

### CEO ATTACHMENT BOOKLET FOR

### ORDINARY COUNCIL MEETING

18 June 2025 at 5:00pm

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#### Application to Add or Amend a Road on a Restricted Access Vehicle Network

This form is to be completed when applying to have road(s) assessed to be added to a RAV Network. All route assessment applications will be assessed in accordance with the RAV Access Approval & Review Policy and associated documents, available on the Access Requirements in WA page on our website.

Applicant Details						
Operator Name						
Contact Name	Со	ntact Num	ber			
Email						
RAV Category to be Assessed						
Tandem Drive RAV Categories	Tri Drive Categories 1	-5				
Note: Refer to our website for the relevant Operating Conditions on the Orders page.	Note: Refer to our website	e for the relev	vant Operating C	Conditions on	the Tri Drive page	-
Tandem Drive PBS Categories	Tri Drive PBS Catego	ries				
Note: Refer to our website for the WA PBS Scheme - Access Levels & Principles on the PBS pa	nge to determine your PBS Cate	egory.				
Accredited Containerised Freight Categories	Road Trains with Long	g Trailers				
Note: Refer to our website for the Accredited Containerised Freight Operating Conditions.	Note: Refer to our website	e for the Roa	d Train with Lon	g Trailers Op	perating Conditions	4
Oversize Road Train and B-Double Categories	Platform Trailer Reloc	ation				
Note: Refer to our website for the Oversize Road Train and B-Double Operating Conditions.	Note: Refer to our website	e for the Plati	form Trailer Relo	ocation Opera	ating Conditions.	
Class 1 RAV - 8 Tyres Per Axle Low Loader Overmass	Other					
Note: Refer to our website for the Class 1 RAV - 8 Tyres Per Axle Low Loader Overmass Perio	d Permit Operating Conditions.					
PBS Specific Access (e.g. Level 2, 31.5 metres)			MRWA			
Concessional Mass Level to be Assessed		Concess	sional Mass	Levels		
Level 1 Mass Networks are applied when a road is approved on the equiva	alent		Tandem Axle Group	Tri Axle Group	Quad Axle Group (PBS)	
base Tandem Drive, Tri Drive or PBS Network(s) listed in the above section	n.	Level 1 Level 2	17.0t 17.0t	21.5t 22.5t	24.0t 27.0t	
Note: Refer to our website for the relevant Operating Conditions on the Accredited Mass Manag	gement	Level 3	17.5t	23.5t	28.5t	
Scheme (AMMS) page.	Re	equested I	Mass Level			
Transport Task Details						
Estimated Annual Tonnage (t)	stimated Loaded Moven	nents				

Estimated Annual Tonnage (t)

Reason for RAV Access Application

List all roads for the intended route (for campaign haulage tasks only): Include start and end location and attach a map.

#### Roads to be Assessed

List required road(s) that are not currently approved for the required level of RAV Access.



We're working for Western Australia.

# Standard Restricted Access Vehicle Route Assessment Guidelines

Printed copies are uncontrolled unless marked otherwise. Refer to Main Roads website for current version. D14#493277 May 2022

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## **Document Control**

Owner	Director Heavy Vehicle Services
Custodian	Manager Heavy Vehicle Road Network Access
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## Amendments

Revision Number	Revision Date	Description of Key Changes	Section / Page No.
1	May 2016	Removed Appendix G 'Turning Radii' Removed Appendix K 'Assessment Form Template' Updated Appendix H 'Low Volume Condition 7' Updated Appendix D to include the wording 'with dedicated cycle lane'. Updated contact details.	Appendices & 1.5
2	July 2016	Updated to include revised minimum road widths for RAV Categories 2-7 and 9-10 & moved Type B traffic volume / road length table. Added Type B traffic volume / road length table.	Appendix C and 2.4.4
3	3 October 2016 Amended list of standard turning templates. Updated web location for turning templates. Amended low volume condition 1.		Appendix G & H, 2.92
4	March 2017	Remove section.	2.9.5
5	April 2017	Updated Main Roads website details.	1.4
6	May 2017	Amended low volume condition 6.	Appendix H
7	July 2017	Note added relating to private driveways.	1.2
8	December 2017	Amended stopping sight distances. Amended entering sight distances. Amended wording relating to road parking. Amended wording to include load/vehicle height being 4.6m.	Appendix E, F, D, 2.3
9	August 2018	Amended wording relating to provision for overtaking. Amended wording relating to turning at intersections. Amended wording and requirements for railway level crossing. Amended wording relating to off-road parking. Amended appendices, Appendix E, (Templates) & I removed. Added Figure 1 to 8. Incorporated concessional assessment requirements Amended section 2.4.1 Signage, 2.8.1 Acceleration Lanes, 2.9.1 Signage & 2.9.4 Rail Crossings.	2.6, 2.9, 2.10, 2.11, Appendix A, B, C, D, E 1.1, 2.21

10	September 2018	Amended wording relating to turning at intersections. Amended wording relating to provision of overtaking and removed Figure 1. Amended wording relating to Approach Sight Distance and Entering Sight Distance.	2.6, 2.8, 2.84, 2.85
11	November 2019	Amended introduction to clarify the intent of the guidelines.	Page 6
12	13 May 2022	Reviewed entire document and moved onto current branding (no technical changes).	All

## **REFERENCES AND RELATED DOCUMENTS**

The following documents relate to these Guidelines and are available on the Access Requirements in WA page on the Main Roads website.

Document Number	Description
D16#198414	Guidelines for Approving RAV Access
D16#374056	Tri Drive Route Assessment Guidelines
N/A	RAV Route Assessment Form

### DEFINITIONS

The following are definitions for terms used in these Guidelines.

Term	Definition		
AADT	Annual Average Daily Traffic (AADT) the daily number of vehicles travelling on a road, averaged over one year. It is determined by the total yearly two-way traffic volume divided by 365, expressed as vehicles per day.		
Approach Sight Distance (ASD)	The distance required for a driver of a RAV, travelling at a given speed, to observe the approaching intersection, and react or stop if necessary.		
Bridge	A structure (with the exception of gantries) having a clear opening in any span of greater than 3 metres measured between the faces of piers and/or abutments or structures of a lesser span with a deck supported on timber stringers.		
Carriageway Width	That portion of a road or structure devoted particularly to the use of vehicles that is between guide posts, kerbs or barriers where these are provided, inclusive of shoulders and auxiliary lanes.		
Culvert	A structure under a road having only clear openings of less than or equal to 3 metres measured between the faces of piers and/or abutments or a pipe shaped structure of any diameter.		
Entering Sight Distance (ESD)	The required sight distance for a RAV driver to see a sufficient gap in oncoming traffic that will allow a RAV, with greater length and lower acceleration capacity, to clear the intersection safely.		
HVS	Main Roads Heavy Vehicle Services.		
Main Roads website	www.mainroads.wa.gov.au		
Passenger Car Equivalence	Passenger Car Equivalence (PCE) factors are a relative measure of the traffic flow impedance effects of different vehicle types. The PCE factor for a particular vehicle type is the equivalent number of passenger cars (AUSTROADS Vehicle Class 1) that would have the same impedance effect as a single vehicle of that type.		
Order	An Order issued under the Road Traffic (Vehicles) Act 2012.		
RAV	Restricted Access Vehicles (RAV) consists of all combinations of vehicles exceeding 19 metres in length or 42.5 tonnes gross mass including B-Doubles, road trains and truck-and-trailer combinations.		

Term	Definition	
Remote Road	A general term for a main arterial road carrying mostly long distance traffic.	
Rural Road	All roads that provide a secondary network of National, State and local government roads connecting cities and towns.	
Seal Width	Width between edges of sealed surface or between edge lines (where installed on undivided carriageways), whichever is less.	
Structure	A bridge or culvert.	
ТРА	Tonnes per annum.	
Urban and Town Site Road	All roads within a populated area of established dwellings, a central place of trade and recognised as a distinct place. Generally the area will act as a central hub of activity for the community.	
VPD	Vehicles Per Day (VPD) is the number of vehicles observed passing a point on a road in both directions for 24 hours. It is a measure of daily traffic volume, often more relevant to low volume, local government roads, typically rural roads in these guidelines. VPD can differ from AADT in being a better measure of traffic volume during periods of more intensive RAV usage or seasonal tourist traffic.	
Vehicle Regulations	The Road Traffic (Vehicles) Regulations 2014.	

## 1 INTRODUCTION

#### 1.1 Purpose

These guidelines have been prepared to provide guidance to a person conducting an onsite assessment, on an existing road, for the purpose of assisting Main Roads Heavy Vehicle Services (HVS) in making an informed decision as to whether a road is suitable for use by a particular category of Restricted Access Vehicle (RAV).

These guidelines are to be read in conjunction with the following documents, available on the Access Requirements in WA page on the Main Roads website:

- Guidelines for Approving RAV Access; and
- Tri Drive Route Assessment Guidelines;

The *RAV Route Assessment Form* is also available on the Main Roads website to further assist in ensuring the required information is captured during the onsite assessment.

These Guidelines form part of the overall RAV access assessment process, as outlined in <u>Appendix F</u>, to enable HVS to make an informed decision on behalf of the Commissioner of Main Roads, in accordance with the Commissioner's authority to approve RAV access under provisions of the *Road Traffic (Vehicles) Act 2012.* 

**These guidelines are not road design standards**. However, if a road is constructed to the appropriate road design standards for the particular category of RAV and approved by Main Roads, the road will pass the RAV access assessment process.

#### 1.2 Application

For the purpose of these guidelines, "standard" RAVs are those vehicle combinations specified as Category 1 to 10 Approved Vehicle Combinations under the *Prime Mover, Trailers Combinations Order 2017* and *Truck, Trailer Combinations Order 2017*.

For the purpose of these guidelines, the standard RAV Categories have been grouped into four (4) assessment groups, as follows:

- Group 1 RAVs Categories 2-4 (e.g., pocket road train, B-Double, and other RAVs with a maximum length of 27.5 m);
- Group 2 RAVs Categories 5-6 (e.g., RAVs with a maximum length of 36.5 m and a maximum mass of 87.5T);
- Group 3 RAVs Categories 7-8 (e.g., RAVs with a maximum length of 36.5 m and a maximum mass of 107.5T); and
- Group 4 RAVs Categories 9-10 (e.g., RAVs with a maximum length of 53.5 m).
- **Note 1:** A road approved for one of the standard RAV Categories, is also approved and added to AMMS level one (1) for the equivalent RAV network.
- **Note 2:** Where a RAV route assessment is for operations under a concessional loading scheme, such as the Accredited Mass Management Scheme (AMMS), the assessor must take into account the additional mass when requesting a structures assessment as per Section 2.2.

Where quantitative limits are recommended, they are intended as a guide only and are no substitute for common sense and judgement based on experience. In certain cases, routes which do not meet the requirements outlined in this document can be accepted as RAV routes by imposing conditions, such as speed restrictions. Refer to the *Guidelines for Approving RAV Access*.

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#### **1.3** Assessment Requirements

Route assessments will only be accepted from a suitably qualified person. The assessor should have experience and knowledge of the following:

- The principles of heavy vehicle operations, including vehicle configurations, maximum dimensions and axle load limits;
- Heavy vehicle dynamic performance characteristics, including limitations on the ability of heavy vehicles to accelerate, brake, ascend grades and negotiate intersections;
- Heavy transport issues, legal requirements and permit systems; and
- Road safety concepts and principles.

When considering a potential RAV route, the assessor is advised to initially perform a desktop assessment using all available information. In some cases, this initial assessment will identify physical constraints, such as posted bridge load limits and road width deficiencies, which may render the route unacceptable, without the need for further onsite assessment.

If the applicant is willing to pursue upgrades to the road, then a full assessment is required to identify all deficiencies. This is to alleviate any problems with some upgrades being carried out and then the full assessment conducted, only to then identify additional deficiencies. The assessment will only identify the deficiencies and will not provide upgrade design requirements.

RAV use on a particular route may have some negative impacts on the environment, community and traffic. Assessors must first determine if the proposed route is the most appropriate route for the particular operation(s) and recommend variations to the initially proposed route to reduce such impacts. Consideration should also be given to the impact if RAV access is not approved, i.e. will the operation(s) occur regardless and then be carried out with increased heavy vehicle movements.

As part of any route assessment for a RAV, HVS does not assess any access for driveways adjoining a RAV network road. It remains the responsibility of the property owner to ensure safe ingress and egress to the property.

Before making a decision on an application for RAV access, HVS may deem it necessary to do any or all of the following:

- Perform a further assessment of the route;
- Assess the suitability of the road pavement;
- Assess the suitability of all structures on the proposed route to accommodate the specific vehicle;
- Specify conditions of access, such as speed limits restrictions;
- Obtain local government agreement for the proposed RAV access;
- Recommend road improvements as condition of approval;
- Conduct a Performance Based Standards (PBS) Scheme assessment to assess the proposed vehicle's safety performance.

When assessing a road, all connection points to existing RAV networks must be assessed for suitability and a holistic approach should be taken to ensure overall RAV network connectivity in the area.

#### **1.4 Planning Evaluation**

Assessment of a proposed RAV route should be checked against any future planning proposals to evaluate the potential impact of RAVs. The relevant road managers should be consulted as part of the assessment process.

#### **1.5 Further Assistance**

Additional information and guidance is available from HVS via telephone 138 486 or <u>hvsrouteassessments@mainroads.wa.gov.au</u>

## 2 ASSESSMENT CRITERIA

#### 2.1 Traffic Data & Accident Statistics

#### 2.1.1 Traffic Counts

In order to determine the suitability of a road for RAV access, it is essential to obtain current traffic counts for the particular road. The traffic counts must be considered when determining appropriate road widths, potential congestion issues and relevant operating conditions. If traffic data is not available, an estimate from the road manager should be obtained.

#### 2.1.2 Accident Statistics

Consultation with the road manager is necessary to establish if there is an accident history on the particular road that needs to be considered during the assessment process. Consideration should be given to applying conditions to the proposed RAV access to mitigate the risks, such as speed restrictions or curfew conditions, which cannot be applied to general access heavy vehicles.

#### 2.2 Structures

#### 2.2.1 Load Capacity

All bridges and load restrictive culverts on the requested route will be assessed for the proposed RAV access by Main Roads Structures Engineering Branch, via HVS. When carrying out an assessment for Network 2, a separate Structures Engineering assessment must be carried out for the Short B-triple combination.

Any bridge restrictions for the Short B-triple combination must be specified in the access conditions for the relevant road.

Consultation with local governments is required to ensure all culverts on local government roads have been appropriately considered.

#### 2.2.2 Structure Width Requirements

To ensure RAVs can safety pass oncoming vehicles when crossing structures, the minimum width between kerbs on a bridge or over a culvert must not be less than the width specified in Table 1.

AADT Minimum Width Between Kerbs/carriageway (m)		Quality of Approaches		
Less than 75	3.5*	Structures with adequate Approach Sight Distance (ASD)**.		
75 40 150	5.3	Structures with adequate ASD, clearly signed and road clearly marked.		
75 to 150	7.0	Structures that have inadequate ASD, inadequate signage or no road markings.		
450 1 500	5.8	Structures with adequate ASD, clearly signed and road clearly marked.		
150 10 500	7.2	Structures that have inadequate ASD, inadequate signage or no road markings.		
More than 500	7.2	All structures at this traffic volume		

#### Table 1: Minimum Width between Kerbs/Carriageway on a Structure

\*Conditions apply; refer to 2.4.2 and Appendix B;

\*\*RAV ASD should be measured from a truck driver's eye height of 2.4 metres. Minimum requirements for ASD refer to <u>Appendix D</u>.

#### 2.3 Overhead Clearance

Standard RAVs are approved to travel with a height of up to 4.6 metres. RAV route assessments must confirm that adequate vertical clearances are available to safely accommodate a load/vehicle height of 4.6 metres. An adequate vertical clearance is considered to be 4.6 metres, plus the following overhead clearance:

- Overhead structures, such as bridges and gantry signs 300 millimetres overhead clearance; and
- Power lines the minimum overhead clearance required by telecommunications and electrical transmission cable providers.

Where telecommunications and/or electrical transmission cables cross the route, approval for a load/vehicle height of 4.6 metres must be obtained from the relevant controller(s) listed in the "Contact Details for Other Agency Approvals" located on the Oversize Over-mass Permits page of the Main Roads website.

Where the required load/vehicle height of 4.6 metres is not approved by the cable provider, the cable provider must specify the maximum approved load/vehicle height and the location of the restricting power line. RAV access may still be considered with appropriate height conditions.

#### 2.4 Rural Road Widths

When the hauling unit of a RAV travels along a straight path over an uneven surface, the trailing units do not follow along the same path as the lead unit. This is defined as "off-tracking" and depends on several factors, including:

- The steering actions of the driver;
- Vehicle configuration and coupling arrangements between units;
- Misalignment of the axles;
- Suspension (geometry, bump and roll steer effects) and tyre characteristics;
- Vehicle length;
- External disturbances that include road roughness, cross-slope and side loading from wind-gusts; and
- Speed of travel.

The maximum deviation in tracking over a straight section of road, when added to the width of the RAV, and then a safety margin applied, determines how much road width is needed to safety accommodate the RAV.

To assess the widths of rural roads, tables of minimum carriageway widths and sealed widths to accommodate the RAV are listed at <u>Appendix A</u>.

To be suitable for RAV access, a road should be sealed if AADT is over 150 and annual freight tonnage is over 300,000 tonnes per annum. The requirement for the road to be sealed is partly for safety reasons, but more so for road sustainability.

