



# *Ordinary Meeting of Council*

## *Agenda*

*16 July 2026*

# Shire of Yilgarn

## NOTICE OF MEETING



Councillors:

Please be advised that the

**July 2026**

### **Ordinary Meeting of Council**

Will be held at the Council Chambers on

Thursday, 16 July 2026

Commencing at **5pm**

**Council Meeting will be audio recorded as per Local Government  
Administration Regulations 1996.**

#### **COUNCILLORS PLEASE NOTE:**

- *The Discussion Session will start at 3pm*
- *The Ordinary Meeting of Council will start at 5pm*

**Ben Forbes**

**Chief Executive Officer**

**10/07/2026**

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## RECORDS MANAGEMENT

### Guidelines for Elected Members

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#### Introduction

Elected members have a unique and pivotal role within the local government and the community. They represent the interests of electors, residents and ratepayers, participate in local government decision making at council and committee meetings, and facilitate communication between the community and the Council.

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

*"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."*

This policy applies regardless of a record's format or where it was received.

Under the *Local Government Act 1995*, the CEO of a local government is responsible for ensuring that all records of that local government are kept in accordance with relevant legislation. Accurately created and managed records provide reliable, legally verifiable evidence of decisions and actions.

Records created or received by elected members that relate to local government business must be captured as part of the local government's corporate memory in accordance with the local government's Recordkeeping Plan.

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#### 1 What is a record?

A **record** can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs, text messages, and social media posts relevant to the business of the organisation. **Government records** are those records created or received by a government organisation, or by an employee or contractor in the course of their work for that organisation.

#### 2 Why do I need to keep records?

Records provide evidence of what an organisation has done, and why. Keeping records of business activity enables an organisation to account for its actions, meet legislative requirements, and make informed and consistent decisions.

Government records include:

- Correspondence and communications
- File notes made after verbal communications, meetings, phone calls etc.

- Video and audio recordings
- Photographs
- Email
- Social Media posts (e.g. Facebook, Twitter)
- Databases
- Websites
- Messages from Apps (e.g. WhatsApp, Messenger)
- TXT messages

When to create and capture a record:

- Information is related to council business
- An action is required
- A decision or commitment is made
- Business need: for future reference by yourself or others
- Historical: identifies Council activity over time.

### 3 Which records should be captured?

| YES – forward to your local government administration                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Communications</b>, such as:</p> <ul style="list-style-type: none"> <li>• complaints and compliments</li> <li>• correspondence concerning corporate matters</li> <li>• submissions, petitions and lobbying</li> <li>• information for Council's interest relating to local government business activity and functions</li> </ul>            |
| <p><b>Lobbying</b> – correspondence or petitions, relating to lobbying matters</p>                                                                                                                                                                                                                                                                |
| <p><b>Telephone, meetings and other verbal conversations</b> – regarding local government projects or business activities</p>                                                                                                                                                                                                                     |
| <p><b>Social Media</b> – where the posts:</p> <ul style="list-style-type: none"> <li>• create interest from the public or media</li> <li>• communicate decisions or commit the local government to an action</li> <li>• seek feedback</li> <li>• address issues of safety, and/or</li> <li>• relate to sensitive or contentious issues</li> </ul> |
| <p><b>Work diaries / Appointment books</b> – containing information that may be significant to the conduct of the elected member on behalf of the local government</p>                                                                                                                                                                            |
| <p><b>Allowances, benefits and gifts records</b></p>                                                                                                                                                                                                                                                                                              |
| <p><b>Addresses / Speeches / Presentations</b> – delivered as part of an elected member's official duties</p>                                                                                                                                                                                                                                     |

|                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NO</b> – do not need to be forwarded to your local government                                                                                                                                                                   |
| <b>Duplicate copies</b> – of Council meeting agenda, minutes and papers                                                                                                                                                            |
| <b>Draft documents or working papers</b> – which are already captured at the local government                                                                                                                                      |
| <b>Publications</b> – such as newsletters, circulars and journals                                                                                                                                                                  |
| <b>Invitations</b> – to community events where an elected member is <b><i>not</i></b> representing Council or the local government                                                                                                 |
| <b>Telephone, meetings and other verbal conversations</b> which: <ul style="list-style-type: none"> <li>• convey routine information only; <b>or</b></li> <li>• do not relate to local government business or functions</li> </ul> |
| <b>Electioneering</b> – or party-political information                                                                                                                                                                             |
| <b>Personal records</b> – not related to an elected member's official duties                                                                                                                                                       |

#### 4 Confidential Documents / Records

Records held within an information management system (IMS) or on hard copy files can be restricted so that only the appropriate officers can access them. If the elected member believes that some of the documentation required for capture into the IMS is of a highly sensitive or confidential nature, the Elected Member should advise the CEO to treat the information as confidential and restrict access to those records.

#### 5 What do I do with records once they are created?

Records of business activity should be entered into Councils official recordkeeping system by forwarding them to Councils Administrative Services Officer (ASO) for processing, confidential records should be forwarded to the CEO.

By doing this, records relating to particular work matters are kept together and are available for all relevant staff to refer to.

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 3. ATTENDANCE

|                  |               |                                      |
|------------------|---------------|--------------------------------------|
| Members          | Cr B Close    | Shire President                      |
|                  | Cr G Guerini  | Deputy Shire President               |
|                  | Cr B Bradford | Councillor                           |
|                  | Cr L Granich  | Councillor                           |
|                  | Cr D Newbury  | Councillor                           |
|                  | Cr L Rose     | Councillor                           |
|                  | Cr D Stephen  | Councillor                           |
| Council Officers | B Forbes      | Chief Executive Officer              |
|                  | C Watson      | Executive Manager Corporate Services |
|                  | G Brigg       | Executive Manager Infrastructure     |
|                  | K Chrisp      | Asset and Projects Manager           |
|                  | T Prue        | Finance Manager                      |
|                  | T Beaton      | Executive Assistant                  |

Apologies:

Observers:

Leave of Absence:

## 4. DECLARATION OF INTEREST

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the June 2026 Ordinary Meeting of Council, the following question was posed by Mrs Kaye Crafter.

The Executive Manager of Infrastructure emailed Mrs Crafter with the following response on 2<sup>nd</sup> July 2026.

- The Museum Floor is quite spongy in certain areas, especially when you walk down the corridor. Does the Shire have any funding or any way of getting funding to fix it?**

*The builders have completed an investigation of the museum floor. A scope of works*

*is currently being prepared for submission to State Heritage for assessment and approval. As the building is heritage listed, the approval process can be lengthy and progress will be dependent on State Heritage review timeframes.*

## 5.1 PUBLIC QUESTION TIME

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council Minutes, Thursday, 18<sup>th</sup> June 2026 - (Minutes Attached)

#### Recommendation

*That the minutes from the Ordinary Council Meeting held on the 18<sup>th</sup> June 2026 be confirmed as a true record of proceedings.*

**Voting Requirements:** Simple Majority

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

## 8. DELEGATES' REPORTS

**Cr Close**

**Cr Guerini**

- Councillor Review of Management Budget Meeting - 3<sup>rd</sup> July 2026

**Cr Bradford**

**Cr Newbury**

- H5 Bird Flu (Webinar) - 30<sup>th</sup> June 2026

**Cr Granich**

**Cr Rose**

**Cr Stephen**

## 9.1 Officers Report - Chief Executive Officer

### 9.1.1 Council Decision Status Report 2026

|                               |                                                  |
|-------------------------------|--------------------------------------------------|
| <b>File Reference</b>         | <b>2.1.2</b>                                     |
| <b>Disclosure of Interest</b> | <b>Nil</b>                                       |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>                           |
| <b>Author</b>                 | <b>Ben Forbes - Chief Executive Officer</b>      |
| <b>Attachments</b>            | <b>9.1.1 Council Decision Status Report 2026</b> |

#### Purpose of Report

For Council to receive the Council Decision Status Report (status report) update for July 2026.

#### Background

The status report details the past decisions of Council and advises whether the necessary actions to implement those decisions have been completed or if they are still pending. Where there are delays, an update as to the progress to date is provided.

#### Comment

The status report does not include decisions that do not require further action, such as:

- Confirmation of minutes
- Financial Reports
- Accounts for Payment
- Applications for Leave of Absence
- Decisions to close meetings to the public and to reopen meetings to the public

Confidential decisions or certain details may also be excluded to maintain said confidentiality, depending on the directive of Council on a case-by-case basis.

#### Statutory Environment

Nil.

#### Strategic Implications

Nil.

#### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

| Risk Category        | Description | Rating (Consequence x Likelihood) | Mitigation Action |
|----------------------|-------------|-----------------------------------|-------------------|
| Health/People        | Nil         | Nil                               | Nil               |
| Financial Impact     | Nil         | Nil                               | Nil               |
| Service Interruption | Nil         | Nil                               | Nil               |
| Compliance           | Nil         | Nil                               | Nil               |
| Reputational         | Nil         | Nil                               | Nil               |
| Property             | Nil         | Nil                               | Nil               |
| Environment          | Nil         | Nil                               | Nil               |

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

### Officer Recommendation

*That Council receive and note the Council Decision Status Report for July 2026.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.2 Proposed Workforce Accommodation - Lot 1 (13) Nicholls Street, Bullfinch

|                               |                                                                                                                                  |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Disclosure of Interest</b> | Nil                                                                                                                              |
| <b>Voting Requirements.</b>   | Simple Majority                                                                                                                  |
| <b>Author</b>                 | Kelly Watts - Regulatory Services Officer                                                                                        |
| <b>Attachments</b>            | Attachment 1 - Site Plan, Floor Plans and Elevations<br>Attachment 2 - Landscaping Plan<br>Attachment 3 - Applicant Cover Letter |

### Purpose of Report

For Council to consider the planning application for a proposed 'Workforce Accommodation' development at Lot 1 (No. 13) Nicholls Street, Bullfinch to provide workers accommodation for the nearby mine site in Bullfinch.

### Background

A planning application has been received for Lot 1 (No 13) Nicholls Street, Bullfinch (subject site), which exists as a 2023m<sup>2</sup> vacant site to the immediate south-west of the existing Bullfinch Tavern located at 32 and 34 Doolette Street, Bullfinch.

A planning application has been lodged by Elite Drafting on behalf of Yilgarn Precious Metals Pty Ltd over the subject site seeking approval for a 'Workforce Accommodation' development. The proposed development will consist of the following:

- 6 x Accommodation buildings (12m L x 4.2m W x 2.82m H) comprising of 4 single units per building;
- 4 x Accommodation buildings (12.165m L x 3.045m W x 2.65m H) comprising of 3 single units per building;
- Power generation and battery infrastructure located to the rear (southern corner) on Nicholls Street;
- A wastewater treatment plant will be located to the rear (western corner) on Nicholls Street. A main macerator/discharge tank/wastewater treatment plant within a sea container and 3 x 15kL Clearwater discharge tanks;
- 13 x car bays and 2 x designated 12-seater minivan bays along Shallcross Street; and
- 1.8m high Colourbond 'Good Neighbour' fence around the property with 2 x pedestrian access gates from Shallcross Street.

The development site will provide 'Workforce Accommodation' for employees of the mine site in Bullfinch. The 36 single units provided will accommodate 36 staff and these rooms will add additional accommodation to what's currently provided at the adjacent Bullfinch Tavern.

The accommodation is proposed to be accessible 24 hours a day as required by shift workers. All reception, kitchen, laundry and mess facilities will be provided by the Bullfinch Tavern staff and will be provided within the Tavern's operating hours.

An aerial photograph of the subject site from Landgate is provided below, with the site plan, floor plans and elevations of the proposed accommodation included as **Attachment 1** of this report.



