Shire of how the infrastructure will be managed into the future.

These agreements are the first of 6 agreements waiting to be returned to the Shire for the same purpose.

CONSULTATION:

McLeods Lawyers
Private Property Owners
Chief Executive Officer

STATUTORY ENVIRONMENT:

Local Government Act 1995 s9.49A(2)

POLICY IMPLICATIONS:

Shire of West Arthur's Policy Manual – C19 – Execution of Documents and Use of Common Seal

FINANCIAL IMPLICATIONS:

The execution of these documents means that the Shire may be eligible for additional funding opportunities that become available for the upgrade of water infrastructure, providing further water security for residents within the Shire.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2031

Theme: Stable and sustainable agricultural industry and a dynamic and growing business sector

Outcome 2.1 - Improved employment through diversification in Agriculture

Strategy – Investigate water security and development opportunities associated with water sources

Theme: Natural Environment – our natural assets are valued and meet the needs of the community

Outcome 3.2 - Our water resources are well defined and used sustainably

Strategy – Invest in water security and manage existing water resources in a sustainable manner

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Without an agreement, Shire infrastructure on private property may be at risk.
Risk Likelihood (based on history and with existing controls)	Likely (4)
Risk Consequence	Major (4)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	High (16)
Principal Risk Theme	Inadequate asset management
Risk Action Plan (Controls or Treatment Proposed)	Approve proposed arrangements by executing the agreements as presented

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council approve the execution under common seal of the two Category 1B documents attached relating to Licence Agreements for the Installation and Use of Water Infrastructure on Lot 4578 on Deposited Plan 227772 and Lot 4733 on Deposited Plan 204290 respectively, each for a period of 10 years.

CONFIDENTIAL ATTACHMENT
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11.13 VARIATION OF CONTRACT OF SALE - PORTION OF LOT 9001 GROWDEN PLACE

Location:	Portion of Lot 9001 Growden Place, Darkan
Applicant:	Shire of West Arthur
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/10/2025
Disclosure of Interest:	Nil

PURPOSE

The following documents have been prepared in accordance with previous resolutions of the Council and/or the provisions of the *Local Government Act 1995* and other relevant statutes:

- Variation of Contract of Sale of portion of Lot 9001 Growden Place, Darkan between the Shire of West Arthur and Lawrence John Dawson.

It is now proposed that the Council authorise the signing and sealing of these documents.

OFFICER RECOMMENDATION:

That Council authorises the signing and sealing of the attached Variation of Contract of Sale to effect the sale of portion of Lot 9001 Growden Place, Darkan.

Variation of Contract of Sale

This Variation is regarding the Contract of Sale dated 24 August 2023 between the:

Seller: Shire of West Arthur

Buyer: Lawrence John Dawson

Property: Lot 31 on Deposited Plan 406009 and being part of the land comprised in Certificate of Title Volume 2934 Folio 201.

Particulars of Variation

The Buyer and Seller hereby agree that the Contract is varied:

- (a) by deleting clause 2.1 to the Contract and replacing it with the following:

"2.1 Conditions Precedent

The Parties agree that the sale of Lot A is conditional upon:

- (a) the WAPC giving its written approval to the Subdivision within 36 months of the date of this Contract, on terms acceptable to the Seller;
- (b) the WAPC endorsing its approval on the Deposited Plan within 36 months of the date of this Contract; and
- (c) the Deposited Plan being lodged and endorsed by Landgate as being in order for dealings within 6 months after the endorsement of approval by WAPC as described in paragraph (b) above.

(Conditions Precedent)"

Executed by:

DATED _____ of _____ 2025

THE COMMON SEAL of the SHIRE OF WEST ARTHUR was hereunto affixed in the presence of:

SHIRE PRESIDENT

(Print Full Name)

CHIEF EXECUTIVE OFFICER

(Print Full Name)

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Executed by LAWRENCE JOHN DAWSON
in the presence of

Witness Sign

Full Name of Witness

Address

Occupation

Signature of Lawrence John Dawson

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12 CORPORATE SERVICES

12.1 ACCOUNTS FOR PAYMENT - SEPTEMBER 2025

Location:	N/A
Applicant:	N/A
Author:	Kylie Whitaker, Finance Officer
Authorising Officer:	Rajinder S Sunner, Manager Corporate Services
Date:	16/10/2025
Disclosure of Interest:	Nil
Attachments:	1. Accounts for Payment Listing - September 2025 2. Corporate Card Summary Statement - 26 Aug to 25 Sept 2025

SUMMARY:

Council is requested to endorse payments of accounts for September 2025 as listed and note the attached credit card transactions.

BACKGROUND:

The schedule of accounts for payment is included as attachments for Council information.

COMMENT:

If you have any questions regarding payments in the listing, don't hesitate to contact the office before the Council meeting.

CONSULTATION:

No consultation required.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and

- (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
- (i) the payee's name; and
- (ii) the amount of the payment; and
- (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS:

Policy F29 – Purchasing Policy

Policy F2 – Corporate Transaction Cards Policy

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported expenditure is assessed by management as being consistent with the adopted Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management

- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Unauthorised (or incorrectly authorised) payments being made
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Major (4)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	Payments listing provided to Council each month

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. in accordance with section 13 of the Financial Management Regulations of the Local Government Act 1995 and in accordance with delegation, note September 2025 Municipal Fund vouchers 05092025.1-05092025.39, 19092025.1-19092025.22, Licensing, Salaries and Wages, EFT Transfers and Direct Debits totalling \$346,980.87 listed (attached) as approved for payment.
2. note the attached Corporate Credit Card facility transaction summary from 26 August 2025 to 25 September 2025.

**Shire of West Arthur
Creditor Payments
September 2025**

Date	Reference		Amount
3/09/2025	Direct Debit	Aware Super Clearing House	13,422.38
		Fortnightly Superannuation Contributions	
8/09/2025	Direct Debit	Synergy	1,471.04
		CRC - Supply Charge & consumption 15 Jul - 18 Aug 2025	
12/09/2025	Direct Debit	Aware Super Clearing House	11,741.16
		Fortnightly Superannuation Contributions	
15/09/2025	Direct Debit	Rentfind Technologies Pty Ltd	22.00
		Rent Find Monthly Fee	
17/09/2025	Direct Debit	Synergy	375.24
		Lake, Moodiarrup Hall & Duranillin Water - Supply	
		Charge & Consumption 21 Jun - 19 Aug 2025	
19/09/2025	Direct Debit	Bond Administrator	360.00
		Bond for 8 Hillman St, Darkan	
22/09/2025	Direct Debit	Synergy	1,799.09
		Admin, 10 King, Hull Park, 10 Gibbs - Supply Charge	
		& Consumption 04 Jul - 01 Sep 2025	
22/09/2025	Direct Debit	Synergy	1,088.34
		Depot Supply Charge & consumption 04 Jul - 01 Sep 2025	
22/09/2025	Direct Debit	Telstra	45.00
		Mobile, Landlines & Data for Shire facilities to 1/9/25	
24/09/2025	Direct Debit	Synergy	2,140.81
		Streetlights, Darkan Hall, Town Dam - Supply Charge	
		& Consumption 25 Jul - 24 Aug 2025	
24/09/2025	Direct Debit	Telstra	2,916.77
		Mobile, Landlines & Data for Shire facilities to 1/9/25	
25/09/2025	Direct Debit	Aware Super Clearing House	11,600.74
		Fortnightly Superannuation Contributions	
25/09/2025	Direct Debit	Synergy	3,541.21
		Caravan Park, 6 & 22 Hillman, Rail Rsvs, Arthur River Hall,	
		Information Bay - Supply Charge & Consumption	
		03 Jul - 13 Aug 2025	
26/09/2025	Direct Debit	Synergy	212.70
		The Shed - Supply Charge & Consumption	
		03 Jul - 08 Aug 2025	
26/09/2025	Direct Debit	WA Treasury Corporation	12,910.36
		Loan 72 & Loan 73 Capital & Interest - 1st Qtr 2526	
29/09/2025	Direct Debit	Motorpass	13.54
		Management Fees - Darkan & Arthur River Fuel Card	
29/09/2025	Direct Debit	NAB Credit Card	4,297.65
		See attached statement	
30/09/2025	Direct Debit	Synergy	120.18
		Arthur River Historical Site - Supply charge	
		& consumption 03 Jul - 07 Aug 2025	
30/09/2025	Direct Debit	WA Treasury Corporation	16,386.89
		Loan 74 & Loan 75 Capital & Interest - 1st Qtr 2526	