In the absence of any traffic data, the following parameters may enable a judgement as to whether a road needs to be sealed:

- If the road is unlikely to be used by more than 10 RAVs per day; or
- If the road is unlikely to be used by more than 60 RAVs per day over a seasonal two month period.

When considering whether a road has adequate width, an assessment should also be made in relation to any potential risks posed by:

- Crests;
- Pronounced cambers;
- Poor shoulder condition;
- Surface roughness; and
- Reduced sight distances.

Despite a road's width being above the specified minimum in <u>Appendix A</u>, these factors may require additional width, application of specific RAV operating conditions, or in extreme cases, mean the route is unsuitable for RAV access.

Minor width deficiencies are acceptable, particularly if it is only for a small portion of the road. If width requirements are relaxed, consideration should be given to applying conditions to mitigate risk and to ensure safe operation.

Off-tracking of a vehicle combination is more severe at high speeds; therefore minimum seal width may be reduced where speeds are reduced to 60 km/h or less.

Minimum seal widths may also be reduced on roads where all other road users are familiar with the operation of heavy vehicles e.g., farm access roads, industrial areas and mine access roads.

#### 2.4.1 Sight Distance Considerations at Curves and Tight Bends

When the hauling unit of a RAV travels around a curve or tight bend, the trailing units pull across the curve or tight bend and as such, require additional road with. This is defined as "swept width" and depends on several factors, including:

- Radius of the curve or tight bend;
- Length of vehicle combination;
- Number and type of articulation points; and
- Road surface and geometry.

In instances where it is identified the RAV would be required to utilise additional road width when travelling around a curve or tight bend, potentially encroaching into oncoming traffic, the assessor must ensure there is sufficient visibility on the approach to the curve or tight bend to observe oncoming vehicles, and react or stop if necessary. The table in <u>Appendix D</u> shows the required sight distance for RAVs, given the speed and the gradient of the road.

It will be necessary for the assessor to conduct swept path assessments on curves to determine if the RAV is likely to encroach into oncoming traffic.

**Note:** Access should be declined if the RAV crosses a solid white line when traversing a curve or tight bend, unless there is sufficient sight distance.

#### 2.4.2 Low Volume Road Width

When assessing road width, where traffic volumes are less than 75 vehicles per day and the road width does not meet the requirements in <u>Appendix A</u>, the width of the road may be assessed in accordance with the requirements in <u>Appendix B</u> and the relevant conditions in <u>Appendix E</u> should be applied.

A Type B low volume road should not exceed the maximum road length stipulated in Table 2.

	•		•	
Daily Traffic Volume	0 to15 VPD	16 to 30 VPD	31 to 50 VPD	51 to 75 VPD
Max Road Length	5.0 km	2.0 km	1.5 km	1.0 km

#### 2.4.3 Traffic Volume Consideration

It is important to use the most appropriate measure of traffic volume when determining if <u>Appendix</u> <u>A</u> or <u>Appendix B</u> should be applied.

AADT is an average daily traffic count for the year, while VPD is an actual measure of the daily traffic count, which is more appropriate for recording seasonal traffic.

<u>Appendix A</u> road widths should always be used, unless both the AADT and any increased seasonal traffic volumes (measured in VPD) are less than 75, in which case it is appropriate to use <u>Appendix B</u>.

#### 2.4.4 Assessing a Road in Sections

The road may be composed of a number of sections that vary in their standard and that would fall into different categories of RAV suitability, or require different operating conditions (e.g., for low volume roads). Width variation is a typical example of this principle. Where differing sections are reasonably long, it can be beneficial to separately assess each section as to its category of RAV access and any applicable operating conditions. Assessors should only consider applying this method of assessment where there is a likely benefit and a practical start and finish point, otherwise it is extremely difficult for drivers to comply with the changing conditions.

#### 2.4.5 Short Sections of Reduced Width

There may be short narrow sections along the road due to narrow structures, roadside vegetation or short narrow sections of pavement. The entire length of the road does not need to meet the minimum road width requirements, provided the narrow sections comply with paragraphs (a) and (b) below.

#### (a) Traffic Volume Less than 75 Vehicles per Day

This paragraph only applies to low volume rural roads that do not meet the width requirement in <u>Appendix A</u>, the road width has been assessed in accordance with <u>Appendix B</u> and the relevant conditions in <u>Appendix E</u> have been applied.

Where all narrow sections of the low volume rural road meet the following criteria, the narrow sections can be excluded from the overall road width assessment:

- Narrow sections must not be less than 3.5 metres wide;
- Each narrow section must not be more than 100 metres long;
- A combination of narrow points that are all within a single 100 metres length of road can be considered to be one single narrow section;
- Two adjacent narrow sections must not be within 150 metres of each other;
- The approach sight distance from both ends of the narrow section must comply with <u>Appendix D</u>; and

If any narrow section fails to meet the 3.5 metres minimum width criteria, the route shall be considered unsuitable for RAV access.

Where all narrow sections meet the 3.5 metres minimum width criteria, but do not meet all the remaining criteria, the road shall be considered unsuitable for two-way RAV access. However, the

road may still be suitable for one-way RAV access only, provided relevant conditions as per <u>Appendix B</u> for a Type B road are applied. Type B roads suitability is also subject to traffic volume and road length requirements outlined in Table 2.

#### (b) Traffic Volume from 75 to 500 Vehicles per Day

This paragraph only applies to medium volume roads that is having the road width assessed in accordance with <u>Appendix A</u>.

Where all narrow sections of a medium volume road meet the following criteria, the narrow sections can be excluded from the overall road width assessment: :

- Narrow sections should not have a carriageway width more than 1.3 metres below the requirements in <u>Appendix A</u>;
- For a sealed road, narrow sections should not have a sealed width more than 0.2 metres below the requirements in <u>Appendix A</u>;
- Each narrow section should not be more than 2 kilometres long; and
- The combined length of narrow sections should not be more than 15% of total road length.

#### 2.5 Urban and Town Site Road Widths

There are a number of width requirements to be considered for RAVs travelling in urban and town site areas. As well as accommodating the additional swept width of RAVs, the width requirements for activities such as cycling and kerbside parking also need to be taken into account. The minimum road width requirements for town site areas are listed in <u>Appendix C</u>.

#### 2.6 Provision for Overtaking

RAVs tend to operate at lower average speeds than light vehicles. If the road does not have sufficient overtaking opportunities, drivers of light vehicles may experience delays behind slower moving RAVs and in some cases may form queues of vehicles waiting to overtake. This may cause driver frustration and thereby increase the risk of drivers attempting to overtake when it is not safe. Therefore, it is essential, from a road safety perspective, to have adequate overtaking opportunities on a RAV route.

It is recommended that AADT figures are used to assess overtaking opportunities, however the assessor should consider the impact of seasonal traffic during the assessment, as the AADT could be less than seasonal peak traffic volumes.

The volume of traffic and percentage of RAVs on the route affects the requirement for overtaking opportunities. To assess the suitability of overtaking opportunities, an AADT derived using the Passenger Car Equivalence (PCE) factors (refer to Table 3) shall be used. The derived AADT is calculated by multiplying the AADT for each of the Austroads vehicle classes by the PCE factor based on the road's terrain. This derived ADDT is the figure to use to determine the maximum distance between overtaking opportunities in Table 4.

	Sum of AVG AADT	PCE Flat Terrain	AADT Flat Terrain
Austroads 1 & 2	3,180	1	3,180
Austroads 3, 4 & 5	1,893	2	3,786
Austroads 6, 7 8 & 9	285	2.5	713
Austroads 10 (RAV 2 - 4)	120	4	480
Austroads 11 (RAV 5 - 8)	117	4	468
Austroads 12 (RAV 9 -10)	2	9	14
		AADT derived	8,640

An example of calculating the derived AADT is listed below:

PCE factors represent the equivalent number of light vehicles for a particular type of RAV or general access heavy vehicle. The use of PCE factors provides a derived AADT value that can then be used to better assess overtaking opportunities.

Vehicle Types	PCE Factors on Flat Terrain	PCE Factors on Rolling Terrain
Austroads Class 1	1	1.3
Austroads Class 2	1	1.3
Austroads Class 3 to 5	2	3.5
Austroads Class 6 to 9	2.5	5
Austroads Class 10 - RAVs Categories 2-4	4	10
Austroads Class 11 - RAVs Categories 5-8	4	10
Austroads Class 12 - RAVs Categories 9-10	9	22

The maximum distances between overtaking opportunities are shown in Table 4.

Table 4: Maximum Distances between Overtaking Opportunities

AADT (Derived using PCE Factors)	Maximum average distance between overtaking opportunities	Maximum distance between any two overtaking opportunities	Notes
500 or below	N/A	N/A	Provision of additional opportunities is usually not justified.
501 to 1000	15 km	30 km	
1001 to 1800	8 km	15 km	
1801 and above	5 km	10 km	At AADT > 2700, additional opportunities that exceed the criteria may be necessary.

For each overtaking opportunity, the portion of road available to complete the overtaking opportunity should meet the minimum length shown in Table 5.

#### Table 5: Minimum Length for Overtaking Opportunities

Deed Castion	Assumed Truck Speed (km/h)	Length (m)			
Operating Speed (km/h)		RAVs Categories 2-4	RAVs Categories 5-8	RAVs Categories 9-10	
70	60	600	640	690	
80	69	740	790	860	
90	77	890	950	1040	
100	86	1070	1130	1240	
110	94	1290	1310	1440	

**Note:** The above lengths are generally determined by measuring the length of the divided line where overtaking is permitted.

#### 2.7 Steep Grades

#### 2.7.1 RAVs Losing Speed on Grades

The speed of RAVs ascending long and steep grades can be reduced to the extent that the speed differential is hazardous for vehicles approaching from behind. If possible, steep ascending grades should have overtaking lanes.

In some cases where an overtaking lane is not provided, the drivers of faster following vehicles may become frustrated and attempt an overtaking manoeuvre when unsafe to do so. A RAV speed reduction to 40 km/h is considered the threshold point at which drivers will seek to overtake a slower vehicle, regardless of whether or not adequate sight distance is available.

Table 6 outlines the maximum distance required for a laden RAV travelling up a grade to slow down to 40 km/h. For roads with grades, or consecutive varying grades, exceeding these distances, it is recommended that the road should have an additional climbing lane for RAVs.

Table 6: Maximum	n distances (m)	) of uphill travel	before RAV s	peeds are reduced	d to 40 km/h
------------------	-----------------	--------------------	--------------	-------------------	--------------

	RAVs Cate	egories 2-6	RAVs Cate	egories 7-8	RAVs Cate	gories 9-10
Grade %	80 km/h Approach Speed	100 km/h Approach Speed	80 km/h Approach Speed	100 km/h Approach Speed	80 km/h Approach Speed	100 km/h Approach Speed
3	*	*	*	*	1080	1650
4	950	1410	900	1350	690	1110
5	640	980	610	960	520	840
6	480	760	470	750	410	680
7	390	630	380	620	340	570
8	330	530	320	530	290	490

\* RAV can maintain a higher speed than 40 km/h on these grades.

#### 2.7.2 Maximum Grade Requirements for RAVs

For a route to be suitable for RAV access there must be no steep grades that are in excess of the limits in Table 7.

#### Table 7: Grades Limits for RAVs

	Sealed Roads	Gravel Roads
RAVs Categories 2-6	8%	5%
RAVs Categories 7-8	6%	4%
RAVs Categories 9-10	5%	3%

#### 2.8 Turning at Intersections

It is essential that intersections can be safely negotiated, with minimal or no interference to other traffic and minimal risk of damage to property.

#### 2.8.1 Vehicle Speed While Negotiating the Turn

The vehicle turning radius is directly related to the maximum turning speed of the vehicle:

- For intersections where the vehicle must always stop before turning (e.g., at a Stop sign), a turning speed of 5-15 km/h is generally sufficient;
- For intersections where the vehicle rarely or never needs to stop before turning, a speed of 20 km/h to 30 km/h can be assumed; and
- A turning speed of 30 km/h or more can be used on roads with high posted speed limits with high traffic volumes, where the RAV is likely to turn at a higher speed.

#### 2.8.2 Turning Clearances

Where there is any possibility that the RAV may have insufficient clearance from kerbs or other nearby objects, standard turning templates shall be used to accurately check the swept path of the RAV.

Using a suitable vehicle swept path simulation software, the appropriate vehicle combination must be used to check all turning movements at all required intersections and any clearance problems should be noted on the *RAV Route Assessment Form*. As a rule:

- The wheel paths of the rear trailer of the RAV must not come any closer than 200 millimetres from the face of any kerb, unless the kerb is designed to be mounted, in which case the 200 millimetres clearance is not applied.
- If there is no kerb (such as a gravel road), the edge of the road formation can be taken as the kerb.
- The swept path must not come any closer than 200 millimetres to a nearby object.
- For a left or right turn, the wheel paths must not cross over the centreline of the road, unless the sight distances in all directions of the intersection are adequate according to <u>Appendix D</u>.



#### Table 8: Vehicle combinations for completing swept path assessments



#### 2.8.3 Intersection Layout

To assist in ensuring network performance levels are maintained, the assessor needs to identify if acceleration lanes and turn pockets are present at intersections and the length of these treatments.

Capturing this information in the assessment will assist in determining if network improvements are necessary, in consultation with the road manager.

#### 2.8.4 Approach Sight Distance

The route shall be rejected if the driver of a RAV approaching the intersection has insufficient visibility to observe the intersection, or advance intersection warning, and react or stop if necessary. The table in <u>Appendix D</u> shows the required sight distances for RAVs, given the vehicle type, speed and the gradient of the road. When measuring the available approach sight distance, the measurement must be taken from a truck driver's eye height of 2.4 metres.



Figure 1: Example of Approach Sight Distance

#### 2.8.5 Entering Sight Distance

The road shall be rejected if the driver of a RAV, entering a through road, does not have appropriate sight distance to see a sufficient gap in oncoming traffic that will allow a RAV, with greater length and lower acceleration capacity, to clear the intersection safely. The table in <u>Appendix D</u> shows the required sight distances for RAVs, given the vehicle type, speed and the gradient of the road. When measuring the available entering sight distance, the measurement must be taken from a truck driver's eye height of 2.4 metres to a height that considers all traffic.



Figure 2: Example of Entering Sight Distance

The angle and gradient of the intersection should also be considered to determine if additional time is required for a RAV to manoeuvre the intersection, for instance a steep upgrade in the direction of travel will adversely affect the RAV's start up and acceleration when entering the through road.

**Note:** The entering sight distance requirement is only required for intersections that are not controlled by traffic signals, with the exception of a right turning movement with no right turn arrow.

#### 2.9 Railway Level Crossings

The various operational requirements at railway crossings are described in the *Railway Crossing Control in Western Australia Policy and Guidelines* found on the Main Roads website.

The following points highlight the main considerations for RAVs at railway crossings for the various levels of protection.

#### 2.9.1 Inadequate Approach Stacking Distance

Inadequate approach stacking distance occurs where the distance between the railway and a nearby intersection is insufficient to enable a vehicle to stop at the crossing without impeding the traffic flow at the intersection.

Approach stacking distance is measured from the vehicle stopping line at the railway crossing to the nearest shoulder edge of the crossroad. The vehicle stopping line at a railway crossing is normally indicated by a painted line or, in the absence of a marked line, it is assumed to be 3.5 metres back from the nearest rail.



Figure 3: Examples of Inadequate Approach Stacking Distance

#### 2.9.2 Inadequate Departure Stacking Distance

Inadequate departure stacking distance occurs when part of a vehicle would encroach within 3.5 metres of the railway track, while stopped to give way to traffic on the priority road of an adjacent intersection. An exception is in cases where the intersection is controlled by traffic signals that are coordinated with the railway crossing signals.

Departure Stacking Distance is measured from the vehicle stopping line at the intersection to within 3.5 metres of the nearest railway track. In the absence of marked lines, the measurement is to be taken from the edge of the through lane (if there are edge lines) or the edge of the seal.



Figure 4: Examples of Inadequate Departure Stacking Distance

#### 2.9.3 Adequate Stacking Distance

Figure 5 shows the methodology for measuring approach and departure stacking distances. Ideally, a clearance of 3.5 metres should be applied when assessing the available approach stacking distance. However, if the approach stacking distance is at least the length of the RAV and there is sufficient ESD for other vehicles departing the intersection, while there is a RAV stopped at the rail, a lesser clearance is acceptable.



#### Figure 5: Examples of Adequate Stacking Distances

#### 2.9.4 RAVs at Crossings Protected by Give Way or Stop Signs

The driver of a RAV approaching a railway crossing protected by a GIVE WAY or a STOP sign needs to be able to see the crossing from a sufficient distance to allow enough time to stop the RAV if required. The ASD to a railway crossing must meet <u>Appendix D</u>.

There also needs to be sufficient sight distance for the driver of a RAV, after having stopped at a railway crossing with a GIVE WAY or STOP sign, to see an oncoming train and allow adequate time to safely cross. The required sight distances for RAVs at railway crossings must meet:

• The S3 formula for STOP signs of the Australian Standards AS1742.7-2016 – Manual of Uniform Traffic Control Devices – part 7: Railway Crossings.

The S3 formula determines the minimum distance required for the driver of a vehicle stopped at the railway crossing to be able to see an oncoming train in order to safely cross.

When measuring the available sight distance to all directions at rail crossings, a truck driver's eye height of 2.4 metres is recommended.