Figure 1 - Aerial of subject site (Landgate 2026)

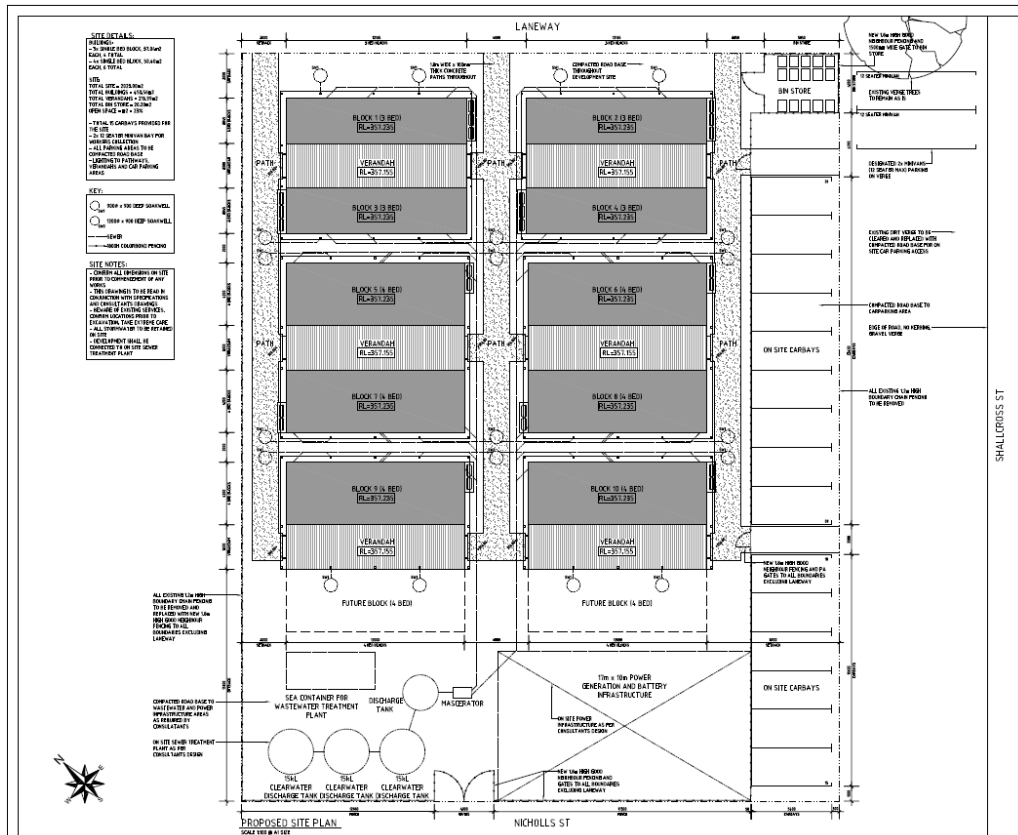


Figure 2 - Site plan layout

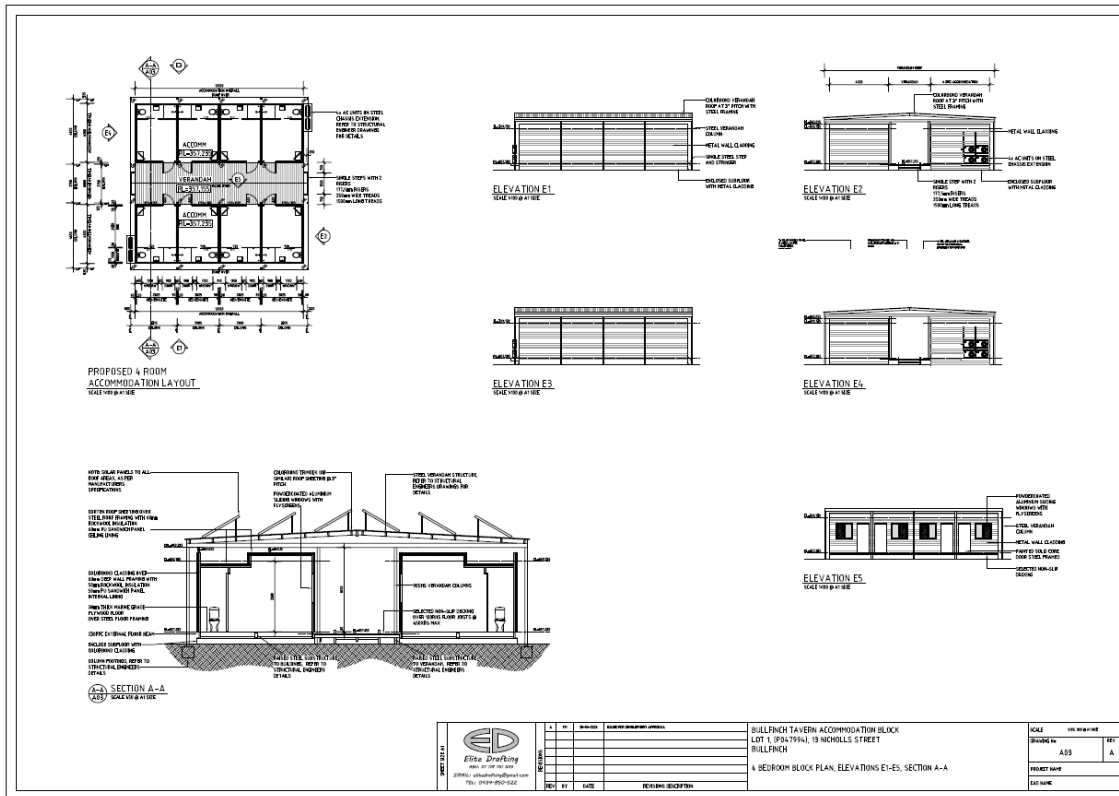


Figure 3 - 4 Bed Accom

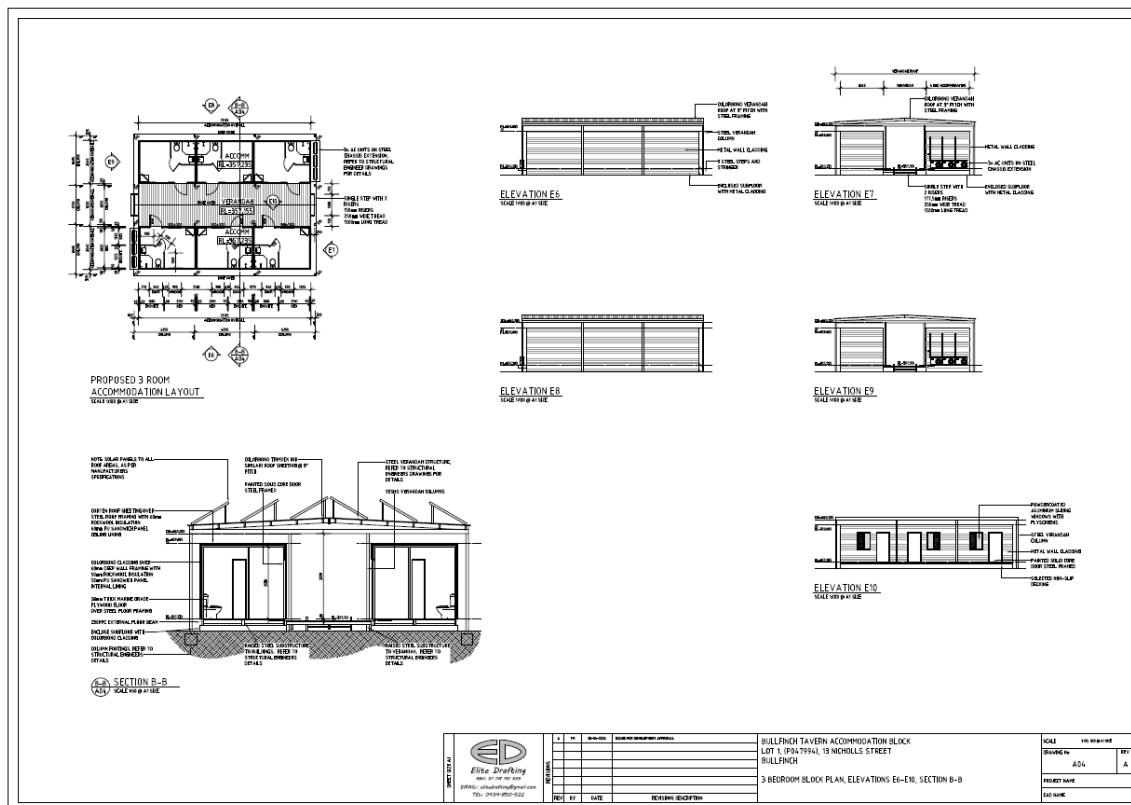


Figure 4 - 3 Bed Accom

## Comment

### Description of Application

The development application seeks development approval for a 36 bed 'Workforce Accommodation' facility, including on-site waste-water treatment and power generation, at Lot 1 (13) Nicholls Street, Bullfinch to provide accommodation for staff of the nearby mine site in Bullfinch.

### Zoning and Scheme Requirements

The subject site is zoned 'Rural/Mining' under the Shire's Town Planning Scheme No. 2 (Scheme or TPS2), which has the following objectives:

- To be used primarily for rural, mining, agricultural, single houses, and public recreation.

The proposed use is best described as 'Workforce Accommodation', which is defined under Division 2 – Land use of terms in Scheme of the TPS2 as follows:

***workforce accommodation*** means premises, which may include modular or relocatable buildings, used —

- a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.*

Land use compatibility within zones is outlined within the Table 2 – Zoning Table of TPS2. Neither of the above land uses are listed in the Zoning Table and therefore must be considered under Clause 18(4) of TPS2 which states the following:

*The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —*

- a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

Option B is recommended as the proposed land use is considered to be consistent with the objective of the 'Rural/Mining' zone as outlined below:

| TPS2 'Rural/Mining' Zone Objectives                                                                                                          | JPA Planning Comments                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>To be used primarily for rural, mining, agricultural, single houses, and public recreation</li> </ul> | <p>The proposed use is defined as providing accommodation for <i>'workers engaged in construction, <b>resource</b>, agricultural or other industries on a temporary basis'</i>.</p> <p>As mining is a resource industry, the proposed development is considered ancillary to the mining component of the 'Rural/Mining' zone objective.</p> |

Table 5 under Clause 32 of TPS2 sets out general site and development requirements for specific land uses under the Scheme, including requirements for setbacks, plot ratio, landscaping, and car parking. As "Workforce Accommodation" is not specifically listed within Table 5, guidance must be drawn from comparable land uses, such as "Hotel/Tavern", which are listed below. However, Table 5 of the Scheme also provides an asterisk noting that where a requirement has not been listed it is *'to be determined by the local government in each particular case'*.

| TPS2 Table 5 - General Site and Development Requirements (Hostel/Tavern) | Proposed Development                                 |
|--------------------------------------------------------------------------|------------------------------------------------------|
| Front Setback – 7.5m                                                     | Nil front setback                                    |
| Rear Average – 7.5m                                                      | 3m rear setback                                      |
| Sides - *                                                                | 3m setback to north-west, 5.9m setback to south-east |
| Maximum Plot Ratio - *                                                   | 0.42 plot ratio                                      |
| Min Landscape Area % - 10%                                               | 10% of site area proposed to be landscaped           |
| 1 per dwelling – 36 bays required                                        | 15 bays provided                                     |

\*means 'to be determined by the local government in each particular case'.

Variations to site and development requirements can be supported by the Shire through Clause 34 of the TPS2, which states the following:

### **34. Variations to site and development requirements**

#### **(1) In this clause –**

*General site and development requirements means requirements set out in Clause 32.*

#### **(2) The local government may approve an application for a development approval that does not comply a general site and development requirements.**

#### **(3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.**

#### **(4) If the local government is of the opinion that the non-compliance with a general site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –**

- (a) Consult the affected owners or occupiers by following on or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and**

- (b) *Have regard to any expressed views prior to making its determination to grant development approval under this clause.*
- (5) *The local government may only approve an application for development approval under this clause if the local government is satisfied that –*
  - (a) *Approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and*
  - (b) *The non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

Accordingly, the proposed ‘unlisted use’ as well as the variations sought to the general site and development requirements set out under Table 5 of the TPS2 required advertising for public comment.

Furthermore, the matters that the Shire are to have regard to in considering an application for development approval referenced in Clause 34(5)(a) above are detailed under the Statutory Environment section of this report.

### **Advertising**

Local public notice was given for the application on 22 June 2026, with no submissions being received

## **Statutory Environment**

### Planning and Development (Local Planning Schemes) Regulations 2015

|                   |                                                                  |
|-------------------|------------------------------------------------------------------|
| <b>Schedule 2</b> | Deemed provisions for local planning schemes                     |
| <b>Part 9</b>     | Procedure for dealing with applications for development approval |

### **67. Consideration of application by local government**

- (2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —
  - (a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;
  - (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes)*

*Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;

- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (fa) any local planning strategy for this Scheme endorsed by the Commission;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting, including —
  - (i) the compatibility of the development with the desired future character of its setting; and
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslide, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;

- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Consideration of the above has been made through the assessment of the proposed development against the applicable planning framework, however subclauses a), b), m), n), s) and x) are considered further in the table below:

| <b>Planning and Development (Local Planning Schemes) Regulations 2015<br/>Schedule 2, Clause 67(2)</b>                                                                                                        | <b>JPA Planning Comments</b>                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area; | The development of a 'Workforce Accommodation' does align with the objectives of the 'Rural/Mining' zone under the Shire's scheme and therefore is considered to be compatible with the zone.           |
| b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning                                       | The approval of the proposed development would be considered 'orderly and proper planning' as the proposal, despite seeking variations to several general site and development requirements, is largely |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;                                                                                                                                                                                                                                                                                                 | consistent with the zoning of the subject site under the scheme and the immediate locality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>m) the compatibility of the development with its setting, including —</p> <ul style="list-style-type: none"> <li>(i) the compatibility of the development with the desired future character of its setting; and</li> <li>(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</li> </ul> | <ul style="list-style-type: none"> <li>(i) The desired future character of the ‘Rural/Mining’ zone, as derived from the zone’s objectives under Table 1 of TPS2, is for rural and mining activities and associated development. The proposed use of ‘Workforce Accommodation’ to provide accommodation for staff associated with the nearby mine site is considered in keeping with this as the use is ancillary to the mining component of the overall land use. Therefore, the proposal is considered to be compatible with the desired future character of its setting.</li> <li>(ii) The subject site abuts a vacant property on its north-west, and is situated across Nicholls Street and Shallcross Street from other vacant properties to south-east and south-west, and the Bullfinch Tavern to the north-east. All the vacant properties are State owned land and appear unlikely to be developed in the near future.</li> </ul> <p>Given the above, and the dispersed development pattern of the Bullfinch townsite, the proposed use of the subject site for ‘Workforce Accommodation’ is not considered to result in any adverse amenity impacts on residents of Bullfinch due to separation.</p> |
| <p>n) the amenity of the locality including the following —</p> <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> </ul>                                                                                                                                                                                                                                                                  | <p>The amenity of the locality is predominantly dispersed residential dwellings. The built form within the area largely consists of houses and accommodation for the nearby mine site.</p> <p>The proposed use is considered to be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (iii) social impacts of the development;                                                                                                                                                                                                    | consistent with the established amenity and character of the locality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>s) the adequacy of —</p> <ul style="list-style-type: none"> <li>(i) the proposed means of access to and egress from the site; and</li> <li>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</li> </ul> | <p>It is noted that the Shire's planning framework does not prescribe a specific car parking requirement for the land use class of 'Workforce Accommodation'. In the absence of a dedicated parking standard, guidance has been drawn from comparable land uses such as 'Hostel/Tavern'. Accordingly, the adequacy of on-site parking is ultimately a matter for the Shire's discretion.</p> <p>In assessing the proposed parking provision, consideration has been given to the intended operation of the development as accommodation for personnel associated with the nearby mine site. It is anticipated that workers will predominantly utilise company vehicles for travel to and from the site, with employees commonly travelling together in shared vehicles due to shift arrangements and the remote nature of the accommodation. Consequently, vehicle ownership and demand are expected to be significantly lower than the number of occupants accommodated on-site.</p> <p>Based on an occupancy of 36 personnel, it is considered reasonable to assume a maximum parking demand of approximately 18 vehicles at any one time, reflecting a shared transport arrangement of two employees per vehicle. The proposed parking supply is therefore considered sufficient to cater for the expected operational requirements of the development and is unlikely to result in any adverse parking impacts. In the absence of a specific parking requirement under the Scheme, the proposed provision is considered appropriate and acceptable.</p> |
| w) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;                                                                                                       | The development is not considered to have adverse amenity impacts on the surrounding residents who form part of the overall community of the area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

### Strategic Implications

Nil.

### Policy Implications

There is no Council policy applicable to this report.

### Financial Implications

There are no financial implications associated with the officer's recommendation.

### Risk Implications

| Risk Category               | Description                                                             | Rating<br>(Consequence x<br>Likelihood) | Mitigation Action                                                                                                                                                                                                   |
|-----------------------------|-------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Health/People</b>        | Amenity impacts on nearby residents of Bullfinch                        | Moderate (6)                            | Condition the preparation of a Facility Management Plan that outlines the operations of the site, any curfews, noise mitigation, compliant response procedures etc. to be provided to the Shire prior to operation. |
| <b>Financial Impact</b>     | Nil                                                                     | Nil                                     | Nil                                                                                                                                                                                                                 |
| <b>Service Interruption</b> | Nil                                                                     | Nil                                     | Nil                                                                                                                                                                                                                 |
| <b>Compliance</b>           | That the development is not built in accordance with the approved plans | Moderate (6)                            | Requirement for building permit application to be lodged and approved prior to construction commencing onsite.                                                                                                      |
| <b>Reputational</b>         | Nil                                                                     | Nil                                     | Nil                                                                                                                                                                                                                 |
| <b>Property</b>             | Nil                                                                     | Nil                                     | Nil                                                                                                                                                                                                                 |
| <b>Environment</b>          | Nil                                                                     | Nil                                     | Nil                                                                                                                                                                                                                 |

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

#### Officer Recommendation

*That Council approve the application for the proposed ‘Workforce Accommodation’ at Lot 1 (No. 13) Nicholls Street, Bullfinch, subject to the following conditions:*

- 1. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Shire.*
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time.*
- 3. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Shire prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.*
- 4. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire.*
- 5. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.*

- 6. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Shire.***
- 7. Prior to the commencement of the 'Workforce Accommodation' use, a Facility Management Plan shall be submitted to and approved by the Shire. The approved Facility Management Plan shall thereafter be implemented and maintained for the duration of the use.***

***The Facility Management Plan shall include, but not be limited to:***

- a) the name and contact details of the owner and/or property manager responsible for the operation of the accommodation;***
- b) a 24-hour contact telephone number for a local representative who is authorised to respond to and address complaints or issues arising from the use of the premises;***
- c) procedures for the management of guest behaviour, including measures to minimise noise, antisocial behaviour and impacts on neighbouring properties;***
- d) details regarding parking management, waste disposal and collection, bushfire awareness and emergency evacuation procedures and plan, and compliance with any relevant local laws;***
- e) procedures for recording, responding to and resolving complaints relating to the operation of the Workforce Accommodation; and***
- f) the maximum number of occupants permitted to occupy the premises at any one time.***

***The approved Workforce Accommodation shall operate at all times in accordance with the approved Facility Management Plan to the satisfaction of the Shire.***

## 9.1 Officers Report - Chief Executive Officer

### 9.1.3 Request for Exemption - Lot 102 Bodallin South Road, Bodallin

|                               |                                                                |
|-------------------------------|----------------------------------------------------------------|
| <b>Disclosure of Interest</b> | <b>Impartiality - Kelly Watts, Regulatory Services Officer</b> |
| <b>Voting Requirements.</b>   | <b>Simple Majority</b>                                         |
| <b>Author</b>                 | <b>Kelly Watts - Regulatory Services Officer</b>               |
| <b>Attachments</b>            | <b>1. Site Plan - CBH Bodallin</b>                             |
|                               | <b>2. Letter requesting permit for temporary structure</b>     |

### Purpose of Report

For Council to consider a request for an exemption to construct two temporary additional bulkhead grain storage facilities at Co-operative Bulk Handling Ltd's (CBH) Bodallin site.

### Background

Over the last five years CBH has experienced exponential growth in crop receivals across their network with their modelling forecasts the crop size will continue to increase, taking into consideration the innovative practices of growers and accelerated conversion of hectares from sheep to cropping.

CBH's Bodallin facility is a target area for expansion as the receival site reaches capacity each year. During peak seasons, the facility fills and CBH undertakes harvest essential moves to outload grain to free up storage availability and keep the site open for the local community.



*Figure 2 - Aerial photograph of CBH Bodallin*

## Comment

Formal development application is not required for Council to grant the applicant's request, due to the proposed structures only being temporarily in place for a period not exceeding 12 months (see cited legislation below).

The request to construct two steel frame open bulkheads, 270m x 35m (35,370t capacity), thereby increasing the Bodallin sites' capacity stands to benefit local farmers during this year's harvest.

## Statutory Environment

### *Planning and Development (Local Planning Schemes) Regulations 2015*

#### **61. Development for which development approval not required**

- (1) Development approval is not required for works if —
- (a) the works are of a class specified in Column 1 of an item in the Table; and
  - (b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

.....

**Table**

|     | <b>Column 1<br/>Works</b> | <b>Column 2<br/>Conditions</b>                                                                                                |
|-----|---------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 17. | Temporary works.          | The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period. |

.....

Notes for this subclause:

1. Approval may be required from the Commission for development on a regional reserve under a region planning scheme.
2. Section 157 of the Act applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
3. Section 6 of the Act applies in respect of the carrying out of public works.
4. Clause 1B sets out circumstances in which development is taken to comply with a deemed-to-comply provision of the R-Codes.

- (2) Development approval of the local government is not required for the following uses —

....

- (f) temporary use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period;

....

Consideration of the above has been made through the assessment of the proposed development against the applicable planning framework (TPS2 and R-Codes).

### **Shire of Yilgarn Town Planning Scheme No.2**

The Shire of Yilgarn's Town Planning Scheme No.2 designates the site as 'Rural/Mining'. This zoning primarily accommodates rural activities, mining, agriculture, single houses, and public recreation.

The proposed development complies with the zoning requirements.

#### **Strategic Implications**

Nil.

#### **Policy Implications**

Nil.

#### **Financial Implications**

Nil.

## Implications

| Risk Category        | Description                                                                                                                                                   | Rating    | Mitigation Action                                                  |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------------------------------|
| Health/People        | Nil                                                                                                                                                           | Nil       | Nil                                                                |
| Financial Impact     | Nil                                                                                                                                                           | Nil       | Nil                                                                |
| Service Interruption | Nil                                                                                                                                                           | Nil       | Nil                                                                |
| Compliance           | Failure to police temporary nature of permitted structure                                                                                                     | Low (3)   | Appropriate management and associated record keeping practices     |
| Reputational         | Failure to grant temporary permit could damage the Shire's reputation if there is large harvest and farmers are inconvenienced by the bins reaching capacity. | High (12) | The Officer's Recommendation to Council is sufficiently pragmatic. |
| Property             | Nil                                                                                                                                                           | Nil       | Nil                                                                |
| Environment          | Nil                                                                                                                                                           | Nil       | Nil                                                                |

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

### Officer Recommendation

*That Council approve the request from Co-operative Bulk Handling Ltd for the construction of two temporary bulkheads at Lot 102 Bodallin South Rd, Bodallin, in accordance with the letter requesting support and the associated site plan provided, for a period not exceeding 12 months from the date that site works commence.*

*Council's approval is subject to the following conditions:*

- 1. Co-operative Bulk Handling Ltd is to adhere to their provided indicative timeframe to the best of their ability and is advise the Chief Executive Officer of any material delays as soon as is reasonably practical.*
- 2. Co-operative Bulk Handling Ltd is to advise the Chief Executive Officer of the date that site works commence.*
- 3. Co-operative Bulk Handling Ltd is to provide confirmation to the Chief Executive Officer of the proposed date for dismantling the temporary structures, or advise that a Development Application for the two bulkheads will be forthcoming, no later than 10 months from the date that site works commence.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.4 Proposed Change of Use - Lot 98 (30) Horan Street, Marvel Loch

|                               |                                           |
|-------------------------------|-------------------------------------------|
| <b>Disclosure of Interest</b> | <b>Nil</b>                                |
| <b>Voting Requirements.</b>   | <b>Simple Majority</b>                    |
| <b>Author</b>                 | <b>Josh Edwards-Arnott - JPA Planning</b> |
| <b>Attachments</b>            | <b>N/A</b>                                |

#### Purpose of Report

For Council to consider a retrospective planning application for a proposed change of use of Lot 98 (No. 30) Horan Street, Marvel Loch to 'Storage' and 'Commercial Vehicle Parking'.

#### Background

A retrospective planning application has been lodged by Consolidated Hard Rock Mining Pty Ltd over Lot 98 (No 30) Horan Street, Marvel Lock (subject site) seeking approval to change the use to 'Storage' and 'Commercial Vehicle Parking'.

The application has indicated that the uses will be temporary in nature but has not identified an end date to the proposal. The purpose of the application is to allow the following development to be stored on-site:

- 1 x Shipping Container
- 2 x Transportable Buildings
- A range of commercial vehicles including prime movers and associated trailers, rigid trucks and excavators.

The site plan provided by the applicant is included overleaf along with photographs of the subject site are below.



Figure 3 - Site plan



Figure 4 - Subject site viewed from Horan Street



*Figure 5 - Close up of transportable buildings located at rear of subject site*

## Comment

### Description of Application

The development application seeks retrospective approval, as it is currently in operation, to change the use of the subject site to ‘Storage’ and ‘Commercial Vehicle Parking’ to allow a shipping container, 2 x transportable buildings and a range of commercial vehicles to be stored on-site.

### Zoning and Scheme Requirements

The subject site is zoned ‘Townsite’ under the Shire of Yilgarn Town Planning Scheme No. 2 (scheme or TPS2), which has the following objectives:

- To be used primarily for residential development, different forms of accommodation and public recreation.
- The local government may consider uses in accordance with Table 1-Zoning Table where they may benefit the community and / or will not result in a negative impact on amenity.

The proposed uses are best described as ‘Storage’ and ‘Commercial Vehicle Parking’, which are defined under Division 2 of the TPS2 as follows:

**commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include —

- a) any part of a public road used for parking or for a taxi rank; or
- b) parking of commercial vehicles incidental to the predominant use of the land;

**warehouse/storage** means premises including indoor or outdoor facilities used for —

- a) the storage of goods, equipment, plant or materials; or
- b) the display or sale by wholesale of goods;

Land use compatibility within zones is outlined within the Table 2 – Zoning Table of TPS2. Neither of the above land uses are listed in the Zoning Table and therefore must be considered under Clause 18(4) of TPS2 which states the following:

*The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –*

- d) *determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- e) *determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- f) *determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

Option C is recommended as the proposed uses are not considered consistent with the objectives of the ‘Townsite’ zone as outlined below:

| TPS2 ‘Townsite’ Zone Objectives                                                                                                                                                                                                  | JPA Planning Comments                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>To be used primarily for residential development, different forms of accommodation and public recreation.</li> </ul>                                                                      | The proposal is not a residential development or a different form of accommodation or public recreation.                                                                   |
| <ul style="list-style-type: none"> <li>The local government may consider uses in accordance with Table 1- Zoning Table where they may benefit the community and / or will not result in a negative impact on amenity.</li> </ul> | The proposal is not considered to be of benefit to the surrounding community and as indicated in the public submissions below will result in a negative impact on amenity. |

It is acknowledged that there are similar uses (predominantly storage) that exist/operate within the ‘Townsite’ zone of Marvel Loch. Notwithstanding this, it is understood that all of these uses existed prior to the gazettal of the TPS2 which introduced the ‘Townsite’ zone, allowing these uses to continue as ‘non-conforming uses’, which are detailed under Clauses 22, 23 and 24 of the TPS2 (refer overleaf).