**Shire of West Arthur
Creditor Payments
September 2025**

Date	Reference		Amount
30/09/2025	Direct Debit	National Australia Bank	35.49
		NAB Connect Fee Access & Usage	
30/09/2025	Direct Debit	National Australia Bank	490.95
		Merchant Fee	
30/09/2025	Direct Debit	National Australia Bank	600.00
		Fee Account 086-724508314385	
30/09/2025	Direct Debit	National Australia Bank	10.00
		Fee Account 086852 508314406	
30/09/2025	Direct Debit	National Australia Bank	88.00
		Fee Account 086724 508314385	
11/09/2025	Eft	Salaries and Wages	59,194.21
		Payroll	
25/09/2025	Eft	Salaries and Wages	58,675.37
		Payroll	
5/09/2025	05092025.1	Air Liquide	57.28
		Cylinder Fees	
5/09/2025	05092025.2	Ashantra Pty Ltd atf The Nicholas Family Trust	50.00
		Seniors Meals - Fish	
5/09/2025	05092025.3	Astrotourism WA Pty Limited	3,850.00
		Annual Membership	
5/09/2025	05092025.4	Australia Post	600.65
		12 x boxes of A4 paper & postage expenses August 2025	
5/09/2025	05092025.5	Bell Sharon	330.29
		Reimbursment for seniors meals groceries,	
		admin refreshments	
5/09/2025	05092025.6	Blueforce	1,031.80
		CCTV - Video Software Licence - September 2025	
5/09/2025	05092025.7	Bookeasy Australia Pty Ltd	220.00
		Caravan Park Booking System - August 2025	
5/09/2025	05092025.8	Bunnings Warehouse	263.24
		Insect traps, mouse trap, key storage, masterlock chain	
		security, tent pegs, weather seal for oven	
5/09/2025	05092025.9	CGS Tyres	595.00
		Loader repair & male fitting - Hitachi ZW180 Loader	
5/09/2025	05092025.10	City of Kalamunda	630.95
		Building Services Feb-July 2025	
5/09/2025	05092025.11	Dawson's Diesels	592.68
		Hydraulic hose 1/2 x 2020mm	
5/09/2025	05092025.12	DKM Workplace Solutions	213.40
		Advisory support subscription	
5/09/2025	05092025.13	Duff Electrical Contracting	485.10
		Replace light over bbq & reset light timers	
5/09/2025	05092025.14	Exurban Rural and Regional Planning	10,556.49
		Town Planning Consultancy Services August 2025	

**Shire of West Arthur
Creditor Payments
September 2025**

Date	Reference		Amount
5/09/2025	05092025.15	Filters Plus WA	204.61
		Fuel, air & oil filters	
5/09/2025	05092025.16	Fordham Lamont Vin	635.84
		Reimbursement of Accommodation in Perth night	
		before flight & optus home wifi subscription	
5/09/2025	05092025.17	Fuel Distributors of WA	236.05
		Fuel For AW01	
5/09/2025	05092025.18	Harrington Cr Karen	340.26
		Reimbursement of lunch on airplane &	
		meals during Re-Alliance Summit in NSW	
5/09/2025	05092025.19	Infinitum Technologies Pty Ltd	6,546.98
		Managed Service Agreement - Gold	
5/09/2025	05902025.20	Jet Charge Pty Ltd	418.00
		JET Charge 3 year Maintenance Contract	
5/09/2025	05092025.21	Landgate	32.60
		Certificate of Title Lot 10 on Plan 1621	
5/09/2025	05092025.22	Lane Buck & Higgins	2,563.34
		Settlement for Lot 504 Plan 428507 & disbursements	
5/09/2025	05902025.23	Lewer John	81.00
		Caravan Park Refund	
5/09/2025	05092025.24	Magiq Software Limited	1,110.32
		Error occurred by user during payroll	
5/09/2025	05092025.25	McClure Rebecca Louise	585.34
		Travel to Perth & back to Darkan & reimbursement of	
		Licensing training expenses	
5/09/2025	05902025.26	Mcpest Pest Control	1,980.00
		8 bridges & 3 loading ramps - termite inspection	
		& treatment	
5/09/2025	05092025.27	Narrogin Panel Beating Service	300.00
		Excess Claim Isuzu NLR	
5/09/2025	05092025.28	Officeworks	269.69
		Office Stationery	
5/09/2025	05902025.29	Roslyn King (Cleaning Contractor)	8,916.67
		Cleaning Contractor August 2025	
5/09/2025	05092025.30	SOS Office Equipment	210.36
		Photocopier Billing Job August 2025	
5/09/2025	05092025.31	Spencer David	81.00
		Caravan Park Refund	
5/09/2025	05092025.32	Sprys Meat Market	323.30
		Seniors Meals - Meat	
5/09/2025	05092025.33	Stewart & Heaton Clothing Co Pty Ltd	9,828.71
		PE Fire Brigades	
5/09/2025	05092025.34	Team Global Express	406.77
		SW Isuzu, Stewart & Heaton, Filters Plus &	
		Express Print Freight	