Where railway crossings with STOP signs are located along the proposed route, the assessor must record the information shown below in Figure 6 on the *RAV Route Assessment Form*. This information is then used to calculate the S3 formula.



#### Figure 6: Required Information from Onsite Assessment for S3 Calculation

#### 2.9.5 RAVs at Railway Crossings Protected by Flashing Lights

The visibility of the primary flashing lights and advance flashing yellow warning signs displayed on the approach to crossings, must be assessed so that the driver can safely stop if required. The sight distance to the flashing lights, or alternatively the advance flashing yellow warning signs must meet the minimum requirements in <u>Appendix D</u>.

When measuring the available sight distance to all directions at rail crossings, a truck driver's eye height of 2.4 metres is recommended.

#### 2.10 Off-road Parking

In rural and remote areas, the route should have adequate off-road truck parking facilities at sufficient spacing along the route.

In any one direction of travel, the maximum spacing for off-road parking facilities should be:

- Rural Area roads 80 kilometres
- Remote Area roads 120 kilometres

Adequate off-road parking facility is defined as any:

- Service station or roadhouse, (or other commercial establishment), with provision for public truck parking;
- Signed parking bay, truck bay, rest area; or
- Designated road train assembly area.

Which meets the following criteria:

- Minimum approach sight distance (measured from a truck driver's eye height of 2.4 metres) to the entry/exit point are in accordance with <u>Appendix D</u>; and
- Minimum entering sight distance (measure from a truck driver's eye height of 2.4 metres to a height that considers all traffic.) from the entry/exit point in accordance with <u>Appendix D</u>; and
- The full length of the RAV can be parked within the parking area, without encroachment onto the carriageway. The ideal minimum clearance between the parked RAV and the adjacent road is shown in Table 9 (as per the example in Figure 7).



Figure 7: Minimum clearance between road pavement and parking bay

|--|

Speed Limit (km/h)	Minimum Clearance from edge of pavement* (m)
60	5
70	5.7
80	6.2
90	7.6
100	8.8
110	11

#### 2.11 Other Road Users

Consideration must be given to the risks a RAV may pose to more vulnerable road users, such as the following:

- Pedestrians;
- Cyclists;
- Tourists and recreational users (who may be unfamiliar with the conditions);
- School buses, where the buses are dropping children adjacent to the road in a nondedicated bus stop.

## **3 COMMUNITY CONSIDERATIONS**

HVS will consult with the relevant Local Government and/or Main Roads Region for input in relation to potential adverse impacts on the local community that may result from approving RAV access.

## 4 RAIL CONTESTABILITY

HVS will consult with the Department of Transport if they consider the proposed RAV access may be contestable with rail.

## **5 APPENDICES**

Appendix	Title
Appendix A	Rural Road Minimum Widths
Appendix B	Low Volume Rural Road Minimum Widths
Appendix C	Townsite Road Minimum Widths
Appendix D	Required Sight Distance
Appendix F	Operating Conditions
Appendix F	RAV Access Assessment Process

#### Appendix A: Rural Road Minimum Width

	60 to 70	60 to 70 km/h		km/h
	Carriageway Width (m)	Sealed Width (m)	Carriageway Width (m)	Sealed Width (m)
0 to 150 AADT / VPD***				
RAVs Categories 2-4	7.6	3.3	7.9	3.4
RAVs Categories 5-7	7.7	3.4	8.0	3.5
RAVs Categories 8-10	8.2	3.8	8.6	3.9
150 to 500 AADT / VPD			1	
RAVs Categories 2-4	7.6	5.6	7.9	5.9
RAVs Categories 5-7	7.7	5.7	8.0	6.0
RAVs Categories 8-10	8.2	6.1	8.6	6.4
500 to 1 000 AADT				
RAVs Categories 2-4	7.9	6.1	8.2	6.4
RAVs Categories 5-7	8.0	6.2	8.3	6.5
RAVs Categories 8-10	8.6	6.6	9.0	6.9
More than 1 000 AADT				
RAVs Categories 2-4	9.6	6.8	9.9	7.1
RAVs Categories 5-7	9.7	6.9	10.0	7.2
RAVs Categories 8-10	10.6	7.6	11.0	8.0

#### Notes:

- The carriageway widths given in the above table should be used for assessing usable width on gravel roads.
- A road should be sealed if the AADT is over 150 and the annual freight tonnage is over 300,000 TPA. In the absence of any traffic data, the following parameters may be a guide: the uniform annual loaded RAV traffic volume exceed 10 vehicles per day; or the loaded RAV traffic volume exceed 60 vehicles per day over a seasonal two month period.

#### Appendix B Low Volume Rural Road Minimum Widths

	40 km/h	60 km/h		
	Carriageway Width (m)	Carriageway Width (m)		
RAVs Categories 2-7	5.8	6.1		
RAVs Categories 9-10	5.9	6.3		

#### Type A Road (suitable for two-way RAV traffic)

#### Notes:

- This section is not to be used for assessing routes for RAV Category 8.
- For Type A low volume roads, <u>Appendix E</u> operating conditions 1, 2, 3, 4, 5, 7 and 8 may be applied as a condition;
- If a road is at least 1.0 metre wider than the widths specified for 60km/h, an 80km/h speed restriction should be considered. A speed restriction above 80km/h should only be considered if the road is sealed, has good sight distance and presents no significant safety concern.

#### **Type B Road** (unsuitable for two-way RAV traffic)

	40 km/h
	Carriageway Width (m)
RAVs Categories 2-7	3.5*
RAVs Categories 9-10	3.5*

#### Note:

- For type B low volume roads, <u>Appendix E</u> operating conditions 1, 2, 3, 4, 5, 6, 7 and 8 may be applied as a condition.

#### Appendix C: Town Site Road Minimum Widths

	RAVs Categories 2-4		RAVs Cate	egories 5-8	RAVs Categories 9-10	
Feature	60 - 70	80-100	60 - 70	80-100	60 - 70	80-100
	km/h	km/h	km/h	km/h	km/h	km/h
(Undivided carriageway – 2 Way) Width be	Undivided carriageway – 2 Way) Width between sealed edge and road centre (m)					
Basic / unmarked	3.2	3.5	3.3	3.7	3.6	4.1
with marked separation line	3.5	3.8	3.6	4.0	3.9	4.4
with dedicated cycle lane	4.7	5.5	4.8	5.7	5.1	6.1
with dedicated or regular parallel parking	5.7	NA	5.8	NA	6.1	NA
with dedicated angle (45°) parking	9.2	NA	9.3	NA	9.6	NA
(Divided carriageway – single lane) Width	between sea	led edge and	d edge of me	dian or traffic	c island (m)	
Basic / unmarked	3.5	3.8	3.6	4.0	3.9	4.4
with dedicated cycle lane	5.0	5.8	5.1	6.0	5.4	6.4
with dedicated or regular parallel parking	6.0	NA	6.1	NA	6.4	NA
with dedicated angle (45°) parking	9.5	NA	9.6	NA	9.9	NA
(Undivided carriageway – 2 lanes) Width b	etween seale	ed edge and	road centre	(m)		
Basic / unmarked	6.6	7.0	6.7	7.1	7.0	7.5
with dedicated cycle lane	8.1	9.0	8.2	9.1	8.5	9.5
with dedicated or regular parallel parking	9.1	NA	9.2	NA	9.5	NA
(Divided carriageway – 2 lanes) Width betw	ween sealed	edge and ed	lge of media	n or traffic isl	and (m)	
Basic / unmarked	6.6	7.0	6.7	7.1	7.0	7.5
with dedicated cycle lane	8.1	9.0	8.2	9.1	8.5	9.5
with dedicated or regular parallel parking	9.1	NA	9.2	NA	9.5	NA
(Multiple Lane Carriageways – 3 or more la	anes) Width	of additional	through lane	(m)		
basic	3.2	3.4	3.3	3.5	3.4	3.6

**Note:** An explanation of road type descriptors is as follows:

Undivided Carriageway - 2 Way

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Divided Carriageway - 2 Lanes

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Divided Carriageway - Single Lane



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Multiway Carriageway - 3 or more lanes

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Undivided Carriageway - 2 Lanes

Posted	Downhill			Level	Uphill				
Speed km/n	-8%	-6%	-4%	-2%		2%	4%	6%	8%
40	74	72	70	68	66	65	64	62	61
50	102	98	95	92	89	87	85	84	82
60	134	128	123	119	116	112	110	107	105
70	170	162	155	149	144	140	136	133	130
80	209	198	190	182	176	170	165	161	157
90	252	239	228	218	210	203	197	191	186
100	308	290	275	263	252	242	234	227	220

#### **Appendix D: Required Sight Distances**

The above values have been derived using the formula given in Austroads Guidelines with following factors:

Reaction Time	4.0 s

(Deceleration rate of 0.29g up to 90 km/h, 0.28g at 100 km/h.)

#### **Appendix E: Operating Conditions**

These and other similar operating conditions may be applied to the assessment of low volume roads.

- 1. When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover.
- 2. No operation on unsealed road segment when visibly wet, without road owner's approval.
- 3. Headlights must be switched on at all times.
- 4. Speed restrictions of 40 km/h or 60 km/h as determined from <u>Appendix B</u>.
- 5. Direct radio contact must be maintained with other RAVs to establish their position on or near the road (suggested UHF Ch 40).
- 6. For a single lane road, the road must not be entered until the driver has established via radio contact that there is no other RAV on the road travelling in the oncoming direction.
- 7. Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools directly and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/ pick-ups have been completed on the road.
- 8. Current written support from the road asset owner, endorsing use of the road, must be obtained, carried in the vehicle and produced upon request.

#### Appendix F: RAV Access Assessment Process



Accredited Mass Management Scheme (AMMS) Tandem Drive Prime Mover, Trailer Combinations Restricted Access Vehicle (RAV) Categories





		Max	Max. Mass &		
		Max. Length	Арр	roved Netw	vork
			Level 1	Level 2	Level 3
		19 m	50 t	-	-
			<u>N1.1</u>	-	-
	2A	20 m	50.5 t	51.5 t	53 t
	2B	27.5 m	68.5 t	69.5 t	71 t
	2C	27.5 m	72 t	74 t	76.5 t
	All	-	<u>N2.1</u>	<u>N2.2</u>	<u>N2.3</u>
		27.5 m	89 t	91 t	94 t
			<u>N3.1</u>	<u>N3.2</u>	<u>N3.3</u>
		27.5 m	93.5 t	96.5 t	100 t
		2.10 11	<u>N4.1</u>	<u>N4.2</u>	<u>N4.3</u>
	5A	27.5 m + Dolly	72 t + Dolly	74 t + Dolly	76.5 t + Dolly
5	5B / 5D	36.5 m	89 t	91 t	94 t
	5C	27.5 m + Dolly	89 t + Dolly	91 t + Dolly	94 t + Dolly
	All	-	<u>N5.1</u>	<u>N5.2</u>	<u>N5.3</u>
	6A / 6B	36.5 m	93.5 t	96.5 t	100 t
	6C	27.5 m + Dolly	93.5 t + Dolly	96.5 t + Dolly	100 t + Dolly
	All	-	<u>N6.1</u>	<u>N6.2</u>	<u>N6.3</u>
		36.5 m	115 t	119 t	123.5 t
			<u>N7.1</u>	<u>N7.2</u>	<u>N7.3</u>
	9A	53.5 m	127.5 t	130.5 t	135 t
	9B	36.5 m + Dolly	89 t + Dolly	91 t + Dolly	94 t + Dolly
	9C / 9D	45 m	115 t	119 t	123.5 t
	All	-	<u>N9.1</u>	<u>N9.2</u>	<u>N9.3</u>
_	10A / 10C / 10D	53.5 m	136.5 t	141.5 t	147 t
	10B	36.5 m + Dolly	93.5 t + Dolly	96.5 t + Dolly	100 t + Dolly
	10E	53.5 m	158 t	164 t	170.5 t
	AII	-	<u>N10.1</u>	<u>N10.2</u>	<u>N10.3</u>

Accredited Mass Management Scheme (AMMS) Tri Drive Prime Mover, Trailer Combinations Restricted Access Vehicle (RAV) Categories





		Max.	Max. Mass & Approved Network		
		Length	Level 1 Level 2 Level		
			55 t	57 t	59 t
		20 m	<u>TD1.1</u>	<u>TD1.2</u>	<u>TD1.3</u>
	3A	27.5 m	73 t	75 t	77 t
	3B	27.5 m	76.5 t	79.5 t	82.5 t
	3C	27.5 m	98 t	102 t	106 t
	All	-	<u>TD3.1</u>	<u>TD3.2</u>	<u>TD3.3</u>
ids.	4A	27.5 m + Dolly	76.5 t + Dolly	79.5 t + Dolly	82.5 t + Dolly
	4B	27.5 m + Dolly	98 t + Dolly	102 t + Dolly	106 t + Dolly
	4C / 4D	36.5 m	98 t	102 t	106 t
	4E / 4F	36.5 m	119.5 t	124.5 t	129.5 t
	All	-	<u>TD4.1</u>	<u>TD4.2</u>	<u>TD4.3</u>
ts TO	5A	36.5 m + Dolly	98 t + Dolly	102 t + Dolly	106 t + Dolly
	5B / 5C / 5D	53.5 m	141 t	147 t	153 t
	5E	53.5 m	162.5 t	169.5 t	176.5 t
	AII	-	<u>TD5.1</u>	<u>TD5.2</u>	<u>TD5.3</u>

## iw Projects

## MINGENEW LANDFILL

## LOT 6272 TIP ROAD, MINGENEW

## CLOSURE AND POST-CLOSURE MANAGEMENT PLAN



Image of Closed landfill

## **Prepared for**

## SHIRE OF MINGENEW

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Revision: Date of Issue: Final 7 May 2025

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### 1. Purpose

This Closure and Post-Closure Management Plan guides the Shire's direction in closing, monitoring and maintaining the Mingenew landfill at the Mingenew Waste Management Facility located at Lot 6272 Tip Road, Mingenew.

Closure and post-closure management relates to all activities to be undertaken on the landfill site once portions of the landfill have reached maximum filling levels. With there being progressive closure and capping undertaken during the operational life of the landfill, post-closure management applies to all activities relating to maintaining and monitoring the areas that have been progressively capped, even while other portions of the landfill are still operating.

This Closure and Post-closure Management Plan has been developed to provide substantial technical information for the Shire to manage the future landfill closure and post-closure activities on site, however, also provides input into the closure and post-closure financial management of the facility.

The top of waste profile that has been developed for this Plan is at a detailed design level and is adequate for landfill development, closure and financial planning purposes. In addition to the PDF copy of the Top of Waste Layout Plan attached, the 3D design files have also been provided to enable the Shire to progressively set out the landfill top of waste profile.

### 2. Environmental Registration

The Shire of Mingenew Waste Management Facility is a Registered landfill facility under the *Environmental Protection Act 1986* and as such is managed in accordance with the *Environmental Protection (Rural Landfill) Regulations 2002*.

### 3. Site Background and Landfill Areas

There have been numerous waste management and other activities occurring on site for many years, including:

- Sand quarrying;
- Road material (aggregate) storage;
- Greenwaste storage and burning;
- Scrap metal storage and removal;
- Belowground trench landfilling;
- Aboveground landfilling;
- Liquid waste evaporation ponds; and,
- Waste Transfer Station.

Landfilling being the focus activity for this Plan.

Landfill activity on site commenced well before the mid-1990's (earliest availability of aerial imagery). Belowground trench style landfills were developed in random locations around the central portion of the site and in the late 1990's landfilling commenced on the western portion of the site and since then has progressed to approximately 5 m aboveground, to form a low dome shaped waste mass. This area remains the active landfill portion of the site.

The areas of historical trench landfill are not clearly defined; however, have been adequately covered over such that, after 30 years, it is not possible to retrospectively identify the trench locations. There is no further effort required for the closure of these trench landfill areas as they are considered as being adequately capped and closed.

The current active landfill area is partially covered; however, this is more operational cover, and access tracks up onto the waste than final capping of the waste mass. There is a future need to completely cap the full area of the active landfill.

Future landfilling is to occur on top of the existing landfill and then progressing to the south, to form an oval shaped landfill footprint over an existing cleared area of the site. It is uncertain if there are existing belowground waste trenches in this future expansion area; however, this will be determined via trial pitting as the landfill expands south.

**Appendix No. 1 – Landfill Top of Waste Layout Plan** provides information on the area of existing landfill and also the progressive southern landfill expansion.

### 4. Landfill Airspace and Lifespan

The landfill facility is registered facility and as such, can receive up to 5,000 tonnes/yr of waste; however, with a small Shire population of approximately 430 people, the annual landfill tonnage is currently estimated at approximately 300 t/yr. With no dedicated landfill compaction equipment, the waste density would be estimated at approximately 0.5 t/m<sup>3</sup>, which is the lower end of typical landfill compaction rates. Consequently, there would be approximately 600 m<sup>3</sup> of landfill airspace consumed annually.

Based on the top of waste design profile, there is approximately  $45,000 \text{ m}^3$  of available landfill airspace (as of 15/3/24); hence, with an annual consumption of  $600 \text{ m}^3$ /yr, the landfill has a theoretical lifespan of 75 years.

Over this long landfill lifespan, there will likely be a gradual increase in the Shire population and hence a gradual increase in waste generation. Ideally some of this additional waste generation is taken up by improvements in recycling systems; however, there is still likely to be some increase in waste to landfill. In addition, there is likely to be a few larger demolition projects or other one-off events in the shire, which will consume additional landfill airspace. Consequently, it can be assumed that the landfill lifespan will be less than 75 years. As a typical planning duration, the Shire should anticipate a landfill lifespan of 50 years.