## **22. Non-conforming uses**

- (6) *Unless specifically provided, this Scheme does not prevent –*
  - (a) *The continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or*
  - (b) *The carrying out of development on land if –*
    - (i) *Before the commencement of this Scheme, the development was lawfully approved; and*
    - (ii) *The approval has not expired or been cancelled.*
- (7) *Subclause (1) does not apply if –*
  - (a) *The non-conforming use of the land is discontinued; and*
  - (b) *A period of 6 months, or a longer period approved by the local government has elapsed since the discontinuance of the non-conforming use.*
- (8) *Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –*
  - (a) *Purchases the land; or*
  - (b) *Pays compensation to the owner of the land in relation to the non-conforming use.*

## **23. Changes to non-conforming use**

- (1) *A person must not, without development approval –*
  - (a) *Alter or extend a non-conforming use of land; or*
  - (b) *Erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or*
  - (c) *Repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or*
  - (d) *Change the use of land from a non-conforming use to another use that is not permitted by the Scheme.*
- (2) *An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.*
- (3) *A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –*
  - (a) *Is less detrimental to the amenity of the locality than the existing non-conforming use; and*
  - (b) *Is closer to the intended purpose of the zone in which the land is situated.*

## **24. Register of non-conforming uses**

- (1) *The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.*
- (2) *A register prepared by the local government must set out the following –*
  - (a) *A description of each area of land that is being used for a non-conforming use;*
  - (b) *A description of any building on the land;*
  - (c) *A description of the non-conforming use;*
  - (d) *The date on which any discontinuance of the non-conforming use is noted.*
- (3) *If the local government prepares a register under subclause (1) the local government –*
  - (a) *Must ensure that the register is kept-up-to-date; and*
  - (b) *Must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.*
- (4) *Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.*

- (5) *An entry in the register in relation to land that is being used for non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.*

As the proposed uses at the subject site have only recently commenced (and not prior to TPS2 being gazetted in 1998), they do not qualify as a 'non-conforming use' and therefore cannot be considered Clauses 22, 23 and 24 of the TPS2.

## Advertising

Local public notice was given for the application on 8 June 2026. Two submissions were received from the same submitter, one prior to the consultation period and one during this period. Both are provided in the table below along with comments from JPA Planning.

| Submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | JPA Planning Comments |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Submission 1 – Private Landowner</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |
| I object to the proposed activity of "DEVELOPMENT APPLICATION FOR PROPOSED 'STORAGE' AND 'COMMERCIAL VEHICLE PARKING' USES – 30 HORAN STREET, MARVEL LOCH". The proposed activity is situated in a residential area and conflicts with existing residential use at 28 Horan Street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Noted.                |
| <b>Submission 2 – Private Landowner (submitted prior to consultation period)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |
| <p>It has come to my attention that my property is currently exposed to unreasonable noise being generated at 30 Horan Street.</p> <p>"The noise issue is unreasonable and unnecessary, Front-end loaders and Semi Trucks being started and used at 4am (video captured times and events), The property has been used as an afterhours workshop to repair heavy machinery (regular starts at 6am and can go until 10pm). (Email Correspondence, 26/05/2026)</p> <p>It is my understanding the advice given by the Shire of Yilgarn:</p> <p>"the Owners of the Property (CHR Mining) will need to comply with Shire requirements and if they wish to make application to use the property as an afterhours workshop (outside the allotted hours for workshop noise (7am -7pm) then they will need to make application to the Shire, once an application is made then the neighbours are given the opportunity to view the proposal and provide input" (Email Correspondence, 26/05/2026)</p> | Noted.                |

I confirm that no such application has been reviewed, and to my knowledge, approved. Until such time it is expected of Council to stop this activity which is clearly in breach of local regulations.

Your most urgent attention to this matter is required.

## Statutory Environment

### ***Planning and Development (Local Planning Schemes) Regulations 2015***

**Schedule 2** Deemed provisions for local planning schemes

**Part 9** Procedure for dealing with applications for development approval

#### **67. Consideration of application by local government**

(2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (fa) any local planning strategy for this Scheme endorsed by the Commission;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting, including —
  - (i) the compatibility of the development with the desired future character of its setting; and
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability;

- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Consideration of the above has been made through the assessment of the proposed development against the applicable planning framework, however subclauses a), b), m), n), s), w), x) and y) are detailed further in the table below:

| <b>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Clause 67(2)</b>                                                                                                                                                                                                                                                    | <b>JPA Planning Comments</b>                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| c) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;                                                                                                                                         | The proposed change of use does not align with the objectives of the 'Townsite' zone under the Shire's scheme and therefore is not considered to be compatible with the zone.                                |
| d) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving; | The approval of the proposed change of use would not be considered 'orderly and proper planning' as the proposal is not consistent with the subject sites zoning under the scheme or the immediate locality. |
| o) the compatibility of the development with its setting, including —                                                                                                                                                                                                                                                                                 | (iii) The desired future character of the 'Townsite' zone, as derived from the zone's objectives under Table 1 of TPS2, is for residential development and other                                             |

|                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(iii) the compatibility of the development with the desired future character of its setting; and</p> <p>(iv) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</p> | <p>form of accommodation as well as public recreation. The proposed uses are not considered compatible with the desired future character of its setting.</p> <p>(iv) The subject site abuts vacant properties on its east and south but does abut a residential dwelling on its west. The proposed uses on-site are not considered compatible with the adjoining residential use given the nature of the development, the hours of operations (as detailed in the public submission) and the associated amenity impacts including noise and potentially light and vibrations.</p> |
| <p>p) the amenity of the locality including the following —</p> <p>(iv) environmental impacts of the development;</p> <p>(v) the character of the locality;</p> <p>(vi) social impacts of the development</p>                                                                                                                                         | <p>The amenity of the locality is predominantly residential, with some existing ‘non-conforming uses’ within the town. The built form within the area largely consists of houses and accommodation for the nearby mine site.</p> <p>The proposed uses are not considered to be consistent with the established amenity and character of the locality.</p>                                                                                                                                                                                                                         |
| <p>t) the adequacy of —</p> <p>(iii) the proposed means of access to and egress from the site; and</p> <p>(iv) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>                                                                                                                                                      | <p>The subject site is not considered to be appropriately planned to allow for the parking arrangements and vehicle movements, including unloading of trailers and machinery, being undertaken which are associated with the proposed uses.</p>                                                                                                                                                                                                                                                                                                                                   |
| <p>x) the history of the site where the development is to be located;</p>                                                                                                                                                                                                                                                                             | <p>Based on aerial photography from Landgate, the site had existed historically with a residential dwelling on-site (up to approximately 2008), but since then has been vacant. Therefore, the site does not qualify as operating as a ‘non-conforming use’.</p>                                                                                                                                                                                                                                                                                                                  |
| <p>y) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</p>                                                                                                                                                                                                          | <p>The development is considered to have adverse amenity impacts on the surrounding residents who form part of the overall community of the area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>z) any submissions received on the application;</p>                                                                                                                                                                                                                                                                                                | <p>One submission was received that objected to the proposed development on the basis that it had already resulted in adverse amenity impacts on</p>                                                                                                                                                                                                                                                                                                                                                                                                                              |

|  |                   |
|--|-------------------|
|  | nearby residents. |
|--|-------------------|

### Strategic Implications

Nil.

### Policy Implications

There is no Council policy applicable to this report.

### Financial Implications

There are no financial implications associated with the officer's recommendation.

### Risk Implications

| Risk Category               | Description                                                                                                          | Rating (Consequence x Likelihood) | Mitigation Action                                                    |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------|
| <b>Health/People</b>        | Approval of the use and continued operation of the development may result in amenity impacts to adjoining residents. | High (15)                         | Refuse the application.                                              |
| <b>Financial Impact</b>     | Nil                                                                                                                  | Nil                               | Nil                                                                  |
| <b>Service Interruption</b> | Nil                                                                                                                  | Nil                               | Nil                                                                  |
| <b>Compliance</b>           | That the development continues to operate despite being refused.                                                     | Moderate (6)                      | Requirement for Shire staff to ensure uses cease to operate on-site. |
| <b>Reputational</b>         | Approval may result in reputational impacts to the Shire.                                                            | High (12)                         | Refuse the application.                                              |
| <b>Property</b>             | Nil                                                                                                                  | Nil                               | Nil                                                                  |
| <b>Environment</b>          | Nil                                                                                                                  | Nil                               | Nil                                                                  |

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

### Officer Recommendation

*That Council refuse the application for the retrospective change of use to 'Storage' and 'Commercial Vehicle Parking' at Lot 98 (No. 30) Horan Street, Marvel Loch, for the following reasons:*

- 1. In accordance with Clause 18(4)c) of the Shire of Yilgarn Town Planning Scheme No. 2, the development is not consistent with the objectives of the 'Townsite' zone.*
- 2. Having due regard to Clause 67(2)(b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval of the development would not be in accordance with 'orderly and proper planning'.*
- 3. Having due regard to Clause 67(2)(m), (n) and (x) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the development is not considered to be compatible with the character of the locality, development on adjoining land or other land in the immediate locality, and likely to result in negative amenity impacts on neighbouring residents.*
- 4. Having due regard to Clause 67(2)s) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the subject site has not been appropriately designed or planned to handle the safe manoeuvring, loading, unloading, and parking arrangements required for large commercial trailers and heavy machinery.*
- 5. The approval of the development would set an undesirable precedent for similar developments in the future.*
- 6. In alignment with the Shire's risk framework, continuing the unmitigated operation of this development presents an unacceptably high risk to the health, well-being, and social amenity of the surrounding residents.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.5 Proposed Grouped Dwelling - Lot 10 (50) Antares Street, Southern Cross

|                               |                                                                                                                                                                                                 |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Disclosure of Interest</b> | Nil                                                                                                                                                                                             |
| <b>Voting Requirements.</b>   | Simple Majority                                                                                                                                                                                 |
| <b>Author</b>                 | Josh Edwards-Arnott - JPA Planning                                                                                                                                                              |
| <b>Attachments</b>            | <ol style="list-style-type: none"> <li>1. Site Plan, Floor Plan and Elevations</li> <li>2. Town Planning Cover Letter - Altus Planning</li> <li>3. JPA Planning - R-Codes Assessment</li> </ol> |

### Purpose of Report

For Council to consider a planning application for a grouped dwelling at Lot 10 (No. 50) Antares Street, Southern Cross.

### Background

A planning application has been lodged by Modular WA for Lot 10 (No 50) Antares Street, Southern Cross (subject site) seeking approval for a grouped dwelling.

The site plan, floor plan and elevations are included as Attachment 1 of this report. Below is an aerial photograph of the subject site.



Figure 6 - Aerial photograph of Subject Site

## Comment

### Description of Application

The development application proposes a new grouped dwelling, which comprises of 2 bedrooms, 1 bathroom (with additional toilet), laundry, living and dining, kitchen and storeroom, at the subject site.

### Zoning and Scheme Requirements

The subject site is zoned 'Residential' under the Shire of Yilgarn Town Planning Scheme No. 2 (scheme or TPS2) with a prescribed density coding of 'R30'. The proposed development is for a 'Grouped Dwelling', which will be ancillary to the main use of the subject site, being a 'Single House'. Notwithstanding this, which pursuant to Table 2 – Zoning Table of the scheme is classified as a 'D' discretionary use, requiring the Shire's discretion in granting development approval.

Clause 25(4) of Part 4 of the TPS2 outlines the following with respect to the application of the Residential Design Codes:

- (4) The R-Codes apply to an area if –*
  - (a) The area has a coding number superimposed on it in accordance with subclause (3); or*
  - (b) A provision of this Scheme provides that the R-Codes apply to the area.*

### Residential Design Codes Volume 1 (Part C)

The Residential Design Codes Volume 1, Part C (R-Codes) outlines the applicable deemed-to-comply provisions and design principles for grouped dwellings on properties coded R30 and above.

A full assessment of the proposed development against the R-Codes has been undertaken and included as **Attachment 3** to this report. The proposed development generally complies with all of the relevant deemed-to-comply provisions under Part C of the R-Codes. Where variations are sought, the proposal must be assessed against the applicable design principle to determine if it has been achieved.