**Shire of West Arthur
Creditor Payments
September 2025**

Date	Reference		Amount
5/09/2025	05092025.35	Techvision Australia Pty Limited	2,979.90
		Microsoft Copilot Subscription 2025-26	
5/09/2025	05092025.36	The Great Awakening Cafe	275.00
		Catering for August Council Meeting	
5/09/2025	05092025.37	WA Contract Ranger Services Pty Limited	3,753.75
		Ranger Services 8-30 August 2025	
5/09/2025	05092025.38	WALGA	1,633.50
		WALGA Conference 2025 - Cr Duncan South	
5/09/2025	05092025.39	Westrac Bunbury	528.34
		Belt & Lamp 2014 Caterpillar Multi Roller	
19/09/2025	19092025.1	AMPAC Debt Recovery (WA)	4,304.16
		Rate Recovery Costs A985	
19/09/2025	19092025.2	Bell Sharon	201.26
		Reimbursement for seniors meals groceries & admin supplies	
19/09/2025	19092025.3	Boardman Hayleigh	344.73
		Caravan Park Refund	
19/09/2025	19092025.4	Bunbury Machinery	309.44
		Seal Kit & freight - 2011 Loader	
19/09/2025	19092025.5	Collie Betta Home Living	1,525.00
		New Fridge - Admin	
19/09/2025	19092025.6	Contract Aquatic	22,110.00
		Pool Management Fee - October-November 2025	
19/09/2025	19092025.7	Darkan Agri Services	13,560.45
		Various items for maint./cleaning of shire buildings	
19/09/2025	19092025.8	Duff Electrical Contracting	314.60
		Tripping a/c circuit in office labour & consumables	
19/09/2025	19092025.9	Express Print	374.00
		DL w/face envelopes x 2000	
19/09/2025	19092025.10	Filters Plus WA	1,483.39
		Radial seal & filters	
19/09/2025	19092025.11	Fleays Store	53.80
		Office refreshments for Aug 25 & milk for playgroup	
19/09/2025	19092025.12	G & M Detergents	2,411.76
		Toilet Rolls, paper towel, disinfectant, hand soap, bin liners for various shire facilities	
19/09/2025	19092025.13	Gardiner Sharon	813.62
		Caravan Park Refund	
19/09/2025	19092025.14	Pederick Engineering	401.06
		Parts & Repairs	
19/09/2025	19092025.15	QHSE Integrated Solutions Pty Ltd T/AS	218.90
		Skytrust intelligence System	
19/09/2025	19092025.16	Shire of Narrogin	393.75
		Regional Environmental Health Officer August 2025	

**Shire of West Arthur
Creditor Payments
September 2025**

Date	Reference		Amount
19/09/2025	19092025.17	Sprys Meat Market	411.14
		Seniors Meals - meat & Gravox	
19/09/2025	19092025.18	Team Global Express	255.96
		SOS Freight for Shire 9/9	
19/09/2025	19092025.19	Techvision Australia Pty Limited	1,974.06
		Monarch Advanced email - March 2025-June 2025	
19/09/2025	19092025.20	The Trustee for Chippy Chad and Co Unit Trust	10,914.20
		Kiosk Installation at Darkan	
19/09/2025	19092025.21	Warren Blackwood Waste	3,139.66
		Recycling & Waste Services August 2025	
19/09/2025	19092025.22	West Arthur Community Resource Centre	552.50
		Drs hours August 2025	
		VOUCHERS	
MUNICIPAL FUND			
		DIRECT DEBIT	85,689.54
		EFT	117,869.58
		05092025.1-05092025.39	63,718.21
		19092025.1-19092025.22	66,067.44
		LICENSING SEPTEMBER 2025 TRANSFERS	13,636.10
		TOTAL	346,980.87

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I, Kylie Whitaker, Finance Officer have reviewed the NAB Visa card payments and confirm that from the descriptions on the documentation provided that:

1. all transactions are expenses incurred by the Shire of West Arthur;
2. all purchases have been made in accordance with the Shire of West Arthur policies and procedures;
3. all purchases are in accordance with the Local Government Act 1995 and associated regulations;
4. no misuse of the corporate card is evident.

Kylie Whitaker
DATE: 1/10/2025



13 WORKS AND SERVICES

Nil

14 REGULATORY SERVICES**14.1 DEVELOPMENT APPLICATION - DARKAN ROADHOUSE FUEL STORAGE**

Author:	Joe Douglas, Planning Consultant
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	26/08/2025
Disclosure of Interest:	Nil
Location:	A684 - Lot 5 on Diagram 2560 & Lot 6 (No.9881) Coalfields Road, Darkan
Applicant:	Harvey Roadhouse Pty Ltd
Owner:	Harvey Roadhouse Pty Ltd (i.e. purchaser as per contract of sale with West 9 Pty Ltd dated 5 August 2024)
Proposal:	Installation and use of a proposed new underground fuel storage tank and associated infrastructure
Attachments:	1. Details of Proposed Development 2. Fully Executed Sale Contract with Lease (under separate cover)

SUMMARY:

This report recommends that Council grant conditional approval to a development application for the installation and use of a proposed new underground fuel storage tank, associated infrastructure and various other minor improvements on the abovementioned properties.

The item was presented to Council at its 25 September ordinary meeting but was laid on the table as a quorum was not achieved at that time.

BACKGROUND:

Harvey Roadhouse Pty Ltd has submitted a development application requesting the Shire's approval to install a new 90,000 litre underground fuel storage tank, associated infrastructure and various other minor improvements on Lot 5 on Diagram 2560 and Lot 6 (No.9881) Coalfields Road, Darkan to support the continued use of the subject land for the purposes of a service station/roadhouse.

When considering the application Council should note the following key points:

- i) Whilst the subject land is listed on Landgate's records as being owned by West 9 Pty Ltd, Harvey Roadhouse Pty Ltd may in accordance with provisions contained in Schedule 2 (i.e. the Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* act as the owner of the land for the purposes of seeking and obtaining development approval given it holds an interest under a formal contract of sale to purchase the land including an interim lease agreement;
- ii) The proposed new 90,000 litre underground fuel storage tank has already been installed on the land without the Shire's formal development approval. The applicant/owner has confirmed this was an unforeseen error on their behalf with all works undertaken in accordance with the specific requirements of a Dangerous Goods Site Licence issued by the Department of Mines, Petroleum

- and Exploration on 8 May 2025. The applicant/owner has paid the Shire all penalty fees applicable to development applications for unauthorised development in accordance with the specific requirements of the *Planning and Development Regulations 2019*; and
- iii) The latest development proposal will, if ultimately approved by Council, supersede two (2) previous development approvals granted in February 2023 and May 2024 that allowed for the installation and use of aboveground fuel storage tanks on the subject land comprising a total combined storage capacity of 79,700 litres including all associated infrastructure and various other minor improvements.

Specific details of the proposed development, including plans, are provided in Attachment 1 to this report.

The subject land is located in the north-eastern part of the Darkan townsite on the northern side of Coalfields Road and comprises a total combined area of approximately 2,024m².

Both lots have historically been developed and used for the purposes of a service station and contain various improvements associated with this use.

All access to/from the land is available via its frontage to Coalfields Road which is a State road under the care, control and management of Main Roads WA.

The subject land does not contain any sites of cultural heritage significance, is not subject to inundation or flooding during extreme storm events, has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone or the Department of Water and Environmental Regulation as being a contaminated site.

COMMENT:

The subject land is classified 'Commercial' zone in the Shire of West Arthur Local Planning Scheme No.2 with the use class 'service station' listed as a discretionary (i.e. 'A') use in the Zoning Table (i.e. the use is not permitted without the local government's development approval following completion of public advertising).

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including Local Planning Scheme No.2 (LPS2), the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the outcomes from public advertising (i.e. no objections raised). This assessment has confirmed the proposal is compliant or capable of compliance with the following relevant considerations and requirements:

- The general aims, objectives and provisions of LPS2 including those specific to all land classified 'Commercial' zone;
- WAPC Development Control Policy 5.1 entitled 'Regional Roads (Vehicular Access)';
- Land capability and suitability including possible risks to human health and safety;
- Land use compatibility;
- Amenity of the locality including potential environmental, visual and social impacts;
- Maintenance of existing services of benefit to the local community;
- Protection of the natural environment, water resources and cultural heritage significance;
- Traffic safety including vehicle access and parking; and
- Flood, stormwater drainage and bushfire risk management.