With there being limited information available on the quantity of waste being landfilled, and the future variability in annual landfill tonnage, the Shire should assess the future available landfill airspace occasionally (e.g. every 10 years or after a major event that generates significant landfill waste) to assess the actual landfill airspace consumption.

The landfill airspace calculated is based on there being no excavation below ground in future landfill expansion area as there is no certainty as to whether the area has previously been filled with belowground waste trenches. However, as the landfill progresses into this future expansion area, all possible belowground excavation needs to occur in advance of the landfill progression. The primary benefit of the excavation is to generate on-site soil for landfill capping material (not for landfill regular cover), with the added benefit of achieving additional landfill airspace.

With the waste management site covering a large area and there being significant areas that have been cleared of native vegetation, in the future, the landfill can continue to expand to the south and east such that there are many hundreds of years of available landfill airspace on site.

### **5. Post-Closure Period**

Due to the fact that the landfill is unlined and that there is no active leachate extraction and management, it is anticipated that there will be a 5-year landfill postclosure period during which time the landfill will need to be monitored and maintained, primarily for capped surface erosion and vegetation establishment. This duration is the typical industry standard for the closure period for a small, unlined putrescible landfill facility; hence, this period has been adopted. Ultimately, the actual post-closure period will be the duration that the facility takes to no longer be deemed by the DWER as having any potential to cause environmental harm.

### 6. Site After-Use

The current land use for the site consists of an active landfill and a front-end community drop-off and recycling area.

With the future waste management direction continuing to head towards increased waste reduction, reuse and recycling it is anticipated that the site will continue to be used as a waste management facility in the future. Consequently, the closed landfill will simply be rehabilitated with native plant species to blend into the surrounding environment, with no proposal to develop any waste management infrastructure on top of the closed and capped landfill footprint.

### 7. Landfill Closure

### 7.1. Environmental and Social Impact

The environmental and social impact of a closed landfill is a function of the type and quantity of waste contained within the landfill, the quality of landfill closure and the distance from the facility to the nearest receptor(s).

As a Class II landfill, the waste received typically consists of municipal, commercial and industrial waste, with the vast majority of the annual, approximately 300 tonnes of landfilled waste being municipal waste generated within the Shire limits. The Shire operates a waste transfer station on site for the collection and off-site removal of putrescible and small waste items. In addition, the Shire offers a significant portion of the shire population a kerbside waste collection service; hence, the vast majority of the landfilled waste is bulk waste and does not contain a significant proportion of putrescible waste (food waste).

The nearest residential property to the landfill, is part of a residential subdivision within the Mingenew townsite and is approximately 1.6 km to the north northwest of the landfill. The Mingenew Turf Club is approximately 1 km to the north of the landfill. The Mingenew golf course is between the Turf Club and landfill, a minimum of 600 m to the northeast of the landfill.

The Water Corporation extracts drinking water from groundwater bores located approximately 900 m to the northwest and 675 m to the southeast of the landfill facility. With the groundwater flow direction in a north easterly direction to the Lockier River, the Water Corporation groundwater extraction bores are upgradient of the landfill facility and hence, should not be impacted by the landfill activities.

The landfill is located within a large reserve surrounded by native vegetation. Beyond the reserve is agricultural land.

There are minimal environmental and human receptors in close proximity of the site, and with good quality landfill closure and post-closure management, the closed landfill will have no impact on any environmental and human receptors.

### 7.2. Closure Capping

The purpose of the rehabilitated landfill surface is to provide an environment that is sustainable and not require ongoing maintenance in the future.

The facility Registration references the *Environmental Protection (Rural Landfill) Regulations 2002* as the document that sets out how the landfill is to be managed and closed.

The *Environmental Protection (Rural Landfill) Regulations 2002* has no closure requirements, other than the site owner is required to submit a Post-Closure Rehabilitation Plan to the DWER within 18 months of the site being registered. The site was registered many years ago; however, a Post-Closure Rehabilitation Plan is yet to be submitted to the DWER. It is for the Post-Closure and Rehabilitation Plan to determine the closure capping requirements for the site. This Landfill Closure and Post-Closure Management Plan is the closure plan that the DWER requires.

A minimum of 1 m of soil cover over the closed landfill is the industry norm for unlined, rural landfills. This depth of cover material will be able to permanently cover the landfill waste mass and sustain a range of native vegetation, so long as the capped slopes are not too steep and are adequately rehabilitated.

Over time, while the capped landfill surface stabilises, there will be some surface erosion that will reduce the capping layer thickness; hence, if the Shire can source sufficient suitable capping material, the preference would be to increase the capping soil thickness, ideally to 1.5 m; however, this will require a substantial additional volume of soil, although, over the extended life of the facility (estimated +50 years), this may be reasonably achievable.

In addition, if there is any landfill gas generated within the landfill, the soil layer thickness will increase the ability to oxidise methane as it passes through the soil capping material and hence minimise/eliminate the potential native environmental impact on the capping vegetation and reduce environmental greenhouse gasses.

### 7.3. Landfill Closure Methodology

### 7.3.1. Current Landfill Area

This area of historical landfilling has resulted in a mound of waste extending approximately 5 m aboveground, with steep side slopes of up to 1 (V) in 3.5 (H) on the northern and western sides. The eastern side is more gradually sloping, and the southern side is where the future landfill expansion will occur.

The new waste to be placed on top of the existing landfill area is to be finished off at a final slope of 1 (V) in 7.5 (H). This provides a reasonable additional volume of landfill airspace over the existing landfill, while not going too high so as to be visible from neighbouring properties.

The steep side slopes of the existing landfill can be corrected by landfilling up against the toe of this existing landfill batter. The final slope of this batter should be finished off at a maximum of 1 (V) in 4 (H), but ideally 1 (V) in 7.5 (H) to match the typical slope of the rest of the landfill above.

The challenge with the 1(V) in 7.5 (H) batter is that it extends out into an area of native vegetation and hence, not an ideal scenario. Finishing off the landfill at a slope of 1 (V) in 4 (H) is an acceptable, stable and maintainable slope for the capped landfill.

Filling in the gap between the current slope of 1 (V) in 3.5 (H) and the desired final slope of 1 (V) in 4 (H) is not easily achieved with bulky waste. This would only be suitable if there was selected building waste (C&D waste) that was available to fill this thin veneer on the outside of the landfill. The easiest solution is to simply fill this void with additional capping material when the landfill is being capped.

Once portions the landfill waste mass above the existing landfill has been finished off at the desired slope of 1 (V) in 7.5 (H), the finished landfill surface can be capped with a minimum of 1 m of soil capping material and the steeper outside edges of the landfill finished off at 1 (V) in 4 (H) using additional volumes of capping material.

The landfill final capped surface is to be rehabilitated by broadcasting sub-tropical grass, native grass and shallow rooted shrub seeds. And, over time, with the encroachment of the surrounding native vegetation, these previously landfilled areas will blend back into the natural landscape.

### 7.3.2. Future Landfill Area

There is a significant area to the south of the existing landfill that is proposed to form part of the overall landfill footprint. This area is to be progressively filled to a top of waste design of 1 (V) in 7.5 (H). This will result in a low dome shaped waste mass extending over both the existing and future landfill areas. Again, the final waste surface will be capped with a minimum of 1 m of soil capping material and the surface rehabilitated with sub-tropical grass, native grass and shallow rooted shrub seeds.

### 7.4. Final Landfill Profile

The final landfill profile will be a dome-shaped ridge running north-south and covering all of the available space within the existing landfill area and the proposed future landfill expansion area. The target top of waste design is to achieve a final waste slope of 1 (V) in 7.5 (H), which will provide an easily maintainable and long-term stable slope final slope.

The northern and western edges of the existing landfill that have steep existing slopes at an estimated 1 (V) in 3.5 (H) batter can be flattened off using inert building rubble or similar waste types to fill the toe of the batter; however, this will be a difficult activity to complete. The preference is to leave the current waste slopes and flatten the slopes with capping soil material to achieve a maximum slope of 1 (V) in 4 (H). Finishing these steeper slopes at 1 (V) in 7.5 (H) will result in excessive encroachment into the adjacent native vegetation area and hence, not deemed a suitable scenario.

**Appendix No. 1 – Landfill Top of Waste Layout Plan** provides detail on the final landfill footprint, edge of final capping layer and typical sections through the perimeter edge of the landfill.

Over time, the waste mass will settle. Typically, within putrescible landfills, this settlement is anticipated to be up to approximately 15% to 20% of the original waste height. With the relatively low anticipated waste density ( $0.5 \text{ t/m}^3$ ), it would be anticipated that the waste settlement would be in the upper range, close to 20% of the waste height; however, the bulky nature of the waste material is likely to suspend the waste mass and prevent excessive settlement in the medium term (+50 years); however, in the long-term (+100 years), as the large waste material breaks down, the landfill will continue to settle, potentially up to 20% of the landfill depth.

With the landfill progressing vertically relatively slowly, a significant portion of the settlement occurs while subsequent waste layers are placed above; hence, the settlement is not noticed and is continuously being filled with subsequent waste material. Only once an area has been finally completed, will any waste settlement be observed. Typically, it would be anticipated that there will be approximately 5% to 10% waste placement settlement in the completed portions of the landfill.

Based on the variable depths and age of waste in the landfill, and an anticipated 5% to 10% settlement, there could be up to 0.5 m to 0.75 m of settlement at the top of the landfill. The impact of this settlement will be to reduce the overall height and slope on the landfill cap. The majority of the settlement will occur somewhat uniformly, proportional to the waste depth below the capped surface; however, there will be some localised areas where differential settlement will occur (interface between the existing and new landfill areas). This differential settlement is not anticipated to be so severe that it will impact on the integrity of the capping system, as it will occur gradually over a transition area between old and new waste.

### 7.5. **Progressive Closure**

It is essential that the landfill be progressively closed and capped as the waste reaches the final waste profile and the capping construction not be left to the end of the landfill life. The benefits of progressive closure include:

- Progressively closing off portions of the site;
- Increased ability to shed uncontaminated surface water off the landfill and hence reducing the quantity of leachate being generated in the waste mass;
- Reducing the ongoing closure liability costs for the landfill, as these costs are incurred progressively through the operational (economic) life of the landfill;
- Using the capping costs incurred, as a guide to assist in determining the closure provisions that will be required towards the end of the life of the landfill and during the post-closure period;
- Reduced litter generation;
- Reduced landfill gas emissions; and,
- Improved aesthetics.

### 7.6. Landfill Gas Management

Due to the low annual tonnage of waste being disposed of to landfill and hence the slow progression of the landfill, there will be large areas of the landfilled waste mass that will be exposed to the environment for an extended period, and as such, remain in an aerobic state (presence of oxygen) where waste decomposition releases carbon dioxide and not methane, methane being the more harmful greenhouse gas.

As the waste height increases, the possibility of the waste in the bottom of the landfill becoming anaerobic increases and hence, the likelihood of methane and other landfill gasses being generated. The concern being elevated greenhouse gas and odourous emissions from the landfill surface.

Due to the extremely low quantity of putrescible material in the waste mass (removed via kerbside collection and transfer station), it is not anticipated that there will be noticeable volumes of landfill gas being generated within the waste mass, be it in an aerobic or anaerobic state. Consequently, it is not anticipated that any active landfill gas extraction and management will be required on site.

The most effective means of managing landfill gas emissions is to progressively cap the landfill with a thick soil layer within which fugitive gas emissions can be oxidised as they pass through the capping soil layer.

### 7.7. Leachate Management

The landfill is unlined and as such does not capture any leachate that requires future management. The most effective means of managing leachate is to limit the generation thereof by maintaining a small active landfill area and progressively capping completed portions of the landfill as soon as possible. This will substantially decrease the quantity of rainwater percolating through the waste mass and consequently generating leachate.

Mingenew has an annual evaporation rate of approximately 1.9 m (80% of 2.4 m pan evaporation) and an average rainfall of approximately 0.4 m; hence, there is a net 1.5 m of net evaporation. Consequently, there would only be a few days of the year where there would be more rainfall than evaporation.

### 7.8. Infrastructure Requirements

With the site anticipated to be an ongoing waste management facility, there is a need to maintain appropriate infrastructure for future waste management activities on-site.

The site has adequate waste management infrastructure for its current needs and significant open areas beyond the landfill footprint, where any future waste management infrastructure can be developed; consequently, there is no requirement to build any infrastructure on the closed and capped landfill surface.

### 7.9. Surface Preparation

Once waste placement has ceased in an area and the final waste profile obtained, the area is to be well compacted (by a dozer or similar tracked machine) to provide a firm waste surface and then covered with temporary (intermediate) cover material of minimum 300 mm deep or with final capping. If temporarily cover is used, the surface could then be left for potentially up to three to six months, depending on the timing of the subsequent landfill capping construction.

Due to the existing steep northern and western landfill batters, it is unlikely that a machine will be able to safely track up and down these slopes. These areas should be smoothened off as best possible, within the confines of safe operations, and then covered with a soil layer (part of the capping activity).

### 7.10. Capping Area

Once there is a reasonable area of completed landfill, the Shire staff or a construction contractor will install the capping system in accordance with a DWER approved Works Approval, which will be needed before any construction work commences.

With the proposed capping simply being a 1.0 m to 1.5 m layer of uncompacted soil (including any remaining temporary cover material) spread out into the finished waste surface, it is possible that the facility operator can progressively install the final capping layer as the landfill progresses, ideally, at the same time as excavation is occurring in the landfill floor or there is a supply of suitable off-site capping material available.

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If a contractor is to be utilised to install the capping layer, then typically, there needs to be approximately half a hectare  $(5,000 \text{ m}^2)$  of capping undertaken to achieve a reasonable economy of scale to mobilise the contractor's equipment. Based on a total capping surface area of 23,400 m<sup>2</sup>, there would potentially be up to four tranches of landfill capping over the life of the landfill; hence, only an occasional activity.

### 7.11. Capping System

The landfill cap is to consists of a minimum 1.0 m, ideally 1.5 m of selected soil growing medium placed directly on top of the finished waste surface. The 1.0 m of soil can include the 300 mm of intermediate cover placed over the waste during landfill operations if it is in good condition, not contaminated with waste or eroded from the surface. Ultimately, there is to be a minimum 1 m soil layer between the finished waste surface and the environment.

The capping growing medium should be a minimum of 1.0 m thick to support the growth of grasses and small, shallow-rooted shrubs. In order to achieve some biodiversity and visual improvement, a few localised mounds of increased soil depth could be included to support deeper-rooted plants and shrubs. The deeper the mound, the larger the tree/shrub variety that can be sustained.

It is not proposed that a dedicated layer of topsoil be utilised, as this will primarily promote weed growth. Native vegetation is the preferred rehabilitation solution, with sub-tropical rye grass species initially used to rapidly establish growth on the newly capped surface to provide stabilisation and reduce erosion. Within a couple of seasons, the rye grasses die off and are then progressively replaced by native grasses and shrubs. By the addition of an organic-rich topsoil layer, weed species will thrive to the detriment of the native vegetation.

Using shredded green waste in the upper surface of the soil layer will assist in reducing surface erosion; however, this is also likely to promote weed growth; albeit not as severely as organic rich topsoil.

The current green waste management solution is to occasionally burn the accumulated green waste; hence, shredding is not a business-as-usual activity and as such, would add to the cost of landfill capping if shredded green waste was to be specified. The preference is to spend all available funds on maximising the soil capping layer thickness, as this will provide the most sustainable landfill caping solution.

The ash from the burning of the green waste should be saved and mixed into the top layer of the final cap surface, as this is a natural fertiliser, that will not encourage weed propagation but will support some local plant species.

### 7.12. Capping Material

#### 7.12.1. Purpose

The intention of the waste cap is to provide a long-term sustainable barrier between the waste and the environment.

The intended purpose of the landfill cap includes:

- Provision of a barrier between the waste and the environment;
- Control of moisture ingress to reduce leachate generation;
- Provides habitat for the establishment of native vegetation;
- Control of erosion of the cap material;
- Prevent vermin access to the decomposing waste;
- Facilitate excess stormwater runoff;
- Ability to accommodate waste settlement;
- Oxidise limited amounts of landfill gas that may pass through the upper soil layers; and,
- Improved aesthetic appeal of the site.

### 7.12.2. Capping Soil Requirements Soil

Based on the proposed landfill footprint and filling plan, for a 1.0 m thick soil capping layer, there will be a need for approximately  $30,000 \text{ m}^3$  of soil, this includes approximately  $8,000 \text{ m}^3$  of soil to flatten out and cover the steep slopes on the northern and western side of the existing landfill and the southern slope of the future expanded landfill in the vicinity of the old waste transfer station elevated platform. For a 1.5 m capping layer over the landfill area (not the outer perimeter of the capping layer that is beyond the landfill), the soil requirement increases to approximately  $39,000 \text{ m}^3$ .

#### 7.12.3. On-Site Natural Soil

There are extensive areas on site that are available to sources native soils. The preference being that no native vegetation is cleared specifically for the generation of the soil capping materials, only existing cleared areas be used for this purpose.

There is the potential to excavate soil from the floor of the future landfill areas; however, the extent thereof is unknown, predominantly due to the potential for belowground waste trenches to be encountered. During the expansion into the future landfill area, trial pits need to be excavated ahead of the landfilling activity to identify the areas where soil can be excavated. Once identified, excavation in these areas needs to be maximised to generate as much on-site soil capping material as is possible.