Table 1 below outlines the variations the development seeks to the deemed-to-comply provisions under Part C of the R-Codes, along with the consideration of the relevant design principle.

| Deemed-to-comply Provisions                                                                                                                                                                                                                                                                                                                               | Compliance of Proposed Development (Y – Compliant, N – Non-Compliant) | Design Principles                                                                                                                                                                       | JPA Planning Comments                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.2 Trees and Landscaping</b>                                                                                                                                                                                                                                                                                                                          |                                                                       |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                               |
| <p>C1.2.4<br/>A minimum number of trees to be planted in accordance with Table 1.2a and provided with the required deep soil area per tree in accordance with Table 1.2b.</p> <p>Required:</p> <ul style="list-style-type: none"> <li>1 small tree within a deep soil area measuring 3m x 3m</li> </ul>                                                   | N                                                                     | <p>1 small tree is proposed in a 2m x 2m deep soil area</p>                                                                                                                             | <p><u>Propose Condition to Achieve Deemed-to-comply Provision</u></p> <p>The proposed deep soil area is surrounded by mulch allowing the deep soil area to achieve the required 3m x 3m dimensions. Propose condition to require deep soil area to be expanded to 3m x 3m</p> |
| <b>2.2 Solar Access and Natural Ventilation</b>                                                                                                                                                                                                                                                                                                           |                                                                       |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                               |
| <p>C2.2.1<br/>Every habitable room has a minimum of one openable external window:</p> <ul style="list-style-type: none"> <li>Visible from all parts of the room</li> <li>With an aggregate glazed area not less than 10 per cent of the habitable room internal floor area</li> <li>Comprising a minimum of 50 per cent of transparent glazing</li> </ul> | N                                                                     | <p>P2.2.2<br/>Windows to habitable rooms are designed and positioned to optimize daylight, natural ventilation and outlook, while maintaining a reasonable level of visual privacy.</p> | <p><u>Achieves Design Principle</u></p> <p>Minor variation – window to bed 2 is still visible from all areas of the room, provides access to daylight and ventilation whilst still maintaining visual privacy.</p>                                                            |

|                                                                                                                                                                                                                                                                                                                                                                         |   |                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                         |   | which is 9.17% of the floor area (10.9m <sup>2</sup> )                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                        |
| <p>C2.2.4</p> <p>For single houses and grouped dwellings in climate zones 4, 5 and 6, a major opening to the primary living space is oriented between north-west and east with an adjoining uncovered open area with:</p> <ul style="list-style-type: none"> <li>• A minimum dimension of 3m x 3m</li> <li>• The exception of shading devices up to 2m depth</li> </ul> | N | <p>3m x 3m area provided adjacent to the primary living area major opening but it is covered by an alfresco with a depth of 2.7m.</p> <p>2.54m x 3m area provided to the dining area major opening.</p> | <p>P2.2.1</p> <p>In climate zones 4, 5 and 6 the development is sited, oriented and designed to optimise winter solar gain whilst limiting summer sunlight into:</p> <ol style="list-style-type: none"> <li>the primary living space and habitable rooms; and</li> <li>private open spaces, including the primary garden area;</li> </ol> <p>while balancing site constraints, outlook and views of significance.</p> | <p><u>Achieves Design Principle</u></p> <p>Minor variation – both major openings are orientated to optimise winter sun and shade from summer sun, whilst still achieving outlooks and views of significance onsite</p> |
| <b>3.10 VISUAL PRIVACY</b>                                                                                                                                                                                                                                                                                                                                              |   |                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                        |
| <p>3.10.1 All sources of overlooking are oriented, offset or setback in accordance with Table 3.10a so that the cone of vision does not capture major openings and/or active habitable spaces of an adjoining property.</p> <p>Required Setbacks:</p>                                                                                                                   | N | <p>Bedroom 2 does not achieve the 4.5m setback and the Alfresco does not achieve the 7.5m setback</p>                                                                                                   | <p>P3.10.2</p> <p>Adequate visual privacy achieved through appropriate interfaces between dwellings and adjoining properties including measures such as:</p> <ol style="list-style-type: none"> <li>offsetting the location of ground and first floor windows so that</li> </ol>                                                                                                                                      | <p>Achieves Design Principle</p> <p>The 1.8m high boundary fencing achieves the required 1.6m high screening necessary to obscure overlooking.</p>                                                                     |

|                                                                                                                                                                                                                                              |  |  |                                                                                                                                                                                                                                                                                                                                                                                   |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none"> <li>• 4.5m setback from major opening of a bedroom or study</li> <li>• 6m setback from habitable room other than bedroom and study</li> <li>• 7.5m setback from outdoor active habitable space</li> </ul> |  |  | <p>viewing is oblique rather than direct;</p> <ul style="list-style-type: none"> <li>ii. building boundary walls where appropriate;</li> <li>iii. setting back the upper storeys from the lot boundary;</li> <li>iv. providing higher or lower windows, or windows with obscure glazing; and/or</li> <li>v. screening (including landscaping, fencing, timber screens,</li> </ul> |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

The proposal is therefore considered to adequately address the applicable design principles.

### Advertising

Given the very minor nature of the variations and that they do not result in any adverse amenity impacts on adjoining properties, the streetscape or the immediate locality, public consultation was not undertaken for the application.

## Statutory Environment

### ***Planning and Development (Local Planning Schemes) Regulations 2015***

**Schedule 2** Deemed provisions for local planning schemes

**Part 9** Procedure for dealing with applications for development approval

#### **67. Consideration of application by local government**

(2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (fa) any local planning strategy for this Scheme endorsed by the Commission;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting, including —
  - (i) the compatibility of the development with the desired future character of its setting; and

- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;

- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Consideration of the above has been made through the assessment of the proposed development against the applicable planning framework (TPS2 and R-Codes).

### Strategic Implications

Nil.

### Policy Implications

There is no Council policy applicable to this report.

### Financial Implications

There are no financial implications associated with the officer's recommendation.

### Risk Implications

| Risk Category        | Description                                                             | Rating (Consequence x Likelihood) | Mitigation Action                                                                                              |
|----------------------|-------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------|
| Health/People        | Nil                                                                     | Nil                               | Nil                                                                                                            |
| Financial Impact     | Nil                                                                     | Nil                               | Nil                                                                                                            |
| Service Interruption | Nil                                                                     | Nil                               | Nil                                                                                                            |
| Compliance           | That the development is not built in accordance with the approved plans | Moderate (6)                      | Requirement for building permit application to be lodged and approved prior to construction commencing onsite. |
| Reputational         | Nil                                                                     | Nil                               | Nil                                                                                                            |
| Property             | Nil                                                                     | Nil                               | Nil                                                                                                            |
| Environment          | Nil                                                                     | Nil                               | Nil                                                                                                            |

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

#### Officer Recommendation

*That Council approve the application for the proposed outbuilding at Lot 10 (No. 50) Antares Street, Southern Cross, subject to the following conditions:*

- 1. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Shire.*
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time.*
- 3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire.*
- 4. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.*
- 5. The deep soil area for the 1 tree provided on-site is to have minimum dimensions of 3m x 3m.*

## 9.1 Officers Report - Chief Executive Officer

### 9.1.6 Proposed Tree Farm - Various Lots in Southern Cross

|                               |                                                    |
|-------------------------------|----------------------------------------------------|
| <b>Disclosure of Interest</b> | <b>Nil</b>                                         |
| <b>Voting Requirements.</b>   | <b>Simple Majority</b>                             |
| <b>Author</b>                 | <b>Josh Edwards-Arnott - JPA Planning</b>          |
| <b>Attachments</b>            | <b>1. Carbon Neutral Tree Farm Management Plan</b> |

#### Purpose of Report

For Council to consider a planning application for a tree farm on various lots within the Shire of Yilgarn.

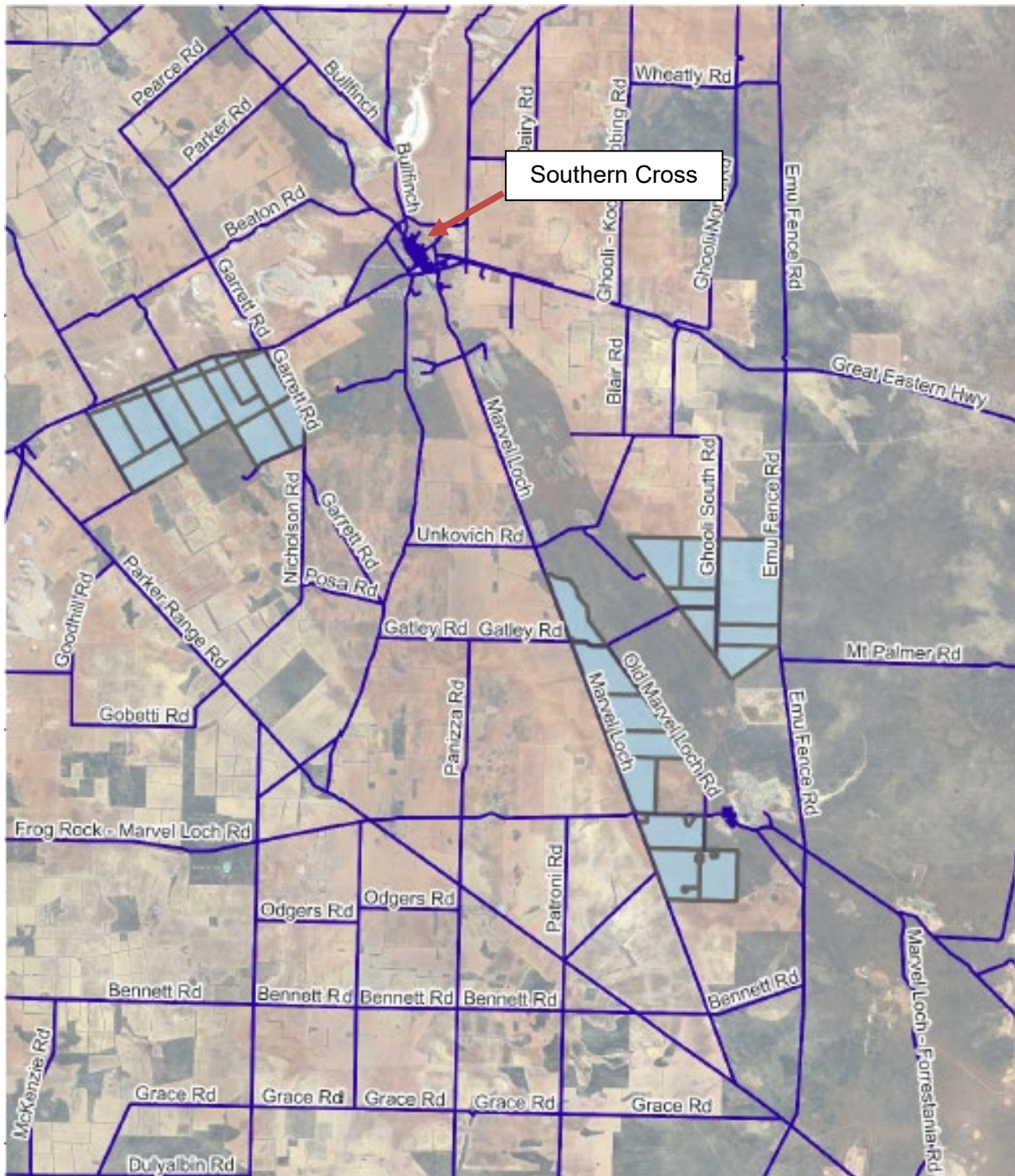
#### Background

A planning application has been lodged by Carbon Neutral Pty Ltd seeking approval for a Tee Farm to the west and south-east of the Southern Cross townsite. A total of 30 lots is included in the application, with a combined area of 11,341.6 hectares.

The 30 lots comprise 3 distinct areas, which are referred to as 'Beaton's & Avalon Yilgarn', 'Western Marvel Loch - Yilgarn' and 'Eastern Marvel Loch – Yilgarn'.

A site context plan is included on the next page. It shows the location of the lots in the application and towns. A3 copies of any maps in this report can be provided to Councillors on request.

The lots have historically been used for agricultural operations, specifically broadacre cropping and grazing.



## Comment

### Description of Application

The intention of the applicant is to establish a carbon farming project (tree farming) on all cleared agricultural land with trees in rows at 6m intervals where controlled livestock grazing and honey production are proposed in between for the lifetime of the project.

The applicant has advised that the proposed plantings will comprise endemic native species of predominantly eucalypt overstorey (Mallees) with dominant midstorey genera, such as Acacias, Allocasuarina, Hakeas, Calothamus and Grevillea species at approximately 400 stems per hectare.

The planting activities are proposed to take place between the months of May and August in 2026 and 2027, depending upon rain events. Irrigation will not be required, and the trees will use rainfall and water in the soil for survival. The trees, once mature, will not be harvested and instead are being planted for the purpose of long-term carbon sequestration and permanent biodiversity restoration.

Plantation Design maps have been prepared for each 3 areas of 'Beaton's & Avalon Yilgarn', 'Western Marvel Loch – Yilgarn' and 'Eastern Marvel Loch – Yilgarn'. These are included in **Attachment 1** of this report.