Notwithstanding the above conclusion Council should note the following key points:

- i) A new covered sitting area for customers is proposed to be constructed at the front of Lot 6 immediately adjacent to its western side boundary. Whilst the location of this proposed structure is acceptable no specific details regarding its height dimensions, architectural styling, building materials and colours, or stormwater drainage management arrangements were provided in support of the application to assist the planning assessment process. As such it is recommended Council impose a condition on any development approval granted requiring detailed plans for

- this proposed structure to be prepared and submitted to the Shire for consideration of endorsement by the Shire's Chief Executive Officer prior to its construction.
- ii) Whilst the submission received from the Darkan Hotel during the mandatory public advertising process raised no objections to the proposed development, a number of queries and concerns were raised. A formal response to this submission has been prepared by the Shire Administration and sent to the Darkan Hotel. The recommendation for approval provided below includes a number of conditions that address all concerns raised by the Darkan Hotel that are of direct relevance to the proposed development and capable of being managed and controlled.

In light of all the above findings it is concluded the latest development proposal for Lots 5 and 6 is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in a proper and orderly manner.

An alternative to the recommendation for conditional development approval provided below is not considered necessary or recommended for the following reasons:

- i) The proposal is well founded, permissible and has scope to be approved immediately subject to compliance with a number of conditions to ensure it proceeds in a proper and orderly manner; and
- ii) The applicant/owner is obliged to address/satisfy all other statutory and regulatory requirements applicable to the proposed development to ensure it has no negative impacts.

CONSULTATION:

The application was advertised for public comment in accordance with the procedural requirements of clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the minimum required period of 14 days. At the conclusion of public advertising a total of two (2) submissions had been received with no objections raised (i.e. Caro Telfer and Darkan Hotel).

Referral of the application to State government agencies and essential service providers for review and comment was not considered necessary.

The application was also the subject of discussions with the Shire's Chief Executive Officer.

STATUTORY ENVIRONMENT:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of West Arthur Local Planning Scheme No.2*

POLICY IMPLICATIONS:

- *WAPC Development Control Policy 5.1 - Regional Roads (Vehicular Access)*

FINANCIAL IMPLICATIONS:

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are accounted for in the Shire's annual budget and have been offset in full by the development application fee paid by the applicant/owner. All costs associated with the proposed development will be met by the applicant/owner.

It is significant to note should the applicant/owner be aggrieved by Council's final decision in this matter they have the right to seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular case given the recommendation for conditional approval, the Shire would need to respond. The cost to respond to an appeal cannot be

determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST and possibly more depending upon how far the matter proceeds through the review process.

STRATEGIC IMPLICATIONS:

The proposed development is generally consistent with the following elements of the Shire's Local Planning Strategy (2006), Draft Joint Local Planning Strategy (2024), Strategic Community Plan Towards 2031, Corporate Business Plan 2021-2025 and Economic Development Strategy 2023-2033.

Local Planning Strategy (2006)

- Section 5.4 - Consolidation of commercial activities within the general confines of the established town centre are in Darkan; and
- Section 6.3 – Encourage patronage of established businesses.

Draft Local Planning Strategy (2024)

- Section 1.2.2.4 – Support development which enhances a local sense of place, providing attractive, active and vibrant townscapes and streetscapes;
- Section 1.2.3.8 – Support a diverse range of local business and employment opportunities within settlements;
- Section 1.2.4.1 – Protect, conserve and enhance environmental and landscape values for the benefit of current and future generations;
- Section 1.2.4.3 - Manage land use to protect water resources for drinking water, amenity, environmental management, recreation, tourism, agriculture, mining, industry and cultural heritage;
- Section 1.2.5.1 – Provide a safe, efficient and effective movement network for people and freight that is integrated with land uses to provide for better accessibility and sustainability; and
- Section 1.3.2.14 – Support the protection and conservation of sites with significant heritage and cultural values and continue to reflect the Shire's unique heritage.

Strategic Community Plan Towards 2031

Local Economy Outcome 2.2 – A growing, diverse business community;

Local Economy Outcome 2.3 – Existing businesses develop and grow;

Natural Environment Outcome 3.4 – Waste is minimised and environmentally sustainable practices are employed;

Built Environment Outcome 4.2 – Our built infrastructure is well maintained, attractive and inviting; and

Built Environment Outcome 4.4 – Appropriate planning and development.

Corporate Business Plan 2023/24 – 2026/27

Economic Development - Increase in businesses and support and grow tourism in the Shire;

Environmental Health - A safe place to work, live and visit.

Economic Development Strategy 2023-2033

Priority 1: Placemaking and Activation - A vibrant town centre and activated spaces within our townsite;

Priority 3: Business Support - A growing and diverse business community;

Priority 4: Tourism Development - A thriving visitor economy that leverages our natural and heritage assets; and

Priority 6: Investment Attraction - New industry development and diversified job opportunities.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or

negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Development occurs in a manner not consistent with legislative requirements
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure compliance with conditions of approval and other applicable regulations.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That the application for development approval submitted by Harvey Roadhouse Pty Ltd for the installation and use of a proposed new underground fuel storage tank, associated infrastructure and various other minor improvements on Lot 5 on Diagram 2560 and Lot 6 (No.9881) Coalfields Road, Darkan be approved by Council subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. The proposed development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
4. Suitably scaled and detailed plans for the proposed new covered sitting area at the front of Lot 6 immediately adjacent to its western side boundary shall be prepared and submitted to the Shire for consideration of endorsement by the Shire's Chief Executive Officer prior to its construction.
5. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste products or otherwise.
6. No polluted stormwater drainage shall be discharged beyond the boundaries of the land the subject of this approval and/or into any watercourse or drain and shall be so treated and/or absorbed on the land to the satisfaction of the local government's Environmental Health Officer.
7. All external lighting associated with the proposed development shall be designed, baffled and located to prevent any light spill onto adjoining properties and to motorists on Coalfields Road in accordance with Australian Standard AS4282-1997 entitled 'Control of the Obtrusive Effects of Outdoor Lighting' to the satisfaction of the local government in consultation with Main Roads WA.
8. All light and heavy vehicle access to/from the proposed development shall be undertaken in a forward gear only at all times via the subject land's frontage to Coalfields Road unless an alternative means of access is approved by the local government.
9. No vehicle access is permitted on any part of any immediately adjoining property unless otherwise approved by the relevant landowners and the local government.
10. All proposed new vehicle accessways on Lot 5, including the turnaround area at the rear of this lot, driveway access thereto, and the area comprising the proposed new underground fuel storage tank, shall be sealed and drained to the specifications and satisfaction of the local government prior to use of the proposed tank and associated infrastructure.
11. Any proposed new advertising signage shall be provided in accordance with the specific requirements of Schedule 5 of the Shire of West Arthur Local Planning Scheme No.2 unless otherwise approved by the local government following receipt of the required development application.