### 7.12.4. Imported Capping Material

The imported capping material should ideally be sourced from the surrounding areas, as this is the soil that the local native vegetation is thriving in and hence, would be suitable for incorporation into the cap. If there is insufficient locally available, suitable soil, then the material will need to be sourced from further afield.

If the imported soil is sourced from different locations, where possible it should be blended to achieve a homogeneous mix. This will provide a more consistent soil type across the landfill and hence there is more likely to be uniform vegetation growth on the capped surface and consequently, a more natural appearance.

Ideally, imported soil should be used for all landfill regular cover material needs and also used for reshaping the existing northern and western steep slopes and the future southern slopes of the landfill, leaving the on-site excavated soil for the upper surface of the capping layer.

Due to the long lifespan of the landfill and only occasional capping works being undertaken, there is plenty of time available for the facility operator to accumulate stockpiles of suitable capping material.

### 7.13. Growing Medium Thickness

The thickness of the growing medium will primarily be a function of vegetation survival and diversity. If the layer is too thin, the vegetation will only survive for a few years until the plants' water demand is greater than the moisture retention in the soil. At this time certain species will start to die off and the cap will be left vegetated with one or two species of grasses or small shrubs. The cap should ideally be 1.5 m thick; however, this consumes large quantities of capping material.

As a minimum, the cap should be at least 1.0 m thick to provide an erosion-resistant physical barrier between the waste and the external environment. However, this minimal thickness of cap will only be able to support the growth of grasses and minimal small shrubs, typically only a few hardy species.

To retrospectively thicken up the growing medium a few years after the initial construction would be possible; however, this additional soil layer covers over all previous vegetation and hence the capping surface stabilisation and rehabilitation process has to commence from the beginning again. It is far better to establish an appropriately thick growing medium layer during initial cap construction, as opposed to having to retrospectively thicken up the growing medium. Consequently, the capping layer should incorporate more than the minimum 1.0 m thick growing medium layer. Post-construction, once weather conditions allow, the capped surface should be immediately seeded.

### 7.14. Vegetation

In the short-term, the focus is to be on the rapid stabilisation of the capped surface by the establishment of quick-growing grasses. A mix of sub-tropical rye grass species and native grass species will be used for this purpose. The rye grasses establish rapidly, while the native species establish more slowly. Within a couple of seasons, the rye grasses will die off and the native grass species, which are more environmentally tolerant, survive and replace the decreasing rye grass coverage.

With the landfill being surrounded by native bushland, over time, the surrounding vegetation will encroach over the capped landfill surface. If the encroachment of native vegetation is minimal, then native seeds from surrounding shrubs and grasses can be collected and broadcast over the capped surface to improve vegetation establishment. Local horticulturalists and farmers would be able to assist with the selection and collection of native seeds if necessary.

Ultimately it is a matter of trial and error to see which plant species survive on the landfill capping surface. Initially, a wide range of species establish and then over time (a number of years), the stronger species will outperform those that are not suited to the landfill capping environment.

The preference is to broadcast seeds, as opposed to planting tube-stocks, as there can be hundreds of times more seeds broadcast for the same cost of planting tube-stocks. Also, some seeds should be kept, or collected when needed, for infill seeding in barren or repaired areas on the capped surface.

Over time, as there is learning as to which plant species survive on the capped surface, future tranches of capping can concentrate on those plant species that survive, and ideally trial other plant species, until the ideal suite of plant species has been identified.

### 7.15. Construction

Construction is only to commence once the appropriate Environmental Approval (Licence Amendment or Works Approval) has been obtained. And all work is to be carried out in accordance with the Environmental Approval.

When installing the soil growing medium layer, care is to be taken not to compact the soil layer other than what is achieved via the placement machinery tracking over the surface during the material placement and spreading operation. From a rehabilitation point of view, greater vegetation survival and growth will be achieved if the soil is only lightly compacted.

The capping soil is simply to be spread out over the surface, to the required thickness. The growing medium is a single uncompacted layer and hence there is no need for placing and compacting the material in a number of layers. It is more efficient to place the full soil layer thickness in a single operation. This also limits the amount of compaction applied to the soil by the construction equipment and hence provides a better growing environment for the vegetation.

### 7.16. Surface Water Management

The cap profile, soil permeability, thickness and uncompacted nature allows surface water infiltration into the growing medium. This is a desirable situation as there is a need for moisture to be retained within the capping material in order to sustain the vegetation growing on top of the landfill cap.

In periods of heavy rainfall, it is likely that there will be some runoff from the capped areas and also a limited amount of moisture seeping through the soil layer into the waste mass. Initially, when the plants are relatively small and only require a small amount of moisture, excess moisture will percolate through the soil layer into the waste mass below. However, in time as the plants grow and consume more and more moisture, less water will end up in the waste. The ideal situation is that the vegetation consumes all moisture within the growing medium and no water ends up in the waste. This will then be the point of equilibrium where the maximum growth of vegetation has been established on the landfill cap in accordance with available moisture content.

Due to the relatively gentle slopes on the majority of the landfill cap, it is unlikely that there would be any significant surface water run-off from the capped landfill surface except in heavy rainfall events. In these circumstances, the runoff is to be directed towards and beyond the landfill perimeter to enter the surrounding natural stormwater flow network, which typically flows to the north, northeast.

### 7.17. Groundwater Management

The comprehensive landfill capping layer (soil and vegetation) will significantly reduce the quantity of rainfall percolating through the waste mass and hence in time decrease the quantity of leachate being generated within the landfill and consequently reducing the potential for groundwater contamination.

### 7.18. Site Monitoring and Maintenance

Site monitoring and maintenance will be undertaken after the closure of portions of the landfill (continuous capping) to ensure that the closure measures adopted as part of the landfill capping plan are providing an ongoing, sustainable environmental solution.

Site monitoring and maintenance tasks include:

- Monitoring and repair of erosion and settlement of the cap:
  - Differential settlement;
  - Water ponding on flatter areas; and,
  - o Erosion.
- Monitoring of vegetation rehabilitation success and infill seeding as needed; and,
- Monitoring of weed infestation and eradication as appropriate.

Some aspects of site monitoring and maintenance will need to occur more regularly, while other activities would only occasionally occur. In time, as the landfill cap and waste mass stabilise, these activities can be carried out less frequently. The actual timing and frequency of the activities will be a function of the way that the landfill is performing and how quickly it stabilises.

Initially, general site monitoring such as the condition of the capped surface and weed infestation will occur as a minimum every three months, however, more regularly during the winter rainy period. This would last for at least three years after construction and thereafter the monitoring frequency will be pushed out according to cap performance and site needs.

Site maintenance will be on an as needs basis in reaction to issues that have been identified during site monitoring.

Should the monitoring identify a deficiency in the proposed closure methodology, then the methodology needs to be modified to suit the on-site conditions and implemented in the next tranche of progressive landfill closure works.

### 7.19. Post-closure Period

Due to there being no ongoing leachate extraction and landfill gas management, it is anticipated that site monitoring will occur for approximately five years beyond the closure of the final portion of the landfill. Towards the end of this period, an assessment of the degree to which the waste mass and capped surface have stabilised will provide information as to whether it will be necessary to continue monitoring the site beyond the 5-year period and for how long this is likely to continue.

Effectively, the monitoring period will only be completed once it can be conclusively demonstrated to the DWER that the landfill site has stabilised to a degree that it no longer requires any ongoing monitoring and maintenance.

Based on an anticipated 5-year post-closure period, as the landfill post-closure progresses towards complete closure, the Shire needs to discuss with the DWER the process by which the landfill will be deemed as no longer posing as an environmental risk and hence can be completely shut down and all post-closure landfill activities ceased.

### 8. Financial Provisions

### 8.1. **Closure and Post-Closure Costs**

The costs associated with landfill closure and post-closure management is traditionally a component of landfill management that is either ignored or underestimated by landfill operators. In this regard, a landfill closure and post-closure financial model has been developed to enable the Shire to adequately manage all landfill closure and post-closure activities, including the proactive financial planning required to cover the anticipated associated costs.

The timing of the progressive and final closure of the landfill is a function of available landfill airspace and the annual quantity of waste landfilled.

### 8.2. **Provisions for Closure and Post-Closure**

Provisions have been and continued to be set aside to cover future waste management costs within the Shire. These provisions need to include landfill closure and post-closure costs.

An assessment of future liabilities versus the actual financial provisions being accumulated needs to be regularly undertaken to ensure that sufficient provisions are in place to cover anticipated landfill closure and post-closure commitments.

Due to there being a minimum 50 years of future landfill airspace within the landfill design footprint, there is ample opportunity to adjust provisions during the operational period of the landfill, typically every five years a review of future costs and associated provisions should be undertaken to ensure that the financial provisions remain relevant.

Progressive closure of the landfill will provide accurate, real-time costs for most postclosure activities. These costs should be used to assess future landfill post-closure costs.

**Appendix No. 2 – Landfill Closure and Post-Closure Financial Model** provides a copy of the Landfill Closure and Post-Closure Model. This has also been provided to the Shire in Excel format to enable the Shire to regularly review and update the model over the life of the landfill.

### 9. Review

This Plan covers the closure and post-closure methodology and associated activities for the Mingenew landfill and is based on current best practice for this size of landfill facility. It is envisaged that over time, as the waste management industry and the site's waste management practices evolve, that this Plan will need to be reviewed and possibly updated.

With the landfill lifespan anticipated to last for at least 50 years, this Plan should be reviewed every five years, or ideally after each progressive capping exercise to confirm the validity of the proposed methodologies and activities and to reflect any site-based or industry change that may be relevant.

### **Appendices**

Appendix No. 1 – Landfill Top of Waste Layout Plan

Appendix No. 2 – Landfill Closure and Post-Closure Financial Model

Appendix No. 1 – Top of Waste Layout Plan

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PRE-SETTLEMENT WASTE CONTOURS		ω-	W N E
		45 (00 /0/)	1 5 000m <sup>3</sup>
AVAILABLE L	IDFILL SURFACE	15/ 03/ 24)	45,000m 17,900m <sup>2</sup>
AREA OF CAR	PPING SURFACE		23,400m <sup>2</sup>
	8 0 8 SCALE 1:400 @ A1	16 24	32 40m

MINGENEW	SCALE	AS SHOWN
DAD, MINGENEW	SHEET	
DFILL FACILITY		REVISION B
ASTE LAYOUT PLAN	DRG No.	SOML-SK1

Appendix No. 2 – Landfill Closure and Post-Closure Financial Model

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### Shire of Mingenew - Mingenew Landfill Site Closure and Post-Closure Cost Assessment Model by Ian Watkins 25 September 2024, updated 7 May 2025

Histo	rical Landfill Areas (areas beyond the footprint of the e	xisting landfill)					Comments
Assumptions:							
1	1 Uncertainty as to where historical belowground trench landfilling occurred on site						
2	All historical waste trenches are well covered (as they a	re not obvious fr	om a surface ins	spectio	n)		
4	No future closure and post-closure capping work to	be carried out of	i ulese dieds				
Curre	ent and Future Landfill Areas: (on top of historical landf	fill area and addi	tional areas to th	ne sout	th)		Comments
Assu	mptions:			10 0001	<u></u> /		
1	Minimum of 1.0 m of soil capping over the waste (ideally	v 1.5 m)					Closure costs based on 1.0 m of cover soil.
2	No synthetic lining in the cap						
3	3 Works Approval/Licence Amendment required to undertake closure activities				Due to the anticipated 50-year landfill lifespan, it is likely that there will be e need to obtain a number of Works Approvals, potentially with a 10-year validity period during which progressive landfill closure and capping can be undertaken.		
	Landfill regular and intermediate cover not included as a closure activity. This should be carried out progressively as par of regular landfill operations, in accordance with the requirements of the <i>Environmental Protection (Rural Landfill)</i>				ressively as part Landfill)		
4	4 Regulations 2002 The site is an ongoing waste management facility and all regulated activities and associated costs will be covered by			covered by			
6	Closure and Post-Closure costs assessed for the landfil the cost forecast would need to be adjusted accordingly	l design footprin	t. Should landfilli	ing exp	and beyo	nd this area, the	n
0	the cost lorecast would heed to be adjusted accordingly			1			
Item	Description	Unit	Quantity	F	Rate	Cost	
				-			
							Costs include site survey, detailed landfill closure design and
							drawings for the complete (50-year landfill), application Supporting
1	Initial design, documentation and Works Approval	Item	1	\$ 1	0,000.00	\$ 10,000.00	Documents and Application Form. Anticipate a total of four Works Approvals over the 50-year landfill
							Illespan, one per tranche of capping.
	Subsequent design, documentation and Works						subsequent applications: hence, saving in application
1	Approvals	ltem	3	\$	5.000.00	\$ 15.000.00	documentation costs.
· ·	, oprovalo	Rom	Ŭ	Ψ.	0,000.00	¢ 10,000.00	Minor finishing works. The majority of the works to be carried out
							by landfill operations as part of the ongoing expansion of the landfi
2	Stormwater control works	Item	1	\$ 2	20,000.00	\$ 20,000.00	area.
							Estimated 30,000 m <sup>°</sup> of capping soil required (23,400 m <sup>°</sup> over
							landfill and an additional 6,600 m <sup>3</sup> to flatten steeper portions of the
							landfill) of which there is an estimated approximately 10 000 $\text{m}^3$ of
							notential on site excavated material available within the future
							even and an afill fast rint and also where an aita. The seat of
							expanded landing loop intrand elsewhere on site. The cost of
							excavation is included, but could be carried out progressively by
							ianunii operations, ii the soil is easily diggable. The on-site
	Supply of 1.0 m capping material over final waste						excavated material is preferably used for the top 1.0 m of capping
2	profile from on-site excavated material, progressively	m <sup>3</sup>	10.000	¢	15.00	¢ 150.000.00	material, not the deep fill material around the steeper landfill
3	Supply of 1.0 m capping material over final waste	111	10,000	φ	15.00	\$ 150,000.00	siopes.
	profile from off-site sources, progressively						Assume remaining soil supply is received from off-site sources.
	received/purchased during the operating life of the						50% of this supply is free (from local construction projects) and
4	landfill.	m <sup>3</sup>	20.000	\$	20.00	\$ 200.000.00	50% is purchased. Based on \$20/m <sup>3</sup> purchase cost.
				Ť		+	Rate reduced by 25%, assuming some of the installation occurs
							during landfill excavation and hence, included in that activity cost.
	Installation of 1.0 m capping material over final waste						Carried out in a number of tranches, in accordance with landfill
5	profile	m <sup>3</sup>	30,000	\$	10.00	\$ 300,000.00	progression.
		2					Quantity from Landfill Top of Waste Layout Plan. Carried out in a
6	Rehabilitation of vegetation cover - Seeding	m²	23,400	\$	5.00	\$ 117,000.00	number of tranches, in accordance with progressive capping.
1							Progressive monitoring during landfill operating life covered by
-	Site monitoring 5 years at 2 bro/month	Houro	100	¢	100.00	¢ 12.000.00	anumi operations. Costs only included for the final 5-year period
	Site maintenance - soil cover repair - 20% of original	Houis	120	φ	100.00	\$ 12,000.00	
8	soil supply and installation cost	ltem	1	\$ 13	30.000.00	\$ 130.000.00	
	Site maintenance - vegetation infill seeding and planting			*	.,	• ••••	
9	<ul> <li>20% of original rehabilitation cost</li> </ul>	Item	1	\$ 2	3,400.00	\$ 23,400.00	
	Total Closure and Post-Closure Cost					\$ 977,400.00	
	Current Landfill Closure and Post-Closure Reserve						
	as at the end of the previous Financial Year					\$ 28,254.00	Value as at 30 June 2024. Provided by Shire 7 May 2025
	Additional Landfill Closure and Post-Closure					· · · ·	
1	Reserve Required					\$ 949,146.00	
	Waste Density (t/m³)					0.50	
	Estimated Available Landfill Airspace as at 30 June						
1	2024 (m <sup>3</sup> )					45.000	
	Estimated Available Landfill Tonnage as at 30 June			1		-,-,-	
1	2024 (m <sup>3</sup> )					22 500	
	Landfill Tonnage Accrual Rate to achieve					22,500	
1	Additional Landfill Closure and Post-Closure			1			
1	Reserve Requirements (\$/t)					\$ 42.18	
<u> </u>	Forecast Annual Landfill Tonnage (t/vr)					300	Shire to adjust to future anticipated annual landfill tonnage.
<b>—</b>				ļ		500	

 Forecast Annual Reserve Contribution (\$)
 \$ 12,655.28

 Note: All costs are based on 2024 costs. Annual CPI increases should be applied to assess the potential cost at the time that the activity is anticipated to be undertaken

 Note the cost of soil material supply; hence, the importance of conserving available on-site soil and bringing in free soil as it becomes available



Department of Local Government, Sport and Cultural Industries



# **Communications Agreements Consultation Paper**

**Local Government Reforms** 

### Background

The Local Government Amendment Act 2023 (2023 Amendment Act) was passed by Parliament in May 2023 and made a series of amendments to the Local Government Act 1995 (the Act). The 2023 Amendment Act implements several key reforms, including those relating to local government elections, as well as some changes which are yet to commence. These include the requirement for a communications agreement between the council and the administration of a local government.

To implement these reforms, the Western Australian (WA) Government has prepared the draft Local Government Regulations Amendment Regulations 2025 and the draft Local Government (Default Communications Agreement) Order 2025.