### Management Plan

A Management Plan has been lodged in support of the application and outlines:

- Schedule of Development Activities
- Revegetation Works
- Planting Species
- Culture and Heritage Considerations
- Threatened Ecological Communities Considerations
- Land and Agricultural Capability Assessment
- Fire Management including:
  - State Planning, Code of Practice and Plantation Fire Protection Considerations
  - Responsibilities and Contact Details
  - Water Supplies and Fire Infrastructure
  - Significant Infrastructure
  - Fire Response Arrangements
- General Property Management including:
  - Staffing
  - Site Inspections and Maintenance
  - Pest and Vermin Management
  - Complaint Handling

The Forest Industries Federation (WA) Code of Practice for Timber Plantations in Western Australia's Appendix 1 outlines protocols for management plans, which are outlined in Table 1 overleaf.

Table 1

| Timber Code of Practice, Second Editions 2014                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Appendix 1<br>Protocols for Management<br>Plans                                                                                                                                                                                      | JPA Planning Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>A Plantation Management Plan may include the following:</p> <ul style="list-style-type: none"> <li>• A plantation map</li> <li>• An establishment plan</li> <li>• A maintenance plan</li> <li>• A fire management plan</li> </ul> | <p>A Management Plan was lodged as part of the planning application and details the following information (but not specifically under the following headings).</p> <p><b>Plantation Map</b><br/>The Management Plan provides mapping designed to outline the project's layout and environmental context, including:</p> <ul style="list-style-type: none"> <li>• <b>Cadastral and Title Boundaries:</b> Detailed layout maps clearly define the property boundaries, lot numbers, deposited plans, and exact parcel sizes in hectares for all lots.</li> <li>• <b>Soil and Land Capability Mapping:</b> Maps include specific Department of Primary Industry and Regional Development data layers identifying local soil groups, current dryland cropping capabilities, grazing capability, and surface salinity risks across the properties.</li> <li>• <b>Infrastructure Layering:</b> The maps detail surrounding road networks, property gates, map tube locations, water pipelines, dams, and local linear infrastructure like 220Kv transmission powerlines and railroads.</li> <li>• <b>Safety &amp; Hazard Mapping:</b> Specific plantation maps detailing the planting compartment boundaries, structural exclusion areas around buildings, and the positions of strategic firefighting water tanks.</li> </ul> <p>It is noted that several of the individual compartments exceed the 30 ha compartment size guidance under the Code and reach sizes such as 147 ha and 147.2 ha (Lot No. 625), 199.4 ha and 207.5 ha (Lot No. 626), and 150.8 ha and 153.9 ha (Lot No. 629).</p> <p>The applicant argues that these larger sizes are justified because the areas are bounded by existing native vegetation with no intervening residential or fire-sensitive land uses. Furthermore, the applicant differentiates this project from a standard commercial timber plantation. Traditional plantations consist of dense canopy structures (600 -1,250 stems/ha) that undergo thinning and pruning,</p> |

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|  | <p>leaving behind highly combustible debris (slash). In contrast, this project mimics an open woodland structure (400 stems/ha with only 20% canopy cover).</p> <p>The applicant goes on to cite research from the Great Western Woodlands showing that mature, open eucalypt woodlands are historically patchy and less likely to carry a continuous, high-intensity fire compared to commercial monocultural species.</p> <p>The standard Department of Fire and Emergency Services (DFES) 30-to-100-hectare compartment limits are primarily designed to prevent a massive head-fire from sweeping into towns, industrial hubs, or houses. Because these specific 150 ha compartments sit directly between massive expanses of existing native vegetation, there are no intervening residential or fire-sensitive properties to protect. Subdividing the compartments to 30 ha would add long stretches of internal firebreaks without significantly altering the surrounding wilderness risk.</p> <p>The larger compartment sizes are backed by robust perimeter management, a local manager, 50,000L water tanks, and a 15m external boundary setback.</p> <p><b>Establishment Plan</b></p> <p>The establishment plan outlines the initial phase of converting marginal agricultural land into permanent native woodland:</p> <ul style="list-style-type: none"> <li>• <b>Target Species and Density:</b> Plantings will feature endemic native species, predominantly eucalypt overstorey (specifically hardy, climate-resilient mallee varieties) and midstorey genera like <i>Acacia</i>, <i>Allocasuarina</i>, <i>Hakea</i>, <i>Calothamnus</i>, and <i>Grevillea</i>. These are planted at a density of 400 stems/ha targeting a 20% mature canopy cover.</li> <li>• <b>Planting Layout:</b> Tree rows will be spaced 6 meters apart and are designed to follow the natural landscape contours in areas of steep topography to capture rainfall and prevent water flow erosion.</li> <li>• <b>Seasonal Execution Schedule (2026):</b> <ul style="list-style-type: none"> <li>○ <b>April/May:</b> Final project design, resource organizing, stock removal, site preparation (scalping and ripping), and the commencement of direct seeding.</li> </ul> </li> </ul> |
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|  | <ul style="list-style-type: none"> <li>○ <b>June/July:</b> Site cultivation and seedling planting immediately following significant rain events.</li> <li>• <b>Infill Strategy (2027):</b> The schedule designates the entirety of the second year for repeating cultivation and planting to infill failed or unplanted patches.</li> </ul> <p><b>Maintenance Plan</b></p> <p>The maintenance plan governs the ongoing, life-of-development operations required to ensure tree health, security, and statutory compliance:</p> <ul style="list-style-type: none"> <li>• <b>On-Site Supervision:</b> A dedicated, Eastern Wheatbelt-based Farm Manager (with a temporary caretaker from Perenjori acting in the interim) will be responsible for asset maintenance and neighbour relations.</li> <li>• <b>Agricultural Re-Integration:</b> Outlines the reintroduction of controlled livestock grazing and apiculture (beekeeping) approximately 3 years post-planting once the native trees are sufficiently mature.</li> <li>• <b>Weed and Pest Monitoring:</b> Details ongoing monitoring for weed growth, plant disease, and insect impacts which will incorporate targeted seasonal spraying and follow-up treatments.</li> <li>• <b>Vermin and Animal Control:</b> Establishes a rolling control regime using a combination of baiting for feral cats/foxes and engaging professional local shooters to cull declared pests (rabbits, wild dogs, and pigs) in cooperation with the Eastern Wheatbelt Biosecurity Group.</li> <li>• <b>Community and Communication Compliance:</b> Requires written notification to neighbours prior to deploying any poisons, while establishing a dedicated feedback system (including an after-hours line) to process and close local complaints.</li> </ul> <p><b>Fire Management Plan</b></p> <p>The fire management plan adapts standard Western Australian plantation rules to the context of a low-biomass environmental woodland:</p> <ul style="list-style-type: none"> <li>• <b>Boundary Setbacks and Cleared Breaks:</b> Proposing to implement a strict 15-meter tree planting setback from all external property lines, which fully encapsulates a 10-meter-wide bare external firebreak.</li> </ul> |
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|  | <ul style="list-style-type: none"> <li>• <b>Internal Compartments:</b> Uses 6-meter-wide internal firebreaks along fence lines and tracks to divide the forest blocks into adapted compartments with a maximum cap of roughly 150 hectares.</li> <li>• <b>Asset Protection Setbacks:</b> Enforces a rigid 100-meter planting exclusion radius around the habitable house on Lot 307 and a 50-meter safety separation distance around non-habitable structures like sheds.</li> <li>• <b>Water Points and Fittings:</b> Mandates the installation of strategic, clearly signposted 50,000-litre water supplies per property, positioned near road frontages with standardized firefighting couplings for emergency vehicles.</li> <li>• <b>Inspection and Coordination Protocol:</b> Establishes formal, biannual firebreak trafficability inspections (conducted in winter and summer). Emergency response provisions require immediate local fire department notification, deployment of the Farm Manager to assist suppression, and sharing georeferenced, GPS-enabled map PDFs with the district Bushfire Control Officer.</li> </ul> <p>The applicant has stated a formal Bushfire Attack Level (BAL) assessment is legally not required because all proposed plantings strictly implement standard hazard separation distances from existing structures (minimum 100m from habitable dwellings and 50m from unhabitable buildings such as sheds).</p> |
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## Local Planning Scheme No. 2

The subject lots are zoned ‘Rural/Mining’ under the Shire of Yilgarn Town Planning Scheme No 2 (LPS2 or the Scheme).

Clause 16 of the LPS2 states: *‘The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement’.*

Although the term ‘agriculture’ may be perceived locally in the form of traditional broad acre farming activities such as cropping and grazing, at the higher State Planning level, Tree Farms are considered to be an agricultural land use.

This interpretation is outlined in the Western Australian Planning Commission (WAPC) State Planning Policy 2.5 on Rural Planning which defines ‘agricultural land use/agricultural purposes’ as *‘a subset of rural land used specifically for agricultural purposes including*

*agriculture – extensive, agriculture – intensive, pastoral uses, plantations and agro forestry. May include industry – primary production. Does not include rural living.'*

Table 1 of the Scheme lists land uses in a table which indicates whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Part of planning assessment involves determining which land use definition from the Scheme 'best fits' the proposal. There is a specific definition for 'Tree Farm' which is defined in the Scheme as: *'means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered'*. Where a land use is defined in the Scheme, and is not listed in Table 1, it is referred to as a 'Use Not Listed'. A Tree farm is not listed in Table 1.

Under Clause 18 (4) Council has three options for dealing with a 'Use Not Listed' as follows:

- Option 1 - Determine that the Tree Farm use is consistent with the objectives of the Rural/Mining zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government.
- Option 2 - Determine that the proposed Tree Farm use may be consistent with the objectives of the Rural/Mining zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land.
- Option 3 - Determine that the Tree Farm use is not consistent with the objectives of the Rural/Mining zone and is therefore not permitted.

Under delegated authority, Option 2 has been opted for, with the application being advertised for public comment, with feedback being detailed under the 'Advertising' section of this report.

## State Planning Policy 2.5 Rural Planning

The intent of State Planning Policy 2.5 (SPP2.5) is *'to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.'*

Section 5.6 – Tree Farming under SPP2.5 outlines WAPC policy considerations for proposed 'Tree Farms', which are listed in Table 2 below.

Table 2

| State Planning Policy 2.5 – Rural Planning |                                                                                         |                                                                                                   |
|--------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Section 5.6 – Tree Farming                 |                                                                                         |                                                                                                   |
| Item                                       | SPP2.5 Section 5.6 Requirement                                                          | JPA Planning Comment                                                                              |
| (a)                                        | tree farming is supported and encouraged on rural land as a means of diversifying rural | Noted. At a state planning level Tree Farms are considered to be a form of agricultural land use. |

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|     | economies and providing economic and environmental benefit;                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |
| (b) | tree farming should generally not occur on priority agricultural land;                                                                                                                                                                                                                                                                                                                                          | There is a map of 'priority agriculture land' attached to the WAPC Fact Sheet on Tree Farms, however it only covers Shires further south.                                                                                      |
| (c) | tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;                                                                                                                                                         | Noted. The applicant has provided a Bushfire Management Plan to support the application.                                                                                                                                       |
| (d) | local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;                                                                                                                                                                                                              | The Shire does not have a Local Planning Policy on Tree Farms. The WAPC Fact Sheet outlines the WAPC position that Local Planning Policies should not be used to limit the area of a lot that can be developed for Tree Farms. |
| (e) | in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses; | Bushfire management, water availability, water quality protection, nutrient management and buffers are all relevant considerations.                                                                                            |
| (f) | where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and                                                                                                                                                                        | This is not applicable as the proposed plantation area exceeds 10% of lot area.                                                                                                                                                |
| (g) | the establishment of tree farms does not warrant the creation of new or smaller rural lots.                                                                                                                                                                                                                                                                                                                     | No further subdivision is proposed as part of the planning application.                                                                                                                                                        |

## DFES Guidelines for Plantation Fire Protection

The Department of Fire and Emergency Services (DFES) have Guidelines for Plantation Fire Protection.