12. All waste generated during the construction process shall be disposed or recycled at an approved/licensed waste disposal and/or recycling facility. No waste is permitted to be stored and disposed on the land.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/owner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of West Arthur under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012* a building permit application for any proposed new building/s on the land will be required. Please contact the local government's Building Surveyor Mr Peter Hulme on 9257 9941 or peter.hulme@kalamunda.wa.gov.au to confirm the relevant requirements in this regard.
4. The applicant/owner is reminded of their obligation to ensure compliance with the requirements of the *Dangerous Goods Safety Act 2004*, the Australian Dangerous Goods Code 2011 and Australian Standard AS1940 entitled 'The Storage and Handling of Flammable and Combustible Liquids'. For further information please contact the Department of Mines, Petroleum and Exploration.
5. The applicant/owner is responsible for ensuring the correct siting of all structures on the land the subject of this approval. An identification survey demonstrating correct siting and setbacks of structures may be requested by the local government at the applicant's/owner's cost to ensure compliance with this determination notice and all applicable provisions.
6. It is recommended the applicant/owner consider installing a new dividing fence along the common boundary with Lot 4 (No.9889) Coalfields Road, Darkan located immediately east to discourage and prevent unauthorised vehicle and pedestrian access.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of West Arthur Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
8. If the applicant/owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of this determination.

ATTACHMENT 1

Attention: Mr Vin Fordham-Lamont
Chief Executive Officer
Shire of West Arthur

Dear Vin,

We are writing to formally introduce ourselves as the new owners of the Darkan Roadhouse, located at 9881 Coalfields Road, Darkan. As you may know, this roadhouse had been closed for several years, and we took the initiative to reopen the site in January 2025 to once again serve the community with food, fuel, and a selection of daily use items.

This roadhouse is currently the only place in the area where residents and travellers can access both coffee and fuel, making it a vital and convenient service for the local community. We are proud to contribute to the needs of Darkan and surrounding areas by providing these essential services close to home.

We would also like to bring to your attention an honest mistake regarding the redevelopment of the site. While the original development approval from the Shire was for the installation of an above-ground fuel tank, we began work to install an underground fuel tank instead, believing it to be a safer and more suitable option. We also obtained the necessary licensing approval for the underground tank from DEMIRS and are complying fully with all applicable safety requirements for its installation.

We realised our error regarding the Shire's approval after work had already commenced. Due to the timing and the onset of the rainy season, it is challenging to stop the work immediately. We have since spoken with Shire officers, explained the situation, and expressed our willingness to rectify the matter.

We hereby submit a new development application, complete with all the required documentation, to formalise approval for the underground tank.

Additionally, we welcome Shire officers to visit the site at any time to inspect the work in progress and verify compliance with safety standards.

We sincerely apologise for any inconvenience this may have caused and look forward to working closely with the Shire to correct this mistake and ensure full compliance moving forward. Please do not hesitate to contact us 0433567584 or email Darkanroadhouse9881@yahoo.com. if you require further information or clarification.

Thank you for your understanding and support.

Kuldeep singh Walia & Rajvir Kaur Mander
one stop Darkan restaurant
Harvey Roadhouse Pty Ltd,

Kuldeep singh Walia
15-7-25

Owners DetailsName: Harvey roadhouse Pty Ltd t/Tra as one stop Darkan RestaurantABN (if applicable): 84628004035Postal Address: 9881 coalfields RoadDarkanPost Code: 6392Email: darkanroadhouse9881@yahoo.comMobile Number: 0433567584

Home Number: _____

Contact person for correspondence: SINGHSignature: Kuldeep Singh Wahi Date: 15-07-2025Signature: Rajiv Kumar Mander Date: 15-07-2025

The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).

Applicant Details (if different from owner)

Name: _____

ABN (If Applicable): _____

Postal Address: _____

Post Code: _____

Email: _____

Mobile Number: _____

Home Number: _____

Contact person for correspondence: _____

The information and plans provided with this application may be made available by the local government for public viewing in connection with the application.

☒ Yes ☐ No

Signature: _____

Date: _____

Property DetailsLot Number: 5&6House/Street Number: 9881

Location Number: _____

Diagram or Plan Number: 2560Certificate of Title (Vol. Number): 17341518Folio: 130 672

Title encumbrances (e.g., easements, restrictive covenants): _____

Street name: Coalfields RoadSuburb: DarkanNearest Street Intersection: Darkan Rd and Williams -Darkan

Forest to Wheatbelt

Proposed Development (see Note 1)

Nature of development:

☒ Works ☐ Use ☐ Works and Use

Is an exemption from development claimed for part of the development? (see Note 2)

☐ Yes ☐ No

☐ No ☐ Works ☐ Use

Description of proposed works and/or land use:
(refer to information on cover page)

Upgrade of existing fuel system by installing

new Diesel and petrol underground tank total of 90000 Litre and new fuel bowsers

Diesel- 34000 Lt, Unleaded 91-34000 Lt. Pulp98= 16000 Lt

Description of exemption claimed (if relevant):

Nature of any existing buildings and/or land use: Existing Petrol station

Approximate cost of proposed development: 400,000

Estimated time of completion: 15-8-25

Notes

1. Council will determine the land use classification under the Scheme for the proposal.
2. Development which is exempt from needing approval is referenced in Clause 61, Schedule 2 of the Regulations and in Council's Local Planning Policies.
3. Please note the Shire of West Arthur reserves the right to request additional information for specific applications such as truck movements, plans, traffic reports, and acoustic reports. For larger applications the applicant is encouraged to organise an appointment with the Shire Planner prior to lodging.
4. Discussing your development proposal early in the process can avoid unnecessary delays in processing the application. **If you wish to make an appointment, please contact the Shire office on 9736 2222**
5. The publication is intended for general information only. Verification with the original local laws, local planning scheme, and other relevant documents is required for detailed references.
6. In making this application, the owner has acknowledged and agreed that Council Staff may enter the property to undertake a site inspection as part of the processing of this application.