These proposed draft regulations and the draft order are published on the Department of Local Government, Sport and Cultural Industries (DLGSC) website and are available for public comment until **Friday 4 July 2025**. This consultation paper sets out the aims of these reforms and the proposed legislative requirements.

DLGSC invites local governments, council members, CEOs, local government employees and members of the community to consider the proposed regulations and provide feedback. The feedback received will inform the finalisation of draft regulations and the draft order and the implementation of these changes.

Submissions can be made to DLGSC's Act Review team by:

- 1. email to <u>actreview@dlgsc.wa.gov.au</u>
- post to: DLGSC Act Review
   PO Box 8349
   PERTH BUSINESS CENTRE WA 6849

### Your say and your privacy

Submissions will be treated as public documents unless explicitly requested otherwise.

If you do not consent to your submission being treated as a public document, you should mark it as confidential, or specifically identify the confidential information, and include an explanation.

Please note, even if your submission is treated as confidential by DLGSC, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1995* (WA) or any other applicable written law.

DLGSC reserves the right to redact any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

### Establishing regulations for communications agreements

The communications agreement is intended to function as a fundamental governance instrument within each local government to set out minimum expectations for formal communications between council members and employees of the local government.

Communications agreements currently exist between each Minister of the WA Government and the agencies that support them. These agreements set out who Ministers and their staff may contact within an agency, what they may request, how they can expect their request to be dealt with and when they can expect a response.

In a local government context, new sections 5.92A – 5.92C inserted by the 2023 Amendment Act provide that:

- each local government must have a communications agreement which deals with the matters required by the Act and regulations
- a local government may adopt a communications agreement by the council and the CEO **both agreeing** to its terms
- if a local government does not adopt or is unable to adopt a communications agreement, the default communications agreement set out in a ministerial order applies.

The draft Local Government Regulations Amendment Regulations 2025 seek to address minimum requirements for and enforcement of communications agreements.

#### Administration Regulations (amending regulations 3 to 8)

Amending regulations 3 to 8 set out a series of amendments to the Local Government (Administration) Regulations 1996 to deal with communications agreements.

Amending regulation 4 inserts a definition of communications agreements into the regulations.

Amending regulation 5 clarifies that the regulations regarding the employee code of conduct apply to employees of the local government, not contractors.

Amending regulation 6 requires the employee code of conduct to require a local government employee to comply with the communications agreement.

Amending regulation 7 inserts new regulations 28C and 28D.

Regulation 28C provides that in addition to the matters set out in the to be proclaimed section 5.92A of the Act, a communications agreement needs to set out the circumstances in which correspondence sent by the Mayor or President on behalf of the local government must be provided to all council members by the CEO.

Regulation 28D provides that there must be certain minimum content in a communications agreement adopted by a local government and its CEO.

Subregulation (1) provides definitions of an administrative matter and a request for information.

Subregulation (2) provides that a communications agreement must address:

- how council members and committee members can make requests for information
- the time within which a response to a request for information must be given
- the way in which information must be provided in response to a request for information
- a dispute resolution process
- which local government employees, council members and committee members may communicate or have dealings with relating to requests for information.

Subregulation (3) clarifies that the communications agreement does not apply to:

- deliberations at a council or committee meeting
- the process that needs to be undertaken for the recruitment, performance review or employment termination of the CEO.

This recognises that a Mayor or President and duly authorised council members may need to communicate with employees or contractors of the local government other than through the CEO to facilitate the recruitment, performance review or termination process.

Subregulation (4) provides that a communications agreement must address:

- how council members and committee members can make request for administrative assistance
- the time within which a response to a request for administrative assistance must be given
- the way in which information must be provided in response to a request for administrative assistance
- which local government employees, council members and committee members may communicate or have dealings with relating to administrative matters.

Subregulation (5) provides for circumstances where commissioners are administering the local government. This regulation provides that the commissioner may request information or assistance in the manner determined by the commissioner from any local government employee and that, if requested, it must be provided to the commissioner as soon as practicable. Where there is a dispute, it is resolved by the commissioner (or the chair commissioner if there is more than one commissioner).

This reflects that the circumstances that require the appointment of commissioners are unique, and as a result a commissioner should typically not be constrained by a communications agreement when undertaking the process required to restore good government to a local government district.

Regulation 8 provides for the default communications agreement ministerial order to be made prior to 19 October 2025.

#### Model code of conduct (amending regulations 9 & 10)

To ensure council and committee members comply with the communications agreement, it is proposed that contraventions of the agreement be dealt with under the code of conduct for council members, committee members and candidates.

Amending regulation 10(1) provides that a contravention of section 5.92(3) of the Act, which states that a council member or committee member must comply with the communications agreement, will be a behavioural breach. This means that the breach is dealt with internally by the local government, rather than through the Local Government Standards Panel process. Circumstances where a council member involves themselves in the administration of the local government without authority, or where a council member seeks to direct a local government employee, will remain a rule of conduct breach.

Amending 10(2)-(3) makes an amendment to clause 20 of the model code of conduct. Clause 20 currently provides that a council member or candidate cannot direct a local government employee. This amendment clarifies that the rule of conduct against directing a local government employee does not apply where the council member is acting consistently with the communications agreement in seeking information or administrative assistance.

### **Default Communications Agreement Order**

The 2023 Amendment Act inserted new section 5.92B, which provides for the Minister for Local Government, by order, to set out a form of default communications agreement. This will be considered the communications agreement of the local government at any time that the local government has not adopted a communications agreement of its own or the agreement has expired.

A local government's communications agreement will expire at the end of the local government's caretaker period following an ordinary election, or otherwise at the end of the employment of the CEO who agreed to that communications agreement.

It is important to note the range of circumstances where a local government will fall onto this default agreement. If unable to form an agreement of their own, a local government will be bound by this default agreement. If local governments and CEOs wish to alter something contained in the default agreement, they will need to reach an agreement on an alternative communications agreement.

The proposed default communications agreement is contained in Schedule 1 of the draft Local Government (Default Communications Agreement) Order 2025.

#### Preliminary provisions (Division 1 of the draft order)

The preliminary components of the agreement include definition and application clauses which address how the agreement is to be interpreted and applied.

The definition of an 'administrative matter' is important in that it clarifies what is considered an administrative matter for a council members' potential request.

Clause 3 (Application) provides that this agreement does not apply to:

- deliberations at a council or committee meeting (which to be dealt with by standardised meeting procedures)
- the process of CEO recruitment, performance reviews or termination of employment, in accordance with the CEO employment standards of the local government.

This covers practical situations, such as the Mayor or President needing to engage closely with the local government's human resources function and consultants in relation to certain instances of managing the employment of the CEO.

### General provisions (Division 2 of the draft order)

Clauses 4 to 7 provide a series of general provisions.

Clause 4 addresses the general principles of the agreement:

- That the CEO supports council and committee members to fulfill their functions, including by providing information and administrative assistance that allows them to do so, and ensuring that employees communicate with council members in accordance with the agreement.
- That the council and committee members conduct themselves in accordance with the agreement to ensure the orderly running of the local government.

Clause 5 provides that, in general, all council members should receive a copy of formal correspondence sent by the Mayor or President on behalf of the local government. This reflects the Mayor or President's role of as a spokesperson of the local government, consistent with the decisions of the council. In exceptional circumstances the Mayor or President can decide it is not appropriate to provide such correspondence to all council members. If this is done where exceptional circumstances do not exist, it may constitute a breach of the agreement by the Mayor or President.

Clause 6 clarifies that requests for information or administrative should not be made during social or incidental dealings with employees or contractors, as these interactions are not an appropriate time to seek information.

Clause 7 clarifies that this agreement does not prevent social or incidental dealings or communications between council members and employees.

Clause 8 provides for the nomination of employees by the CEO, which is an important aspect of this agreement as it provides for who within the local government council members may speak with. This is similar to the approved contacts list used for WA Government communications agreements between Ministers and their agency(s).

These employees should be the most relevant employees for the council members to appropriately interact with, such as a local government's governance team, their directors (or equivalents), the executive assistant to the CEO, the communications manager or similar roles.

The clause specifies the number of employees to be nominated for each class of local government, reflecting the size of those local governments. It further clarifies that a CEO may specify that the employee is nominated for particular types of enquiries, such as nominating a communications manager for media enquiries. The CEO is required to maintain an up to date register for council and committee members of these employees and what they are able to be contacted for.

Clause 9 makes clear that the CEO determines who responds to a request for information.

Clause 10 further clarifies that nothing in this agreement requires a CEO or any other employee to respond to a request outside of office hours.

#### Requests for information generally (Division 3 of the draft order)

Clauses 11 to 16 deal with general requirements that apply to all requests for information.

Clause 11 provides for council and committee members to make requests for information.

Clause 12 sets out the types of information a member may request and the types of additional information a Mayor or President may request from the local government; however, this clause does not limit what information may be sought.

Clause 13 addresses certain things a council member must provide to assist the local government to respond to the request. This includes an appropriate scope, or a copy of correspondence received by the council member where they are seeking advice that relates to the correspondence.

Clause 14 deals with the circumstances where information does not need to be provided to a member, being:

- where the agreement has not been followed
- if the council member is not entitled to that information
- if the information is not held by the local government and unable to be reasonably obtained
- if in the CEO's view, preparing or providing the information would require substantial diversion of the local government's resources.

Clause 15 deals with disputes regarding the provision of information. This provision provides that a council member who is unhappy with a refusal of information may dispute the matter. Initially this should be sought to be resolved at a meeting between the council member, Mayor or President and CEO. If this does not resolve the matter, the council member should refer the matter to the council to resolve whether the information should be provided or not.

Clause 16 clarifies that the Mayor or President may discuss a media enquiry with the CEO or an appropriate nominate employee without making a request for information. This reflects that media enquiries often require urgent responses that are best dealt with promptly.

#### Responding to requests for information (Division 4 of the draft order)

Clause 17 to 24 deal with responding to requests for information that do not relate to administrative assistance.

Clause 17 provides that this division does not relate to an administrative request for information.

Clause 18 provides that a request for information is to be made to the CEO or an appropriate nominated employee in writing by email or such other electronic means approved by the CEO (such as a portal or similar).

Clause 19 requires the CEO to ensure that a request is acknowledged in writing within 2 working days of the request being made. This does not require the CEO to personally acknowledge the request, just ensure that a mechanism is established for their acknowledgement.

Clause 20 provides that for the purpose of responding to a request for information the CEO or other appropriate employee can discuss the request with the member for the purpose of clarifying the scope or subject of the request and enabling the request to be considered amended as a result of those discussions.

Clause 21 deals with the provision of a response to a request by providing:

- The request must be dealt with as soon as practicable.
- If a request relates to a matter on the agenda of an upcoming council or committee meeting, best endeavours are made to provide the response before that meeting.
- Requests are dealt with within 10 working days by either providing a final response or providing notice of when the final response will be given.
- Final responses should be in writing and include any advice or information relating to the request.
- If the final response is to refuse or partially refuse the request, the reasons for the refusal are given to the council member.

Clause 22 provides that a response to a request for information should generally be provided to all council members and relevant committee members, ensuring all members receive the same information. However, there are proposed exceptions to this where:

- The request is for advice on correspondence received by an individual council member. In these cases, the advice should only be given to the member or members who received the correspondence.
- The request relates to matters that only the Mayor or President can request; in which case those replies should only be given to the Mayor or President.
- The council member and the CEO agree that the matter should be treated confidentially because it is appropriate in the particular circumstances.

Clause 23 provides that the member may discuss the response to their request with the CEO or an appropriate nominated employee in order to clarify or address queries with the response.

Clause 24 provides that the CEO may arrange for a briefing, meeting or other discussion for members on the particular information requested. Members may be provided with information through these avenues, including members being able to seek further information following a briefing, meeting or other discussion.

#### Responding to administrative requests (Division 5 of the draft order)

Clause 25 to 28 deal with responding to administrative requests.

Clause 25 provides that administrative requests encompass an administrative request for information or a request for administrative assistance.

Clause 26 provides that a member may request administrative assistance regarding an administrative matter.

Clause 27 provides that these requests are:

- To be made to the CEO or the appropriate nominated employee.
- These requests may be made verbally, but the CEO or employee can refuse to deal with the request unless it is in writing.
- If a request is made in writing it must be made via email or other electronic means approved by the CEO (such as a portal).

Clause 28 deals with the provision of a response to an administrative request by providing:

- The request must be dealt with as soon as practicable.
- Requests are dealt with within 10 working days by either providing a final response or providing notice of when the final response will be given.
- Final responses to an administrative request may be verbally or in writing.

#### Commissioners (Division 6 of the draft order)

Clauses 29 and 30 deal with this agreement in relation to a commissioner appointed to administer a local government.

Clause 29 provides that the agreement applies to a commissioner as if the commissioner were the council and the Mayor or President.

Clause 30 provides that the commissioner:

- may request information from any local government employee for provision to the commissioner as soon as practicable
- where there is a dispute, it is to be resolved by the commissioner or the chair commissioner (if there is more than one commissioner).

This reflects that the circumstances that require the appointment of commissioners are unique, and as a result a commissioner should typically not be constrained by a communications agreement when undertaking the process required to restore good government to a local government district.

Department of Local Government, Sport and Cultural Industries PO BOX 8349 Perth Business Centre WA 6849 Email: actreview@dlgsc.wa.gov.au Website: www.dlgsc.wa.gov.au Western Australia

### **Local Government Regulations Amendment Regulations 2025**

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Local Government Act 1995

### Local Government Regulations Amendment Regulations 2025

Made by the Governor in Executive Council.

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Local Government Regulations Amendment Regulations* 2025.

#### 2. Commencement

These regulations come into operation as follows -

- (a) Part 1 on the day on which these regulations are published on the WA legislation website (*publication day*);
- (b) Part 2 (but only regulations 3 and 8) on the day after publication day;
- (c) the rest of the regulations on 19 October 2025.

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### Part 2 — Local Government (Administration) Regulations 1996 amended

#### 3. Regulations amended

This Part amends the Local Government (Administration) Regulations 1996.

#### 4. **Regulation 3 amended**

In regulation 3(1) insert in alphabetical order:

*communications agreement*, in relation to a local government, means —

- (a) the default communications agreement that is taken to be the local government's communications agreement under section 5.92B; or
- (b) the communications agreement adopted by the local government that has effect as the local government's communications agreement under section 5.92C;

### 5. Regulation 19AA amended

In regulation 19AA delete the definition of *local government employee* and insert:

*local government employee* means an employee of the local government;

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#### 6. Regulation 19ADA inserted

After regulation 19AD insert:

#### 19ADA. Compliance with communications agreement

A code of conduct must contain a requirement that a local government employee must (when acting in their capacity as such) comply with the local government's communications agreement.

#### 7. Regulations 28C and 28D inserted

At the beginning of Part 7 insert:

# 28C. Additional matters regulated by communications agreement (Act s. 5.92A(2)(d))

For the purposes of section 5.92A(2)(d), the circumstances in which correspondence sent by the mayor or president on behalf of the local government must be provided to all council members by the CEO is a prescribed matter.

## 28D. Content of communications agreement (Act s. 5.92A(4))

(1) In this regulation –

*administrative matter*, in relation to a council member or committee member, means the following —

- (a) the scheduling of council meetings or committee meetings;
- (b) the council member's or committee member's compliance obligations under the Act, including in relation to disclosure of financial interests and gifts;

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	(c)	information technology support for the council member or committee member;
	(d)	arrangements for the council member or committee member to attend training or a conference;
	(e)	event invitations received by the council member or committee member;
	(f)	the council member's or committee member's entitlement to a fee, allowance, reimbursement or superannuation contribution payment under the Act;
	(g)	any other matter of an administrative nature;
	reques	t for information, in relation to a local
	govern	ment, means a request for —
	(a)	access to information held by the local government under section 5.92 or otherwise; or
	(b)	other information.
(2)	A local include	l government's communications agreement must e content providing for —
	(a)	council members and committee members to make requests for information; and
	(b)	the way in which, and the employees of the local government to whom, a request for information must be made; and
. (	(c)	time limits within which a response to a request for information must be given; and
	(d)	the way in which information must be provided in response to a request for information; and
0	(e)	the way in which disputes regarding the response given to a request for information are to be resolved; and

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- (f) the employees of the local government with whom council members and committee members may communicate or have dealings in relation to a request for information.
- (3) A local government's communications agreement must include content providing for the agreement not to apply to anything that a council member, committee member or employee of the local government does as part of —
  - (a) the deliberations at a council or committee meeting; or
  - (b) recruiting, reviewing the performance of or terminating the employment of the CEO in accordance with the adopted standards.
- (4) A local government's communications agreement must include content providing for
  - (a) council members and committee members to make requests for assistance regarding administrative matters; and
  - (b) the way in which, and the employees of the local government to whom, a request for assistance regarding an administrative matter must be made; and
  - (c) time limits within which a response to a request for assistance regarding an administrative matter must be given; and
  - (d) the way in which information must be provided in response to a request for assistance regarding an administrative matter; and
  - (e) the employees of the local government with whom council members and committee members may communicate or have dealings in

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	relation to a request for assistance regarding an administrative matter.
(5) A loca includ	l government's communications agreement must e content providing for the following —
(a)	a request for information or a request for assistance regarding an administrative matter by a commissioner of the local government may be made to the CEO or another employee of the local government in the manner determined by the commissioner;
(b)	the CEO must ensure that the commissioner is given a response to the request for information or request for assistance regarding an administrative matter —
	(i) as soon as practicable; and
	<ul> <li>(ii) in the manner requested by the commissioner (which may include in writing or in a briefing);</li> </ul>
(c)	disputes regarding the request for information or request for assistance regarding an administrative matter must be resolved by —
	(i) if there are joint commissioners and 1 of them is appointed to be the chairperson — the chairperson; or
$\sim$	(ii) otherwise — the commissioner who made the request.
27	
$O_{L}$	

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#### 8. **Regulation 29E inserted**

At the end of Part 7 insert:

#### 29E. Transitional provision for Local Government Regulations Amendment Regulations 2025

For the purposes of Schedule 9.3 clause 62(2), regulations 28C and 28D, as to be inserted by the *Local Government Regulations Amendment Regulations 2025* regulation 7, apply in relation to the exercise before 19 October 2025, under the *Interpretation Act 1984* section 25(2), of the Minister's power to make an order under section 5.92B, as to be inserted by the *Local Government Amendment Act 2023* section 74.