The applicant has included consideration of Bushfire Guidelines in their Management Plan, which generally covers off on the considerations under the DFES guidelines as detailed in Table 3 below:

*Table 3*

| DFES Guidelines for Plantation Fire Protection |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item                                           | Guideline                                                                                                                                                                                                           | JPA Planning Comment                                                                                                                                                                                                                                                                                                    |
| 2.1 External firebreaks and setback distances  | 50 metre minimum between any non-habitable structure (shed) and plantation<br>100 metre minimum between any habitable structure and plantation                                                                      | Complies<br><br>Management Plan refers to 10m external firebreaks, 6m internal firebreaks. As well as 50m setback to non-habitable buildings and 100m setback to habitable structures, specifically around the habitable house on Lot 307.                                                                              |
| 2.2 Fuel Reduction                             | Fuel reduction is encouraged where possible taking into account factors such as remnant vegetation, management techniques, and natural features.<br>The Guideline lists methods available for managing fire breaks. | The applicant has identified in the Management Plan that the project commits to managing fuel loads dynamically, having specific regard to the environmental setting and the maturation of the revegetation.<br><br>Fuel reduction will occur through grazing, slashing, mulching, weed control and prescribed burning. |
| 3a.                                            | Landowner and / or occupier information, contact details and 24-hour fire contact number.                                                                                                                           | Landowner and farm manager contact details are provided in the Management Plan along with Chief Bush Fire Control Officer (CBFO) for the area and Deputy CBFO's for Moorine Rock and Bullfinch.                                                                                                                         |
| 3b.                                            | Contact details of local fire control agencies                                                                                                                                                                      | In addition to the CBFO contact details, the Management plan also provides DFES contact details.                                                                                                                                                                                                                        |
| 3c.                                            | A firefighting equipment register and details of any cooperative arrangements.                                                                                                                                      | No firefighting equipment register is included in the Management Plan. The applicant has noted that the project is in a preliminary status and commits to submitting updated Fire Management Plan to the Shire once planning is complete.                                                                               |

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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>With regard to cooperative arrangements, the Management Plan notes that Carbon Neutral will operate within a collaborative framework via the following:</p> <ul style="list-style-type: none"> <li>- Immediate notification</li> <li>- Active deployment</li> <li>- Neighbourly assistance</li> <li>- Local brigade liaison</li> <li>- Biosecurity cooperation</li> </ul> |
| 3d. | Plantation species, area and layout including compartment size.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The Management Plan provides details on plantation species and compartment sizes.                                                                                                                                                                                                                                                                                            |
| 3e. | <p>Fire protection measures such as:</p> <ul style="list-style-type: none"> <li>a) Fire detection and reporting mechanisms.</li> <li>b) Initial response and attack of fires</li> <li>c) Potential ignition sources.</li> <li>d) Access in and around the plantation.</li> <li>e) Clearly signed access roads.</li> <li>f) Methods of firebreak maintenance.</li> <li>g) Measures to protect services (eg powerlines).</li> <li>h) Water supplies and capacity</li> <li>i) Surrounding vegetation type, age since burnt and if the site is being effectively managed (if available)</li> <li>j) Sites fire history, were available.</li> <li>k) Harvesting procedures and other measures used to reduce hazards (eg slashing, thinning).</li> <li>l) Fuel reduction programme if applicable such as herbicide use or</li> </ul> | The Management Plan generally outlines the fire protection measures and it is beneficial that the applicant proposes to employ a plantation manager who will live locally and who can attend the properties in the event of any fire.                                                                                                                                        |

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|                                    | <u>grazing.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3f.                                | Surrounding local features including existing plantations, proximity to towns, remnant vegetation and significant values relevant to the site.                                                                                                                                                                                                                                                                                                                                                                                           | Complies and includes a context plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3g.                                | A plantation map to be held in suitable containers and clearly signposted at the main property entrances and other locations approved by the local government.                                                                                                                                                                                                                                                                                                                                                                           | Location of tubes are shown on Draft Fire Management maps.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3h.                                | Fire compartment maps will indicate: <ul style="list-style-type: none"> <li>- Compartment boundaries and sizes</li> <li>- Water supplies including Dams</li> <li>- Emergency access/egress (firebreaks)</li> <li>- Structures</li> <li>- Significant features such as remnant vegetation</li> </ul>                                                                                                                                                                                                                                      | Fire Management Maps indicate compartment boundaries, water supplies, firebreaks, structures and significant features (such as existing infrastructure and native vegetation).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4.1<br>Compartment size and layout | <ul style="list-style-type: none"> <li>- Compartments should be no more than 30 hectares where possible or as prescribed by the local government.</li> <li>- Compartment boundaries should follow roads or natural features.</li> <li>- Fuel loads management techniques should be considered such as slashing between rows or grazing.</li> <li>- Topography, slope, access to water etc should be considered.</li> <li>- The layout should ensure that firebreaks are maintained sufficiently for emergency service access.</li> </ul> | <p>The Management Plan explicitly acknowledges that the standard DFES guidelines contemplate a preferred compartment size of 30 hectares. However, it proposes a site-specific variation, designing its internal grids to accommodate larger compartments with a maximum cap of approximately 150 hectares. The applicant argues that this variation satisfies the guideline's "local conditions" clause because the affected blocks (specifically in the far southern blocks of the Eastern Marvel Loch area) are situated directly between large existing native vegetation systems with effectively no intervening residential, commercial, or fire-sensitive land uses.</p> <p>With regard to the following points, the Management Plan identifies:</p> <ul style="list-style-type: none"> <li>- compartments following roads and/or natural features;</li> <li>- fuel loads being managed as indicated previously;</li> </ul> |

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|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>- topography being addressed through the planting layout;</li> <li>- water supplies being provided for each area; and</li> <li>- firebreaks indicated and being maintained for emergency service access.</li> </ul>                         |
| 4.2 Fire breaks and access | <ul style="list-style-type: none"> <li>- Fire breaks to be as per the local government fire notice.</li> <li>- Vehicle access to be maintained in the planting layout.</li> <li>- Where possible tracks should be aligned to provide straight through access at junctions.</li> <li>- Access lanes must allow one line of traffic with passing areas where possible. Passing bays are recommended at 200m intervals (20m long by 6m wide)</li> <li>- The minimum trafficable surface must be 6 metres.</li> <li>- There must be horizontal and vertical clearance for vehicle access. 6m horizontal</li> </ul> | 15m firebreaks are proposed which comply with the Shire's fire notice. Access will be provided for emergency vehicles and the farm manager's vehicle, with the firebreaks being regularly maintained to retain access.                                                             |
| 4.3 Water Supplies         | <ul style="list-style-type: none"> <li>- A 50,000-litre minimum to be permanently available with suitable fittings</li> <li>- Water supply to be designed and constructed so that heavy duty water firefighting equipment is able to access the supply.</li> <li>- Water supply to be shown on a plantation map and signposted in the field.</li> </ul>                                                                                                                                                                                                                                                        | Each area, 'Beaton's & Avalon Yilgarn', 'Western Marvel Loch – Yilgarn' and 'Eastern Marvel Loch – Yilgarn', are provided with multiple 50,000L water tanks with firefighting couplings. Locations of these are shown on the Fire Management Maps provided in the Management Plan. |
| 5. Equipment and training  | <p>The Guidelines discuss that it must be possible for every plantation manager to attend a fire on their own plantation.</p> <p>The Guidelines discuss:</p> <ul style="list-style-type: none"> <li>- ensuring that any personal</li> </ul>                                                                                                                                                                                                                                                                                                                                                                    | The Management Plan states that the farm manager will be provided necessary training and resources to manage on-site fire risk. Water tanks will also be regularly checked and maintained and the harvest bans will be adhered to.                                                 |

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|  | have adequate training<br>- Machinery to be fitted with fire extinguishers.<br>- Firefighting equipment to be maintained in good working order.<br>- Adhere to harvest bans |  |
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Notwithstanding the general compliance with the above, it is recommended that the inclusion of a condition to provide BMP's for each of the 3 areas be provided prior to planting that address all of the sections of the DFES guidelines that have been omitted from the lodged management plan.

### Advertising

Local public notice was given for the application on 25 of May 2026.

The application received no submissions.

## Statutory Environment

### Planning and Development (Local Planning Schemes) Regulations 2015

**Schedule 2** Deemed provisions for local planning schemes

**Part 9** Procedure for dealing with applications for development approval

### 67. Consideration of application by local government

In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;

- (fa) any local planning strategy for this Scheme endorsed by the Commission;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting, including —
  - (i) the compatibility of the development with the desired future character of its setting; and
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —

- (i) public transport services;
- (ii) public utility services;
- (iii) storage, management and collection of waste;
- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Consideration of the above have been made through the assessment of the proposed development against the applicable planning framework.

#### **Strategic Implications**

Nil.

#### **Policy Implications**

There is no Shire policy applicable to this report.

#### **Financial Implications**

There are no financial implications associated with the officer's recommendation.

## Risk Implications

| Risk Category        | Description                                          | Rating (Consequence x Likelihood) | Mitigation Action                 |
|----------------------|------------------------------------------------------|-----------------------------------|-----------------------------------|
| Health/People        | Increased risk of bushfire                           | High (12)                         | Bushfire management plan          |
| Financial Impact     | Nil                                                  | Nil                               | Nil                               |
| Service Interruption | Bushfire creating service interruption               | High (12)                         | Bushfire management plan          |
| Compliance           | Non-compliance with firebreaks or on-site management | Low (4)                           | Site inspections from Shire staff |
| Reputational         | Nil                                                  | Nil                               | Nil                               |
| Property             | Nil                                                  | Nil                               | Nil                               |
| Environment          | Increased risk of bushfire                           | High (12)                         | Bushfire management plan          |

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

### Officer Recommendation

*That Council approve the planning application for the proposed tree farm on various lots in Southern Cross that are generally known as 'Beaton's & Avalon Yilgarn', 'Western Marvel Loch - Yilgarn' and 'Eastern Marvel Loch - Yilgarn', subject to the following conditions:*

- 1. The development, once commenced, is to be carried out in accordance with the approved plans and Management Plan at all times, unless otherwise authorised by the Shire.*
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time.*
- 3. A Bushire Management Plan is to be prepared for each of the 3 areas generally known as 'Beaton's & Avalon Yilgarn', 'Western Marvel Loch - Yilgarn' and 'Eastern Marvel Loch - Yilgarn'.*
- 4. All works to be carried out under this development approval are required to be contained within the boundaries of the subject lots.*

## 10.2 Reporting Officer - Executive Manager Corporate Services

### 10.2.1 Financial Reports - June 2026

|                               |                                      |
|-------------------------------|--------------------------------------|
| <b>File Reference</b>         | <b>8.2.3.2</b>                       |
| <b>Disclosure of Interest</b> | <b>Nil</b>                           |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>               |
| <b>Author</b>                 | <b>Travis Prue - Finance Manager</b> |
| <b>Attachments</b>            | <b>Financial Reports</b>             |

#### Purpose of Report

For Council to receive and endorse the financial statements for the month ended 30 June 2026.

#### Background

Enclosed for Council's information are the monthly financial statements and associated reports that detail Council's financial position as at 30 June 2026.

#### Comment

Council's closing funding surplus for the month ended 30 June 2026 was \$6,357,767 with cash on hand of \$21,495,368 including \$14,937,287 of restricted reserves. During June \$3,918,828 of Federal Assistant Grants for Roads for 2026/27 was received.

#### Statutory Environment

Local Government (Financial Management) Regulations 1996

#### 34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

***committed assets*** means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

#### **Strategic Implications**

Nil.

#### **Policy Implications**

Nil.

#### **Financial Implications**

Nil.

## Risk Implications

| Risk Category        | Description                                          | Rating (Consequence x Likelihood) | Mitigation Action                                                                          |
|----------------------|------------------------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------|
| Health/People        | Nil                                                  | Nil                               | Nil                                                                                        |
| Financial Impact     | Risk of misstatement of Council's financial position | Moderate (4)                      | Multiple redundant oversight mechanisms for financial statements and associated operations |
| Service Interruption | Nil                                                  | Nil                               | Nil                                                                                        |
| Compliance           | LG (Financial Management) Regulations 1996           | Moderate (6)                      | Adherence to statutory requirements                                                        |
| Reputational         | Nil                                                  | Nil                               | Nil                                                                                        |
| Property             | Nil                                                  | Nil                               | Nil                                                                                        |
| Environment          | Nil                                                  | Nil                               | Nil                                                                                        |

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

## Officer Recommendation

*That Council endorse the financial statements for the month ended 30 June 2026.*

## 10.2 Reporting Officer - Executive Manager Corporate Services

### 10.2.2 Accounts for Payment - June 2026

|                               |                                          |
|-------------------------------|------------------------------------------|
| <b>File Reference</b>         | <b>8.2.1.2</b>                           |
| <b>Disclosure of Interest</b> | <b>Nil</b>                               |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>                   |
| <b>Author</b>                 | <b>Steven Chilcott - Finance Officer</b> |
| <b>Attachments</b>            | <b>Accounts for Payment</b>              |

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund - Cheque 41372 to 41376 totalling \$2,896.47
- Municipal Fund - EFT 18215 to 18326 totalling \$718,542.32
- Municipal Fund - Cheques 2853 to 2871 totalling \$437,116.98
- Municipal Fund - Direct Debit Numbers:
  - 20520.1 to 20520.14 totalling \$33,850.48
  - 20544.1 to 20544.14 totalling \$34,063.19
  - 20584.1 to 20584.14 totalling \$34,521.57
- Trust Fund - Cheque 402705 to 402707 totalling \$1,300.00

The above are presented for endorsement as per the submitted list

#### Comment

Nil.

#### Statutory Environment

Local Government Act 1995

#### 5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

*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 subregulation (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.

**Strategic Implications**

Nil.

### Policy Implications

Council Policy 3.11 - Timely Payment of Suppliers

### Financial Implications

Drawdown of Bank funds.