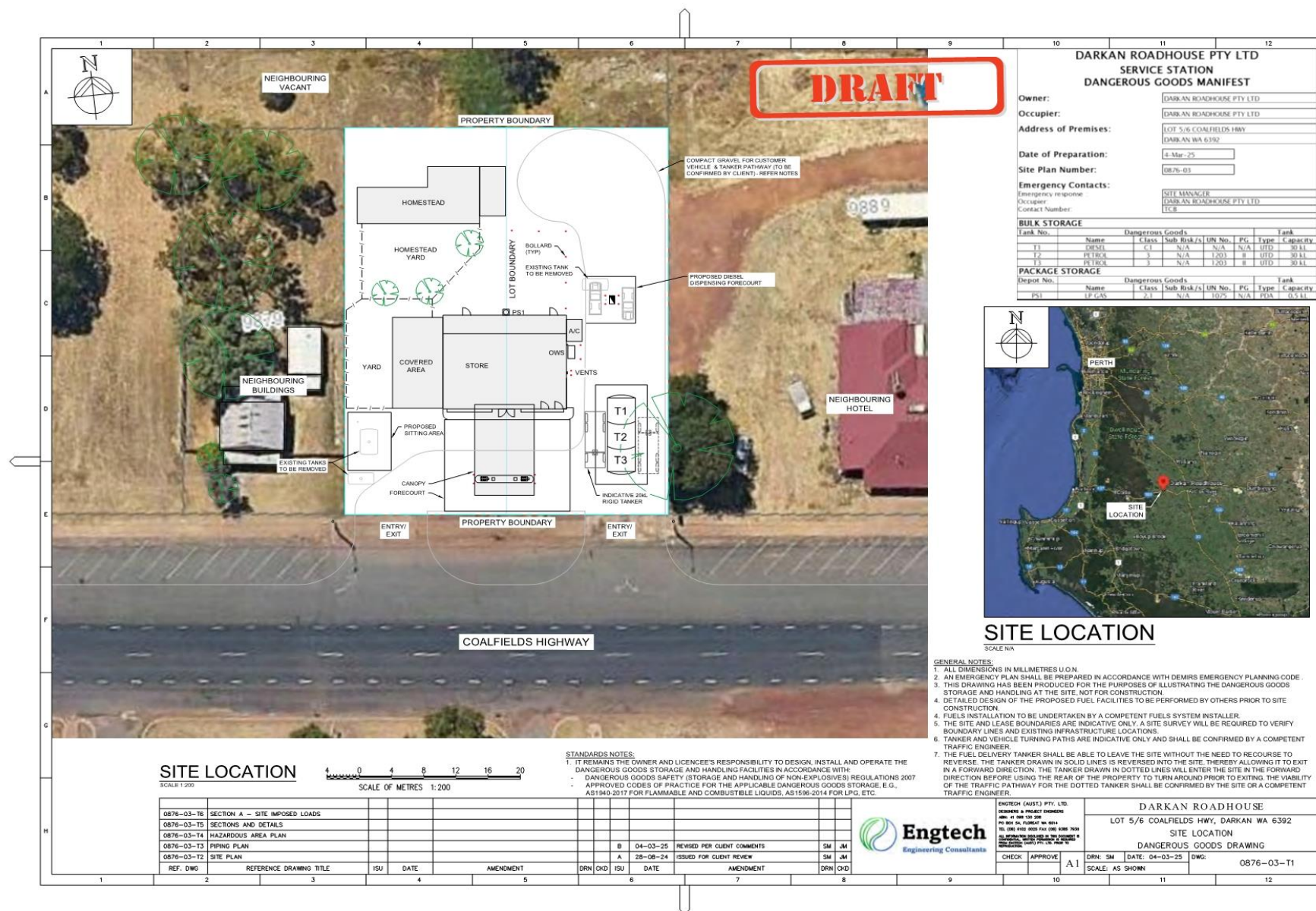
Office Use Only

Acceptance Officer's Initials: _____

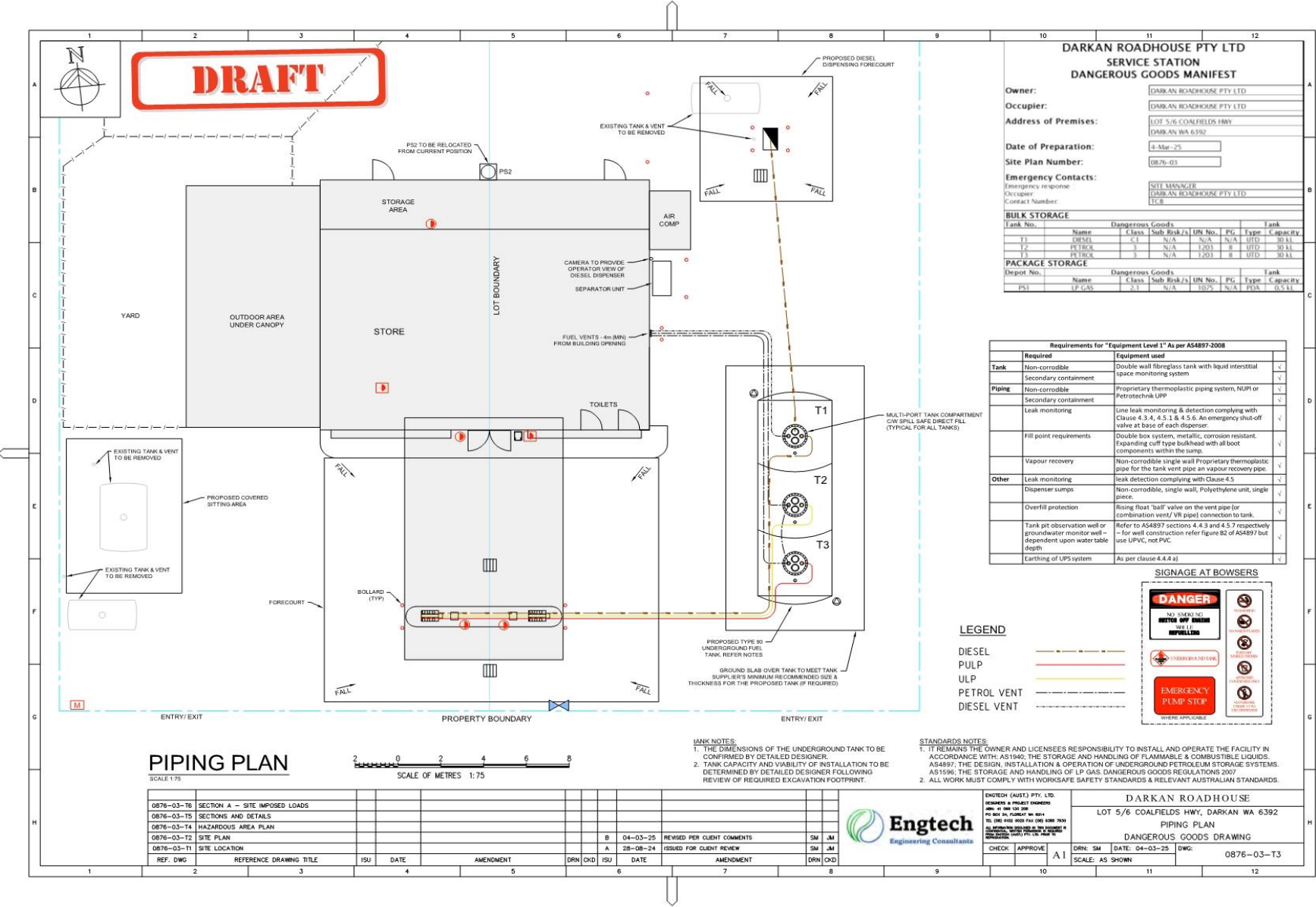