**Consultation Draft** 

r. 9

### Part 3 — Local Government (Model Code of Conduct) Regulations 2021 amended

#### 9. Regulations amended

This Part amends the Local Government (Model Code of Conduct) Regulations 2021.

#### 10. Schedule 1 amended

(1) After Schedule 1 clause 10 insert:

#### 10A. Communications agreement

A council member or committee member must not contravene section 5.92A(3) of the Act.

(2) In Schedule 1 clause 20(1) insert in alphabetical order:

*administrative matter*, in relation to a council member or committee member, means the following —

- (a) the scheduling of council meetings or committee meetings;
- (b) the council member's or committee member's compliance obligations under the Act, including in relation to disclosure of financial interests and gifts;
- (c) information technology support for the council member or committee member;
- (d) arrangements for the council member or committee member to attend training or a conference;
- (e) event invitations received by the council member or committee member;
- (f) the council member's or committee member's entitlement to a fee, allowance, reimbursement or superannuation contribution payment under the Act;
- (g) any other matter of an administrative nature;

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r. 10

*communications agreement*, in relation to a local government, means —

- (a) the default communications agreement that is taken to be the local government's communications agreement under section 5.92B of the Act; or
- (b) the communications agreement adopted by the local government that has effect as the local government's communications agreement under section 5.92C of the Act;

*request for information*, in relation to a local government, means a request for —

- (a) access to information held by the local government under section 5.92 of the Act or otherwise; or
- (b) other information.
- (3) In Schedule 1 clause 20(1) in the definition of *local government employee* paragraph (b) delete "services." and insert:

services;

- (4) Delete Schedule 1 clause 20(3) and insert:
  - (3) Subclause (2)(a) does not apply to anything that a council member does as part of
    - (a) the deliberations at a council or committee meeting; or
    - (b) making a request for information or a request for assistance regarding an administrative matter in accordance with the local government's communications agreement.

Clerk of the Executive Council

**Consultation Draft** 

#### Western Australia

## **Local Government (Default Communications** Agreement) Order 2025

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#### Local Government Act 1995

## Local Government (Default Communications Agreement) Order 2025

Made by the Minister under section 5.92B of the Act.

#### 1. Citation

This order is the *Local Government* (*Default Communications Agreement*) *Order* 2025.

#### 2. Commencement

This order comes into operation on 19 October 2025.

#### 3. Default communications agreement

For the purposes of section 5.92B(1) of the Act, the form of communications agreement is set out in Schedule 1.

Note for this clause:

Under section 5.92B(2) of the Act, for the purposes of section 5.92A of the Act, the form of communications agreement set out in Schedule 1 is taken to be a local government's communications agreement at any time when the local government does not have a communications agreement of its own under section 5.92C of the Act.

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#### Schedule 1 — Default communications agreement

[cl. 3]

#### **Division 1**— Preliminary provisions

#### 1. Introduction

For the purposes of section 5.92A of the *Local Government Act 1995* (the *Act*), this is the local government's communications agreement between the council of the local government (the *council*) and the chief executive officer of the local government (the *CEO*).

#### 2. Terms used

(1) In this agreement –

Act has the meaning given in clause 1;

*administrative matter*, in relation to a council member or committee member, means the following —

- (a) the scheduling of council meetings or committee meetings;
- (b) the council member's or committee member's compliance obligations under the Act, including in relation to disclosure of financial interests and gifts;
- (c) information technology support for the council member or committee member;
- (d) arrangements for the council member or committee member to attend training or a conference;
- (e) event invitations received by the council member or committee member;
- (f) the council member's or committee member's entitlement to a fee, allowance, reimbursement or superannuation contribution payment under the Act;
- (g) any other matter of an administrative nature;

administrative request has the meaning given in clause 25;

*administrative request for information* means a request for information that relates only to an administrative matter;

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#### adopted standards means —

- (a) the standards adopted by the local government under section 5.39B of the Act; or
- (b) if the local government has not adopted standards under section 5.39B of the Act — the standards taken under section 5.39B(5) of the Act to be the local government's adopted standards;

appropriate nominated employee means the following -

- (a) in relation to a request for information an employee nominated under clause 8(1) and (3) in relation to
  - (i) all requests for information; or
  - (ii) a type of request for information that includes the request for information;
- (b) in relation to a media enquiry to be discussed under clause 16(1) an employee nominated under clause 8(1) and (4)(a) in relation to
  - (i) all media enquiries; or
  - (ii) a type of media enquiry that includes the media enquiry;
  - e) in relation to a request for administrative assistance an employee nominated under clause 8(1) and (4)(b) in relation to
    - (i) all requests for administrative assistance; or
    - (ii) a type of request for administrative assistance that includes the request for administrative assistance;

**CEO** has the meaning given in clause 1;

*class 1 local government* has the meaning given in the *Local Government (Constitution) Regulations 1998* regulation 2A(a);

*class 2 local government* has the meaning given in the *Local Government (Constitution) Regulations 1998* regulations 2A(b) and 2B(3);

*class 3 local government* has the meaning given in the *Local Government (Constitution) Regulations 1998* regulations 2A(c) and 2B(4);

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*class 4 local government* has the meaning given in the *Local Government (Constitution) Regulations 1998* regulations 2A(d) and 2B(5);

committee means a committee of the council;

council has the meaning given in clause 1;

employee means an employee of the local government;

*mayor or president* includes a councillor performing the functions of the mayor or president under Part 5 Division 3 of the Act;

*request for administrative assistance* has the meaning given in clause 26;

request for information has the meaning given in clause 11;

*requesting member*, in relation to a request for information or a request for administrative assistance, means the council member or committee member who made the request;

- (a) a Saturday or a Sunday; or
- (b) a public holiday throughout the State; or
- (c) a public holiday in an area that is or includes the district or any part of the district.
- (2) If any other term used in this agreement is given a meaning in section 1.4 of the Act or the *Interpretation Act 1984* section 5, it has the same meaning in this agreement.
- (3) A reference in this agreement to a council member or committee member performing a function under a written law other than the Act does not include a reference to the council member or committee member performing a function in a capacity other than that of council member or committee member under the Act.

#### 3. Application

- (1) This agreement applies to a person who is a council member, committee member or employee when acting in their capacity as such.
- (2) Despite subclause (1), this agreement does not apply to anything that a council member, committee member or employee does as part of
  - (a) the deliberations at a council or committee meeting; or

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(b) recruiting, reviewing the performance of or terminating the employment of the CEO in accordance with the adopted standards.

#### **Division 2**— General provisions

#### 4. General principles

The council and the CEO agree to the following general principles -

- (a) the CEO will support council members and committee members to perform their functions under the Act and any other written law;
- (b) without limiting paragraph (a), the CEO will ensure that
  - ) requests for information and requests for administrative assistance made by council members and committee members are responded to in accordance with this agreement; and
  - (ii) employees deal and communicate with council members and committee members in accordance with this agreement;
- (c) council members and committee members will ensure that
  - (i) their dealings and communications with employees are in accordance with this agreement; and
  - (ii) their requests for information and requests for administrative assistance are made in accordance with this agreement; and
  - (iii) they only request information that is relevant to their functions under the Act or any other written law.

# 5. Correspondence sent by mayor or president on behalf of local government

- (1) Correspondence sent by the mayor or president on behalf of the local government must be provided to all council members by the CEO.
- (2) Subclause (1) does not apply to correspondence if the mayor or president is satisfied that, because of particular circumstances, it is appropriate not to provide the correspondence to all council members.

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## 6. Requests must not be made during social or incidental dealing or communication

A council member or committee member must not make a request for information or a request for administrative assistance during a social or incidental dealing or communication with an employee.

#### 7. Incidental or social interactions permitted

Subject to clause 6, nothing in this agreement prohibits social or incidental dealings or communications between —

- (a) a council member or committee member; and
- (b) an employee.

#### 8. Nominated employees

- (1) The CEO may nominate employees for the purposes of this agreement.
- (2) The CEO must nominate at least the following number of employees under subclause (1)
  - (a) if the local government is a class 1 local government 4 employees;
  - (b) if the local government is a class 2 local government 3 employees;
  - (c) if the local government is a class 3 local government 2 employees;
  - (d) if the local government is a class 4 local government 1 employee.
- (3) An employee nominated under subclause (1) must be nominated in relation to
  - (a) all requests for information; or
  - (b) a type of request for information.
- (4) An employee nominated under subclause (1) may be nominated in relation to either or both of the following
  - (a) all media enquiries or a type of media enquiry;
  - (b) all requests for administrative assistance or a type of request for administrative assistance.

page 6

- (5) The CEO must ensure that
  - (a) an up-to-date register of employees nominated under subclause (1) is available to council members and committee members; and
  - (b) the register specifies, for each employee nominated under subclause (1), the matters in relation to which the employee is nominated under subclauses (3) and (4).

#### 9. CEO may direct who responds

Despite anything else in this agreement, the CEO may direct which employee is to respond to a particular request for information or request for administrative assistance.

#### 10. No response required out of hours

Nothing in this agreement requires the CEO or another employee to respond to a request for information or a request for administrative assistance outside of office hours.

#### **Division 3**— Requests for information generally

# Council member or committee member may make request for information

A council member or committee member may make a request (a *request for information*) for —

- (a) access to information held by the local government under section 5.92 of the Act or otherwise; or
- (b) other information.

#### **12.** Information that may be requested

- (1) A request for information may be for advice or other information regarding any of the following
  - (a) a service, project or initiative being delivered by the local government;
  - (b) how the local government usually manages a particular matter, issue, service or query;

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11.

Schedul Division cl. 13	e 1 3	Default communications agreement Requests for information generally
	(c) (d) (e) (f) (g)	budgeting or financial information, including details of the costs of any service, project or initiative delivered or proposed to be delivered by the local government; an issue or situation of broad public concern or interest within the district; preparing a motion to council or a committee; correspondence received by the council member or committee member; an administrative matter
(2)	(g) The m advice (a) (b) (c)	ayor or president may make a request for information for or other information regarding any of the following — publicly representing the local government at a media appearance or other event (including advice or other information in the form of a briefing or speaking notes); correspondence to be sent by the mayor or president; arranging a formal meeting or an official event.
(3)	This cl reques	lause does not limit what information may be the subject of a t for information.
<b>13.</b> (1)	<b>Requi</b> The in relevan	rements applicable to requests for information formation the subject of a request for information must be nt to the functions of the requesting member under the Act or r written law.

- A request for information must be (2)
  - (a) limited in scope to the specific information that the council member or committee member requires; and
  - (b) accompanied by any supporting information that may assist the local government to respond to the request.
- A request for information regarding correspondence received by the (3) council member or committee member must include a copy of the correspondence.

page 8

## cl. 14

#### 14. Certain information not required to be provided

Nothing in this agreement requires information to be provided to a council member or committee member in response to a request for information if ----

- the request for information is not made in accordance with (a) this agreement; or
- the information is information mentioned in section 5.92(4) (b) of the Act; or
- the information -(c)
  - is not held by the local government; and (i)
  - (ii) is held by a person or body other than the local government; and
  - cannot reasonably be obtained by the local (iii) government;
- the CEO decides that preparing or providing the information (d) would divert a substantial and unreasonable portion of the local government's resources away from its other functions.
- 15.

#### Disputes regarding final response to request for information

- If the final response to a request for information includes a refusal to provide some or all of the information the subject of the request, the requesting member may notify the CEO in writing that there is a dispute regarding the final response.
- (2)A dispute regarding the final response to a request for information must be discussed at a meeting between the mayor or president, the CEO and the requesting member.
- (3) If the dispute is not resolved at the meeting
  - the requesting member may refer the dispute to the council; (a) and
  - (b) the council may determine the dispute.

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Schedule Division	<ul> <li>Perfault communications agreement</li> <li>Requests for information other than administrative requests for information</li> </ul>
cl. 16	
(4)	The council's determination of the dispute —
( )	<ul> <li>(a) may override a decision made by the CEO under clause 14(d); and</li> </ul>
	(b) is final.
16.	Mayor or president may discuss media enquiry without making request for information
(1)	The mayor or president may discuss a media enquiry with the CEO or an appropriate nominated employee, either verbally or in writing, without making a request for information.
(2)	Subclause (1) does not prevent the mayor or president from making a request for information in relation to a media enquiry.
Divisi	on 4 — Requests for information other than administrative requests for information
17.	Application
	This Division does not apply to or in relation to an administrative request for information.
18.	Making a request for information
(1)	A request for information must be made to the CEO or an appropriate nominated employee.
(2)	A request for information must be made in writing by —
	<ul><li>(a) email; or</li><li>(b) other electronic means approved by the CEO</li></ul>
10	Passint of request must be asknowledged
19.	The CEO must ensure that receipt of a request for information is acknowledged in writing within 2 working days after the day on which the request is made.
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c<u>l. 20</u>

#### 20. Request may be discussed and amended

For the purposes of responding to a request for information, the CEO or an appropriate nominated employee may do either or both of the following —

- (a) discuss the request for information with the requesting member, including for the purpose of clarifying the scope of the information the subject of the request;
- (b) if the requesting member requests an amendment to the scope of the information the subject of the request for information — deal with the request for information as if it were so amended.

#### 21. Responding to a request for information

- (1) The CEO must ensure that the requesting member is given a final response to their request for information as soon as practicable.
- (2) If a request for information relates to a matter included in the agenda for an upcoming council or committee meeting, the CEO must make best endeavours to ensure that the requesting member is given a final response to the request before the meeting.

(3) Without limiting subclause (1) or (2), the CEO must ensure that, within 10 working days after the day on which a request for information is made, the requesting member is given —

- (a) a final response to the request; or
- (b) notice that a final response cannot be given within that period and an estimate as to when a final response will be given.
- (4) The final response to a request for information must
  - (a) be in writing; and
  - (b) include any advice or other information provided in response to the request for information.
- (5) If the final response includes a refusal to provide some or all of the information the subject of the request for information, the response must set out the reasons for that refusal.

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Schedul Division	<ul> <li>e1 Default communications agreement</li> <li>4 Requests for information other than administrative requests for information</li> </ul>		
cl. 22			
22.	When final response must be provided to other members		
(1)	A copy of the final response to a request for information given to the requesting member must be provided to $-$		
	(a) all council members; and		
	(b) if the final response is relevant to the work of a committee — any members of the committee who are not council members.		
(2)	Subclause (1) does not apply if —		
	<ul> <li>(a) the request for information is a request for advice regarding correspondence and the final response is provided to all council members and committee members who received the correspondence; or</li> </ul>		
	(b) the request for information is for advice or other information regarding any of the matters mentioned in clause 12(2); or		
	(c) the requesting member and the CEO agree that —		
	(i) the final response is confidential; or		
~	(ii) because of particular circumstances, it is appropriate not to provide the final response to all council members and relevant committee members under subclause (1).		
23.	Requesting member may discuss final response		
(1)	The requesting member may discuss the final response to their request for information with the CEO or an appropriate nominated employee, either verbally or in writing.		
(2)	During a discussion under subclause (1), the requesting member may be provided with additional information for the purpose of clarifying, or addressing queries in relation to, the final response.		
24.	CEO may arrange for briefing, meeting or discussion in relation to final response		
(1)			

(1) The CEO may arrange for some or all council members and committee members to attend a briefing, meeting or other discussion in relation to a final response to a request for information.

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Administrative requests for information and requests for administrative assistance

cl. 25

**Division 5** 

(2) During a briefing, meeting or other discussion arranged under subclause (1), council members and committee members may be provided with additional information for the purpose of clarifying, or addressing queries in relation to, the final response.

#### Division 5 — Administrative requests for information and requests for administrative assistance

#### 25. Term used: administrative request

In this Division –

*administrative request* means a request that is either or both of the following —

- (a) an administrative request for information;
- (b) a request for administrative assistance.

# 26. Council member or committee member may request assistance regarding administrative matter

A council member or committee member may make a request (a *request for administrative assistance*) for assistance regarding an administrative matter.

#### Making an administrative request

- (1) An administrative request must be made to the CEO or an appropriate nominated employee.
- (2) Subject to subclause (3), an administrative request may be made verbally or in writing.
- (3) If an administrative request is made verbally, the CEO or an appropriate nominated employee may refuse to deal with the request unless it is made in writing.
- (4) An administrative request that is in writing must be made by
  - (a) email; or
  - (b) other electronic means approved by the CEO.

#### **Consultation Draft**

27.