### Risk Implications

| Risk Category               | Description                                                    | Rating (Consequence x Likelihood) | Mitigation Action                                                                   |
|-----------------------------|----------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------|
| <b>Health/People</b>        | Transactions require two senior managers to approve.           | Moderate (8)                      | Transactions require two senior managers to sign cheques or approve bank transfers. |
| <b>Financial Impact</b>     | Reduction in available cash.                                   | Moderate (5)                      | Nil                                                                                 |
| <b>Service Interruption</b> | Nil                                                            | Nil                               | Nil                                                                                 |
| <b>Compliance</b>           | Local Government (Financial Management) Regulations 1996       | Moderate (6)                      | Adherence to statutory requirements                                                 |
| <b>Reputational</b>         | Non or late payment of outstanding invoices and/or commitments | Moderate (9)                      | Adherence to Timely Payment of Suppliers Policy                                     |
| <b>Property</b>             | Nil                                                            | Nil                               | Nil                                                                                 |
| <b>Environment</b>          | Nil                                                            | Nil                               | Nil                                                                                 |

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

### **Officer Recommendation Background**

- *Municipal Fund - Cheque 41372 to 41376 totalling \$2,896.47*
- *Municipal Fund - EFT 18215 to 18326 totalling \$718,542.32*
- *Municipal Fund - Cheques 2853 to 2871 totalling \$437,116.98*
- *Municipal Fund - Direct Debit Numbers:*
  - *20520.1 to 20520.14 totalling \$33,850.48*
  - *20544.1 to 20544.14 totalling \$34,063.19*
  - *20584.1 to 20584.14 totalling \$34,521.57*
- *Trust Fund - Cheque 402705 to 402707 totalling \$1,300.00*

*The above are presented for endorsement as per the submitted list*

## 10.2 Reporting Officer - Executive Manager Corporate Services

### 10.2.3 Bodallin Hall & Oval - SRG Global/McConnell Dowell Usage Agreement

|                               |                                                                                                             |
|-------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>File Reference</b>         | <b>1.3.2.1 &amp; 1.3.8.1</b>                                                                                |
| <b>Disclosure of Interest</b> | <b>Nil</b>                                                                                                  |
| <b>Voting Requirements</b>    | <b>Simple Majority</b>                                                                                      |
| <b>Author</b>                 | <b>Cameron Watson - Executive Manager Corporate Service</b>                                                 |
| <b>Attachments</b>            | <b>Proposed SRG Global Utilities Pty Ltd/McConnell Dowell Constructions (Aust) Pty Ltd Usage Agreement.</b> |

#### Purpose of Report

For Council to consider a request from the SRG Global/McConnell Dowell Joint Venture for the use of part of the Bodallin Hall for the purpose of a site office and approve the signing of a usage agreement.

#### Background

Water Corporation are currently in the process of upgrading sections of the Goldfields Pipeline in or adjacent to the Bodallin Townsite. SRG Global/McConnell Dowell Joint Venture have been awarded the renewal works for sections around the Yerbillion Tank. Accordingly, SRG Global Utilities Pty Ltd (ACN 001 904 258) and MCCONNELL DOWELL CONSTRUCTORS (AUST) PTY LTD (ABN 44 290 223 967) ("SRG Global & McConnell Dowell") have requested the use of the Bodallin Hall for the purpose of a site office.

#### Comment

The requested lease duration is 12 months, commencing in July 2026. From prior experience with similar agreements, it is worth providing for the lessee's project taking longer than anticipated, so an extension clause has been included to extend the term by 6 months.

#### Statutory Environment

##### Local Government Act 1995

### 3.58. Disposing of property

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or

- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
  - and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Local Government (Functions and General) Regulation 1996

**30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;or
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;or
  - (c) the land is disposed of to —
    - (i) the Crown in right of the State or the Commonwealth; or
    - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
    - (iii) another local government or a regional local government;or
  - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
  - (e) ***it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or***
  - (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession or medical profession to be used for carrying on the person's dental practice or medical practice; or
  - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
  - (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or

- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
  - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
    - (i) the names of all other parties concerned; and
    - (ii) the consideration to be received by the local government for the disposition; and
    - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —
- (a) be made available for public inspection; and
  - (b) be published on the local government's official website.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
  - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

*[Regulation 30 amended: Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846; 18 Sep 2015 p. 3812; SL 2020/213 r. 41; SL 2023/47 r. 6.]*

The recommendation that follows is consistent with the legislative requirements.

### **Strategic Implications**

There are no strategic implications as a result of this report.

### **Policy Implications**

There are no policy implications as a result of this report.

### **Financial Implications**

If the recommendation below is endorsed, facility usage income will be increased by \$36,000 ex-GST in the current financial year.

### Risk Implications

| Risk Category        | Description                                                                       | Rating (Consequence x Likelihood) | Mitigation Action                                            |
|----------------------|-----------------------------------------------------------------------------------|-----------------------------------|--------------------------------------------------------------|
| Health/People        | Nil                                                                               | Nil                               | Nil                                                          |
| Financial Impact     | Remedial works to hall and oval not carried out by Fulton Hogan                   | Moderate (9)                      | Monitor situation towards end of works and ensure compliance |
| Service Interruption | Nil                                                                               | Nil                               | Nil                                                          |
| Compliance           | Nil                                                                               | Nil                               | Nil                                                          |
| Reputational         | Nil                                                                               | Nil                               | Nil                                                          |
| Property             | Damages to hall and/or non-compliance by Fulton Hogan with make good requirements | Moderate (9)                      | Monitor situation towards end of works and ensure compliance |
| Environment          | Nil                                                                               | Nil                               | Nil                                                          |

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

### Officer Recommendation

#### That Council:

1. *Agrees to dispose of Lot 41, Great Eastern Highway, Bodallin to SRG Global Utilities Pty Ltd (ACN 001 904 258) and McConnell Dowell Constructors (Aust) Pty Ltd (ACN 002 929 017) by way of lease for \$3,000.00 (ex-GST) per month.*
2. *Endorse the terms of the attached lease agreement and authorise the Chief Executive Officer to make any minor amendments to the contract as are necessary to ensure its execution by all parties, provided these amendments are immaterial.*

## 11.3 Reporting Officer - Executive Manager Infrastructure

### 11.3.1 Adoption of the 2026 to 2036 Footpath Plan

#### File Reference

#### Disclosure of Interest

Nil

#### Voting Requirements

Simple Majority

#### Author

Glen Brigg - Executive Manager Infrastructure

#### Attachments

Nil

### Purpose of Report

To present the Shire of Yilgarn Footpath Plan 2026 to 2036 (the Plan) to Council for adoption. The Plan establishes a strategic framework for the management, renewal and future expansion of the Southern Cross footpath network, including a functional hierarchy, prioritisation methodology, design standards and an indicative 10-year capital works program.

### Background

The Shire currently manages approximately 16 kilometres of footpath infrastructure comprising reinforced concrete, brick paving, asphalt and gravel pedestrian corridors. Historically, new footpaths have been constructed incrementally in response to available funding, individual requests or isolated projects, resulting in a network that has evolved over many years without an overarching strategic framework.

The Plan has been developed to support Council's Combined Asset Management Plan by establishing consistent service levels, identifying renewal priorities and providing an objective methodology for future expansion. The Plan also aligns future investment with long-term financial planning and annual capital works programming.

### Comment

The Plan introduces a structured approach to managing pedestrian infrastructure through five key components:

- establishment of a three-tier pedestrian network hierarchy identifying primary, connector and local access routes;
- GIS mapping of the existing network, including functional hierarchy and asset condition;
- an objective prioritisation framework based on safety, accessibility, pedestrian demand and community benefit;
- standardised design and construction requirements for future footpaths; and
- an indicative 10-year renewal and expansion program integrated with the Long, Term Financial Plan and Asset Management Framework.

The inclusion of functional hierarchy mapping allows for more informed and targeted investment into Council's infrastructure. Rather than responding to ad hoc requests, future investment will be directed toward completing strategic pedestrian corridors connecting

schools, the hospital, recreation facilities, the CBD and residential areas. The mapping also provides transparency by clearly identifying Tier 1, Tier 2 and Tier 3 routes that will guide future renewal, expansion and grant funding applications.

Adoption of the Plan does not commit Council to construct every proposed footpath; it merely provides a strategic framework to determine future budget allocations and inform grant applications and future capital works programming.

### **Statutory Environment**

There are no statutory implications associated with the adoption of the Plan.

### **Strategic Implications**

The Footpath Plan supports the Shire's Integrated Planning and Reporting Framework, Combined Asset Management Plan and Long, Term Financial Plan by providing a coordinated, evidence, based approach to the planning, renewal and expansion of pedestrian infrastructure.

### **Policy Implications**

Nil.

### **Financial Implications**

Adoption of the Plan does not itself not incur any immediate expenditure.

However, the incorporation of the Plan into future budgets will Council to an allocation (in present value) of in excess of \$3 million in its forward planning, noting that every annual budget is prepared within the context of each year, so allocations may vary if sufficient funding is unavailable

### Risk Implications

| Risk Category          | Description                                                          | Rating | Mitigation                                    |
|------------------------|----------------------------------------------------------------------|--------|-----------------------------------------------|
| <b>Health / People</b> | Safer footpaths reduce trip hazards and improve pedestrian access.   | Low    | Renew high risk footpaths first.              |
| <b>Financial</b>       | Helps Council plan future spending instead of reacting to problems.  | Low    | Annual budget review and staged works.        |
| <b>Service</b>         | No impact on current services.                                       | Low    | Continue normal maintenance.                  |
| <b>Compliance</b>      | Supports good asset management and consistent decision making.       | Low    | Review and update the Plan as required.       |
| <b>Reputation</b>      | Provides a fair and transparent way to prioritise footpath projects. | Low    | Use the adopted hierarchy and scoring system. |
| <b>Property</b>        | Protects Council's footpath assets through planned renewal.          | Low    | Ongoing inspections and maintenance.          |
| <b>Environment</b>     | Nil                                                                  |        | Nil                                           |

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

### Officer Recommendation

*That Council endorse the Shire of Yilgarn Footpath Plan 2026 to 2036.*

## 12. APPLICATIONS FOR LEAVE OF ABSENCE

## 13. MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 13.1 Motions Requested by Councillor Rose

#### 13.1.1 Disbanding Local Action Group Skeleton Weed Committee

|                               |                                             |
|-------------------------------|---------------------------------------------|
| <b>File Reference</b>         | <b>8.2.1.2</b>                              |
| <b>Disclosure of Interest</b> | <b>Nil</b>                                  |
| <b>Voting Requirements</b>    | <b>Absolute Majority</b>                    |
| <b>Author</b>                 | <b>Ben Forbes - Chief Executive Officer</b> |
| <b>Attachments</b>            | <b>Nil</b>                                  |

#### Purpose of Report

For Council to consider a motion by Councillor Linda Rose to disband the Local Action Group Skeleton Weed Committee.

#### Background

On Tuesday 7 July 2026, Cr Rose sent the following email to the Chief Executive Officer (CEO):

*Good morning, Ben,*

*May I add an agenda item into this month's meeting.*

*The Skeleton Weed Committee has been a committee of Council for many years.*

*My understanding that this need arose from the fact that the Yilgarn Shire held the funds for the Yilgarn Local Action Group (LAG)*

*Approximately 3 years ago the Yilgarn, Narembreen and Bruce Rock had a meeting with our LGIS representative and due to the nature of the program it was deemed 'high risk'. We therefore, as a Council, removed ourselves from having anything to do with the Skeleton Weed Program.*

*Goomalling was approached and they have taken over the financial running of these Local Action Groups.*

*I feel that we do not require a representative at these meetings in the future from Council.*

#### Comment

Given the context provided by Cr Rose regarding the function of the skeleton weed LAG, it is a valid proposition that the group not continue as a committee of Council. Cr Guerini, as the other elected member on the committee, has concurred with Cr Rose's proposal.

It should be noted that disbanding the committee of Council does not prevent the same group of persons continuing to meet and collaborate in their own right.

## **Statutory Environment**

### Local Government Act 1995

#### **5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council.

#### **5.11. Committee membership, tenure of**

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
- (b) the person resigns from membership of the committee; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

### Shire of Yilgarn Local Government (Council Meetings) Local Law 2017

#### **5.3 Motions of which previous notice has been given**

(1) Unless the Act, Regulations or this Local Law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good governance of the district.

(4) The CEO—

- (a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of this Local Law or any other written law;
- (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
- (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

### Strategic Implications

#### Goal 11 - Protect our Natural Environment

*11.1 Advocate for continued investment in land care management and conservation*

*11.2 Where appropriate, support local conservation and pest management initiatives*

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

| Risk Category           | Description | Rating<br>(Consequence x<br>Likelihood) | Mitigation Action |
|-------------------------|-------------|-----------------------------------------|-------------------|
| Health/People           | Nil         | Nil                                     | Nil               |
| Financial Impact        | Nil         | Nil                                     | Nil               |
| Service<br>Interruption | Nil         | Nil                                     | Nil               |
| Compliance              | Nil         | Nil                                     | Nil               |
| Reputational            | Nil         | Nil                                     | Nil               |
| Property                | Nil         | Nil                                     | Nil               |
| Environment             | Nil         | Nil                                     | Nil               |

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

#### Officer Recommendation

*That Council, by absolute majority, per Section 5.8 of the Local Government Act 1995  
disband the Local Action Group Skeleton Weed Committee.*

**14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION  
OF THE MEETING**

**15. MEETING CLOSED TO THE PUBLIC - CONFIDENTIAL ITEMS**

**16. CLOSURE**