Date received: _____

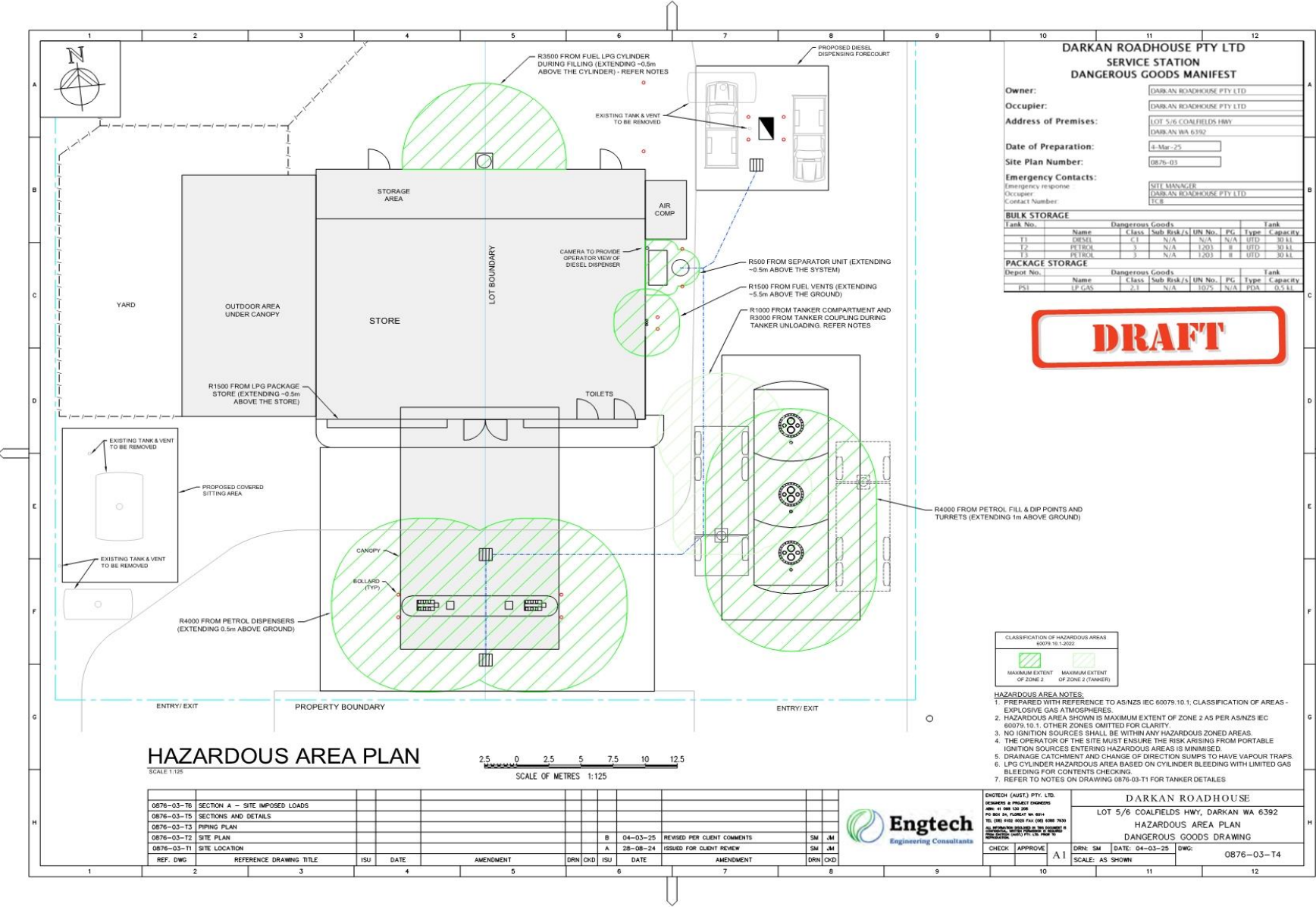
Local government reference number: _____

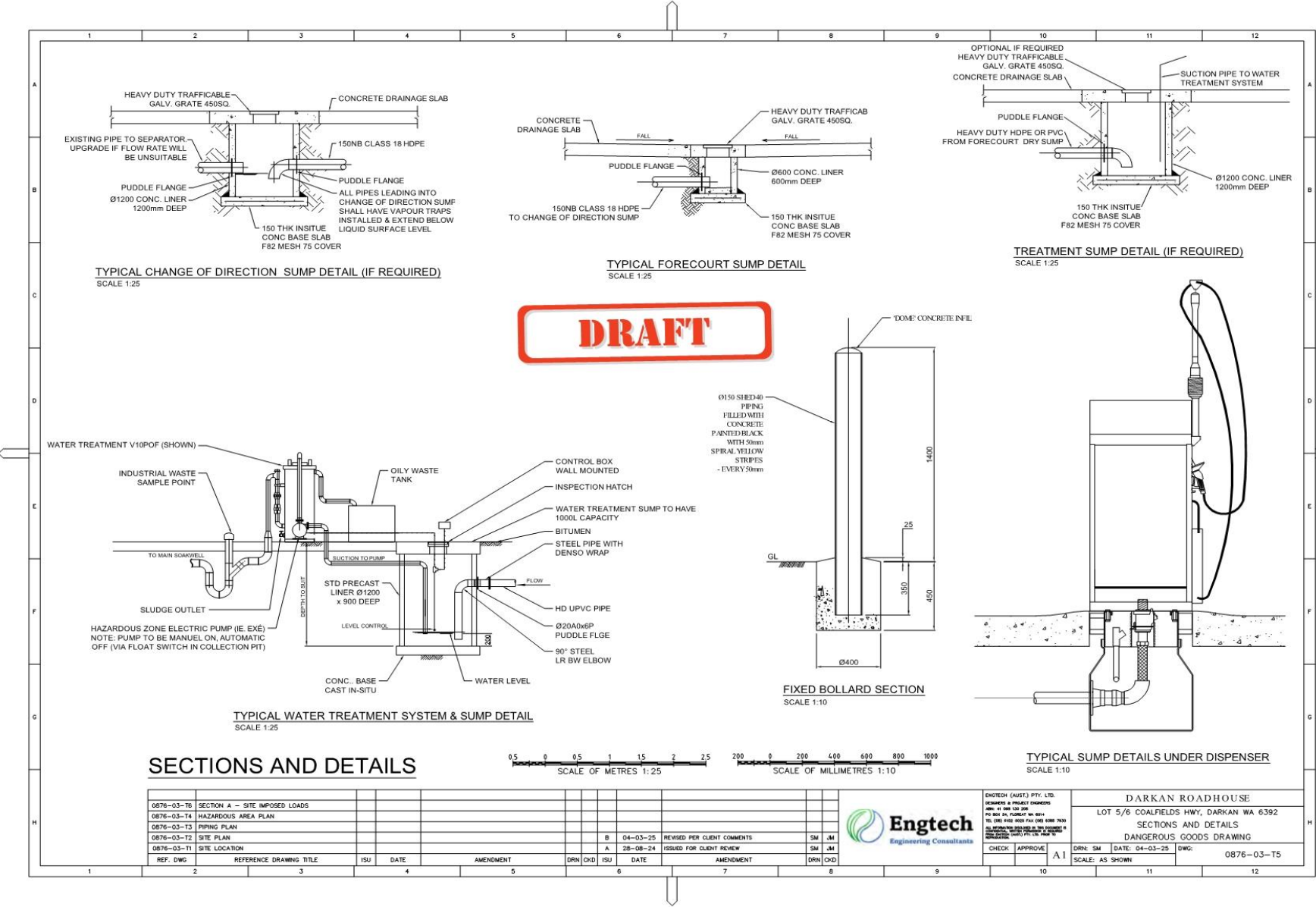
Forest to Wheatbelt

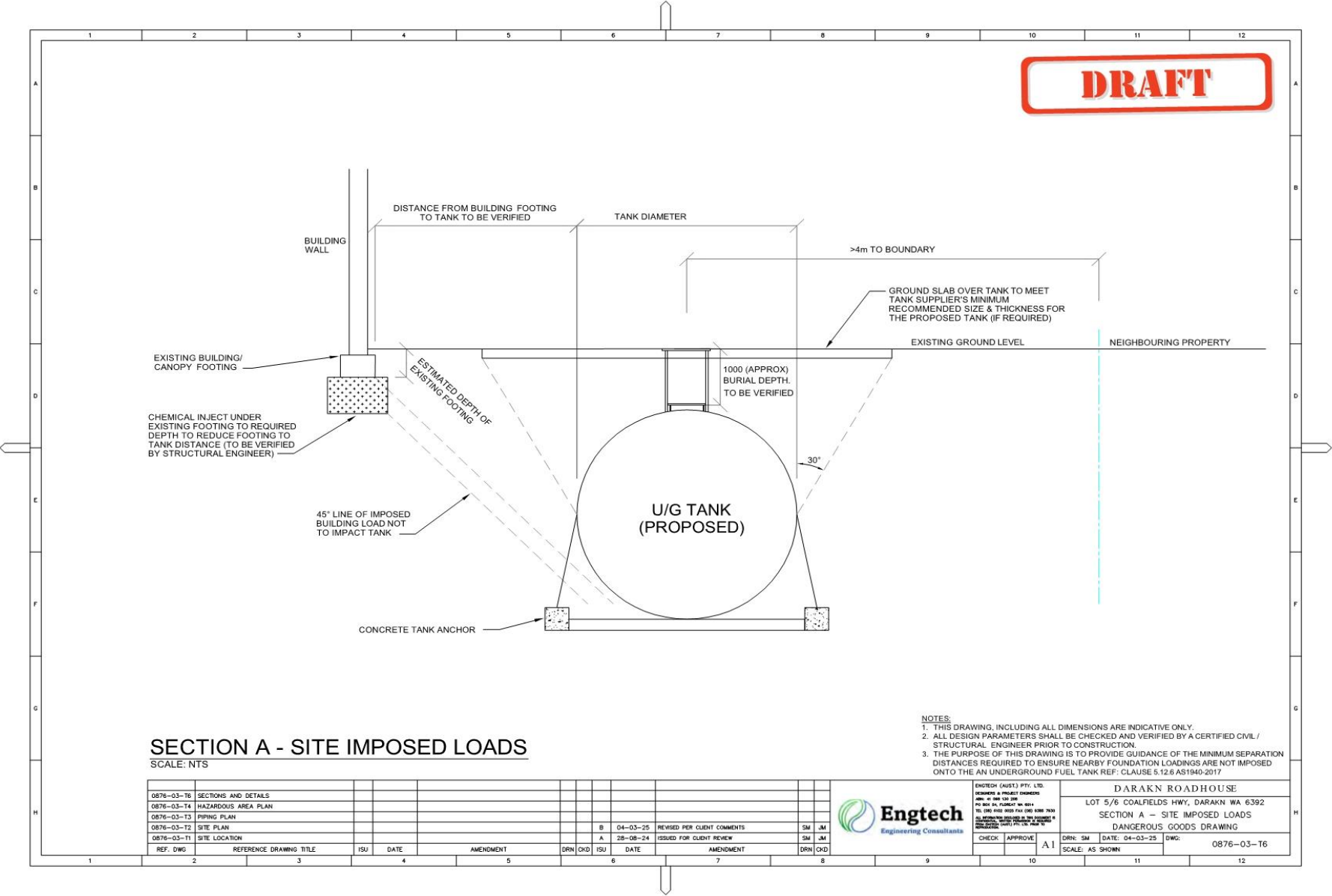














Department of Energy, Mines,
Industry Regulation and Safety
Dangerous Goods Safety

Level 1, 303 Sevenoaks Street, Cannington, WA 6107
Postal address: Dangerous Goods Licensing Branch Locked
Bag 100 East Perth WA 6892
Telephone: (08) 6251 2300
Email: cso@dmirs.wa.gov.au
ABN 69 410 335 356

DANGEROUS GOODS SITE LICENCE

Issued in accordance with the *Dangerous Goods Safety Act 2004* and regulations
GST Exempt – (Div. 81)

Chief Officer Iain Dainty

Licence number DGS023212

Date of issue 08/05/2025

Expiry date 08/05/2030

HARVEY ROADHOUSE PTY LTD
18 SOUTH WESTERN HIGHWAY
HARVEY WA 6220

Business name and address for inspection HARVEY ROADHOUSE PTY LTD
9881 COALFIELDS RD (DARKAN ROADHOUSE LOT 5-6)
DARKAN WA 6392

This licence authorises the holder to store or handle dangerous goods within Western Australia in accordance with the application and any conditions, as specified below.

Products

UN No.	Quantity (kL/t)	Depot type	Proper shipping name	Class / Division	Sub Hazard	Packing group	Depot / Tank ID
1075	0.5 kL	PDA	(LP GAS) PETROLEUM GASES, LIQUEFIED	2.1			PS1
	34 kL	UTD	DIESEL FUEL (COMBUSTIBLE LIQUID)	CL			T1
1203	34 kL	UTD	PETROL	3		II	T2
1203	16 kL	UTD	PETROL	3		II	T3

Legend

kL	Kilolitres	IDA	IBCs (Intermediate Bulk Containers, generally 1000L or kg) outside of a building
t	Tonnes	IDB	IBCs within a building
Sub-risk	Subsidiary risk	PDA	Drum ramp or open area for package storage
BSS	Storage of loose solids in bulk	PDB	Normally a detached shed or building, with more than two walls, for package storage
ETD	Elevated tank (bottom of tank at least 2m above ground level)	PDC	Fully enclosed room within another building, for package storage
GTD	Tank normally at ground level	PTP	Process Plant
GTS	Self bunded ground tank	UTD	Underground tank
TSA	Tanker Storage Area		

Technical conditions

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Receipt

Licence no.	DGS023212	Receipt no.	01-058861
Receipt date	07/05/2025	Amount	\$903.00

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

Nil

17 MATTERS BEHIND CLOSED DOORS**PROCEDURAL MOTION TO CLOSE MEETING TO THE PUBLIC**

That Council considers the confidential report(s) listed below as item 17.1, in a meeting closed to the public in accordance with Section 5.23(2)(b) of the Local Government Act 1995.

17.1 APPLICATION TO CAMP AT 59 HILLMAN STREET, DARKAN

Location:	59 Hillman St, Darkan
Applicant:	Mr D. Reinhold
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/10/2025
Disclosure of Interest:	Nil
Attachments:	1. Application for Approval to Camp at Other than a Caravan Park 2. Correspondence from Minister for Local Government 3. Email to Mr Reinhold 4. Additional Information from Mr Reinhold

This matter is considered to be confidential under Section 5.23(2) - (b) 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 the personal affairs of any person.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council support the recommendation of the Shire's Environmental Health Officers and decline the Application for Approval to Camp at Other Than a Caravan Park in relation to 59 Hillman Street, Darkan as presented.

CONFIDENTIAL ATTACHMENT
THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

PROCEDURAL MOTION TO RETURN TO OPEN MEETING

That Council moves out of closed Council into open Council.

18 CLOSURE OF MEETING

The Presiding Member to declare the meeting closed.