#### 28. Responding to an administrative request

- (1) The CEO must ensure that the requesting member is given a final response to their administrative request as soon as practicable.
- (2) Without limiting subclause (1), the CEO must ensure that, within 10 working days after the day on which an administrative request is made, the requesting member is given
  - (a) a final response to the request; or
  - (b) notice that a final response cannot be given within that period and an estimate as to when the response will be given.
- (3) A final response to an administrative request may be given verbally or in writing.

#### **Division 6**—**Provision in relation to commissioner**

29. Application of agreement to commissioner

This agreement applies to a commissioner of the local government as if the commissioner were the council and the mayor or president.

30.

#### **Requests for information by commissioner**

- (1) Despite clause 29, a commissioner of the local government may make a request for information or a request for administrative assistance to the CEO or another employee in the manner determined by the commissioner.
- (2) The CEO must ensure that the commissioner is given a final response to the request made under subclause (1)
  - (a) as soon as practicable; and
  - (b) in the manner requested by the commissioner (which may include in writing or in a briefing).
- (3) A dispute regarding a request made under subclause (1) must be determined by
  - (a) if there are joint commissioners and 1 of them is appointed to be the chairperson the chairperson; or
  - (b) otherwise the commissioner who made the request.

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- (4) The chairperson's or commissioner's determination of the dispute
  - (a) may override a decision made by the CEO under clause 14(d); and
  - (b) is final.

Minister for Local Government

**Consultation Draft** 

### WALGA - Advocacy Position

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.3 Council Communication Agreements		
<ul> <li>The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions.</li> <li>The availability of information is sometimes a source of conflict within local governments.</li> </ul>	<ul> <li>In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided.</li> <li>It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO.</li> <li>These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided.</li> <li>A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election.</li> </ul>	Current Local Government Position         There is no advocacy position in relation to Item 5.3.         Comment         The availability of information not already in the public domain to Councillors under Section 5.92 of the Act can become contentious in the absence of a clear statement in support of the function the Council Member is performing. This can place CEO's in the invidious position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to 'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'.         Consistent availability of information motivates this proposed reform and it does not appear that individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement, in much the same way that the Communication Agreements between Ministers and agencies are based on provisions of the Public Sector Management Act 1994.         Recommendation



6<sup>th</sup> June, 2025

# Communication Agreements Consultation Preliminary Submission

To: actreview@dlgsc.wa.gov.au

#### Introduction

LG Professionals WA (LGPWA) is the peak representative body for local government professionals in Western Australia with more than 800 members throughout the State, including over 80% of the local government CEO cohort. In addition, we provide training and professional development opportunities across the sector which are accessible to the broad local government workforce.

We are committed to local government professionals leading and thriving in an industry that is continuously improving its services to local communities. Our professional development and educative focus put our members at the forefront of change and innovation, whilst our commitment to gender equity and diversity means a broader range of skills, experiences and perspectives amongst local government CEOs enhances the potential for increased organisational productivity and creativity.

The opportunity to provide input into the Draft Regulations, Order, and associated documentation pertaining to sector communications agreements is very much appreciated.

While local governments may adopt their own communications agreements, the model agreement provided is likely to form the baseline for negotiations between councils and CEOs. It is therefore critical that the tone and structure of the model set a clear, constructive, and balanced foundation.

The style of the current draft takes a somewhat detailed and prescriptive approach, particularly in relation to timeframes and the scope of permissible requests. This specificity may unintentionally reduce staff flexibility in prioritising and responding to elected member queries and may also limit the ability to negotiate and manage expectations appropriately.

Furthermore, the definitive framing of what constitutes an "administrative matter" or permissible information may inadvertently provoke conflict or misuse. For example, the

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model could be interpreted in ways that allow elected members to seek operational details under the broad justification of oversight of a "service, project or initiative." A more effective and sector-aligned approach would shift the emphasis toward:

- Clarifying and respecting the distinct roles and responsibilities of elected members and staff (e.g., *strategic/policy vs operational*),
- Promoting mutual respect and professional conduct as the foundation for communication, and
- Framing the purpose of the agreement around supporting constructive, efficient, and principled interactions.

Many existing local and state-level communication protocols already reflect these principles and may provide useful reference points.

Should the Department choose to retain a more prescriptive approach the detailed feedback provided below may assist in drafting improvements that better align the documentation with good practices and the practicalities of local government operations.

#### Clause 2: Terms used Administrative Matter

The term could be better defined. We would suggest the following:

*"Administrative matter, in relation to a council member or committee member, means the following*—

- <u>Procedural issue(s)</u>
- <u>Compliance obligations</u>
- Telecommunications and I.T. support
- Training & Professional Development
- Recompense, Expenses, Reimbursements and Superannuation
- <u>Travel and Accommodation arrangements</u>
- Similar and/or associated issues."

#### Local Government Employee

The Default Communications Agreement specifies that an employee means an employee of the local government.

Under the Local Government (*Administration*) Regulations 1996, regulation 19AA defines a local government employee as a person —

- (a) employed by a local government under section 5.36(1); or
- (b) engaged by a local government under a contract for services;

Regulation 5 of the Local Government Regulations Amendment Regulations 2025 deletes sub-clause (b) from the definition of a local government employee.

In local governments where senior professional positions like Town Planner, Building Surveyor, Environmental Health Officer, Accountant, etc, are filled by contractors due to



an inability to attract a suitable employee, the operation of the Communications Agreement might be compromised by the possible inability of the CEO to nominate someone impacted by this circumstance to assist in administering the Agreement, because they are not deemed to be an employee.

#### Working Day

The definition fails to recognise some days where service is not generally available, such as a Christmas Closure Period between Christmas and New Year public holidays, or emergency situations like that experienced with the onset of the COVID19 Pandemic or the Cyclone Seroja weather event.

It is suggested that for the purposes of the Communications Agreement exclusions to the term "Working Day" be redefined as "*any weekend, public holiday <u>or period during</u> which the local government's services are closed or unavailable to the public."* 

#### **Clause 4: General principles**

<u>The clause should commence with a foundational commitment</u> from the parties to exercise the Communications Agreement with mutual respect for each other's roles and responsibilities, and to do so in a way that doesn't adversely impact the performance of the organisation.

#### Clause 5: Mayoral / Presidential Correspondence

The CEO must provide a copy of all correspondence sent by the Mayor/President on behalf of the Local Government to all Council members unless the Mayor/President decides it is inappropriate to do so. This potentially disempowers the CEO and could place them in a position of compromise with the rest of the Council members. <u>Any decision not to distribute correspondence from the Mayor/President to Council members on the basis of confidentiality or "particular circumstances" should be contingent on the support of the CEO, as it is for circumstances covered under clause 22(2)(c) of the Order.</u>

#### **Clause 8: Nominated Employees**

The Order prescribes the minimum number of staff that the CEO must nominate for the purposes of the Communications Agreement based on the class of the local government. This appears overly prescriptive and instead the CEO should simply be empowered to nominate the staff they consider necessary to administer the requirements they need dealt with based on the circumstances of their organisational situation.

<u>Delete sub-clause 2</u> and thereby allow the CEO to make the nominations they feel are necessary.



#### Division 3 — Requests for information generally

Clause 11: Council member or committee member may make request for Information for -

(a) access to information held by the local government under section 5.92 of the Act **or otherwise**; or

(b) "other information"

The inclusion in the Order of the terms "or otherwise" after referencing section 5.92 of the Local Government Act, and "other information" in sub-clause (b) appears to substantially broaden the scope of an information enquiry envisioned under clause 5.92, without justification. These references should be deleted.

#### Clause 15: Disputes regarding final response to request for information

The Order requires enforcement of the Communications Agreement via the Code of Conduct and this clause reinforces resolution of disputes via negotiation between the requesting member, the Mayor/President and the CEO (*in the first instance*) and ultimately by a Council decision if necessary. Historically, LG Professionals WA has preferred the position that disputes be settled independently by referral to the Inspectorate.

The Communications Agreement is made between the Council and the CEO. On that basis it is considered inappropriate for the Council to be the final arbiter of a dispute between the parties. If such disputes can't be arbitrated by the Inspectorate, this should be done by an independent third party. Sub-clauses (3) and (4) should be deleted and replaced with a new sub-clause (3).

# (3) If the dispute is not resolved at the meeting the dispute must be referred to a mutually acceptable independent arbiter for final determination.

Clause 15(4)(a) also introduces the capacity for the Council to overturn a CEOs decision not to progress a request on the basis that it would divert substantial and unreasonable resources. Whilst it is ultimately the Council's responsibility to direct the application of its resources, in this circumstance it is arguable that the <u>Council should</u> be required to identify the resources necessary to overcome the CEO's concerns as a prerequisite to supporting the request.

#### **Clause 21: Responding to a Request**

Sub-clause (2) requires the CEO to use their "best endeavours" to respond to requests relating to items on a Council or Committee meeting agenda before the meeting takes place. The term "best endeavours" is not defined under the Order and is considered highly subjective depending on who is making the judgement. Further, sub-clause (1) already requires the CEO to respond to a request "as soon as practicable". Arguably,



"best endeavours" cannot overcome a situation that is not practicable, rendering subclause (2) unnecessary. If the objective is to place more emphasis on achieving responses prior to relevant meetings <u>sub-clause (1) could be amended to read:</u>

"The CEO must ensure that the requesting member is given a final response to their request for information as soon as is practicable, and prior to any pending relevant Council or Committee meeting if in the CEO's opinion it is possible to do so."

#### In conclusion

This submission represents our preliminary positioning and may be subject to updating pending input from our members during the consultation period and any decisions by the Local Professionals WA Board.

Kind regards,

**Candy Choo** Chief Executive Officer Local Government Professionals WA



#### 1.4.5 TOWN HALL MANAGEMENT POLICY Community

Title: Adopted: Reviewed: Associated Legislation:	1.4.15 TOWN HALL MANAGEMENT POLICY 18 June 2025 New Policy Local Government Act 1995 Occupiers Liability Act 1985 Civil Liability Act 2002
Associated Documents:	Risk management Policy
Review Responsibility:	Governance & Community Manager
Delegation:	Nil.

**Objective:** 

Previous Policy Number/s N/A

To establish a clear framework for the safe, conditional use and responsible management of the Mingenew Town Hall, ensuring that public safety risks are mitigated in the short term while supporting the Shire's long-term intention to restore and refurbish the facility.

#### Scope:

This policy applies to all community groups, individuals, and organisations seeking to access and use the Mingenew Town Hall. It outlines permitted usage, safety obligations, responsibilities of supervisors, access restrictions, and the Shire's long-term asset planning for the facility.

#### **Roles and Responsibilities**

*Council* has oversight and responsibility for the allocation of funds and resources to upgrade and maintain the asset and to enable implementation of this Policy. Council will ensure that resources are allocated to support:

- Public safety and liability
- Staff health and safety
- Asset Management
- Legal Compliance

*The CEO* is responsible for the day-to-operations, including general facility management and risk management. The risk management process will identify significant risk exposures and find acceptable solutions for eliminating, reducing or transferring them.

Shire staff are responsible for taking bookings, payments, cleaning and inspecting the asset.

*Public Hirers or Users* shall be responsible for providing a public liability insurance policy suitable to the event being held. Hirers/Users must ensure they comply with any conditions placed on the hire/use of the Hall and are required to clean the hall appropriately after use, and shall leave the hall in a clean, and tidy manner, with all fixtures and fitting left in working order and all chairs, tables, etc returned to their original place.



#### Background:

The Mingenew Town Hall, constructed in 1959, has remained closed to the public for over a decade due to structural and safety concerns. Following a 2025 LGIS Preliminary Liability Assessment, the Shire intends to allow conditional access to the main hall area only, while unsafe and isolated areas remain closed. A comprehensive renovation is scheduled for 2028/29 and 2029/30, subject to funding.

#### Policy Statement:

1. <u>Permitted Use</u>

- Conditional access is limited to the open main hall area only.
- All other sections of the Town Hall (e.g. stage area, rear rooms, deck, kitchen) are to remain isolated and inaccessible to users.
- Permitted uses include:
  - o Mingenew Arts & Crafts Pop-Up Shop (indoor markets)
  - Youth discos (maximum capacity: 100 persons)
  - o Mingenew Primary School

#### 2. <u>Conditions of Use</u>

- All hall bookings must be made through the Shire's facility hire system.
- Users must:
  - o Nominate a minimum of one supervisor who will attend the event.
  - Ensure the supervisor completes a site-specific safety induction provided by the Shire.
  - o Sign a use acknowledgement form outlining the risks and responsibilities.
  - o Comply with all relevant terms and conditions outlined in the hire agreement.
- The Shire reserves the right to:
  - Conduct inspections during use.
  - o Refuse or revoke approval where safety protocols are not met.
  - o Adjust permitted use if engineering advice indicates elevated risk.

#### 3. Safety and Maintenance Responsibilities

The Shire will:

- Remove the rear access deck and secure associated doors to eliminate fall and access hazards.
- Isolate all unsafe and unsupervised areas with secure physical barriers or boarding.
- Undertake short-term, safety-focused works based on updated engineering advice (due mid-2025).
- Limit maintenance and repairs in the interim to those required for public safety

Approved users agree to:

- Not enter, or allow others to enter, excluded zones
- Participate in safety inductions and instructions
- Report, as soon as reasonably practical, any building damage or new safety risks, and immediately isolate any areas that may pose a risk to the public



- 4. Long-Term Commitment
  - The Shire remains committed to restoring and refurbishing the Mingenew Town Hall.
  - Renovation works are planned for 2028/29 and 2029/30 as stated in its Long Term Financial Plan.
  - Funding must be secured by 2028 to deliver the full scope of works.
  - This policy will be reviewed and updated upon development of the short-term remediation plan from the structural engineer's 2025 re-assessment

#### Policy Review:

This policy is to be reviewed:

- Upon receipt of the 2025 structural engineering remediation plan, or
- Prior to commencement of major renovation works, or
- At least once every two years.



Risk Assessment – Conditional Public Use of Mingenew Town Hall (Main Hall only)

Hazard	Potential Risk	Risk Rating (before controls)	Current Controls in Place	Residual Risk (after controls)	Further action required
Damaged ceiling in the main hall	Ceiling material (Gyproc) may fall and strike occupants	High	Structural engineers to assess ceiling; unsafe sections to be made safe – (builders recommendation to nett or ply cover these sections)	Medium	Ensure engineer signs off on safety: routine inspections pre/post use
Rear areas (stage, kitchen, rooms)	Entry to unstable / unsafe zones; exposure to slips, trips, structural failure	High	Areas fully boarded off, power isolated, no public access	Low	Fixed barriers, signage: "No Entry – Restricted Access"
Unsafe rear deck	Fall from height is accessed; attraction to children	High	Deck scheduled for removal; doors to be sealed or secured	Low	Prioritise deck removal
Corroded front steel column	Structural compromise may lead to collapse or injury	High	Prioritised for remediation per engineer advice – Excavated and damage photographed.	Medium	Repair by qualified contractor before public use allowed
Potential presence of asbestos	Health hazard from disturbance	Medium	Samples tested (2016) – no asbestos found in main hall samples; exclusion of suspect areas	Low	Avoid disturbance of suspect areas; follow asbestos protocol during works – ensure all surfaces remain coated.
Crowd safety (youth events)	Exceeding capacity, emergency evacuation challenges	Medium	Capacity limit (100); trained supervisors on site; emergency exits identified	Low	Clearly post max capacity; test evacuation plan; provide emergency lighting
Slips, trips and falls	Uneven floor, debris, cords, water ingress	Medium	Area cleaned prior to use; users responsible for setup safety	Low	Include in induction; provide mats/covers for cords; inspect prior to events



Fire safety / utilities	Fire risk due to outdated wiring or blocked exits	Medium	Isolate power to unused areas; functional extinguishers;	Low	Conduct test of fire systems; include fire evacuation in induction
	Ŭ		accessible exits		
Lack of trained supervision	Breach of conditions, unsafe conduct	High	Mandatory site induction for all nominated supervisors	Low	Maintain log of inducted supervisors; spot checks during events
Legal / liability exposure	Injuries leading to litigation or reputational harm	High	Induction, acknowledgement forms, exclusion zones, signage	Medium	Maintain insurance; review incident reports; policy reviewed annually or as needed



Department of Energy, Mines, Industry Regulation and Safety Energy Policy WA



2025

# Draft Guideline on Community Benefits for Renewable Energy Projects

**Consultation Paper** 

An appropriate citation for this paper is: Draft Guideline on Community Benefits for Renewable Energy Projects - Consultation Paper

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## Glossary

Term	Definition
Renewable Energy	Electricity generated from renewable resources, such as wind and solar energy.
Wind Projects	Renewable energy projects that predominantly comprise of wind turbines, with an installed capacity of more than 25MW <sup>1</sup> .
Large-scale solar Projects	Renewable energy projects that predominantly comprise of solar panels, with an installed capacity of more than 25MW <sup>2</sup> .
SWIS	South West Interconnected System, the main electricity grid in WA.
MW	Megawatt, a unit to measure electricity output.



<sup>&</sup>lt;sup>1</sup> As defined under eligibility for the LRET; <u>Eligibility for the Renewable Energy Target | Clean Energy</u> <u>Regulator</u>. <sup>2</sup> As above.
# Overview

The energy transition is underway in Western Australia (WA). To meet our State's future energy needs, we need to decarbonise our energy system, moving away from carbon intensive resources (such as coal) to renewable resources, firmed by storage and gas.

The energy transition will have significant benefits and opportunities for regional communities hosting this infrastructure, such as economic growth and investment, but will also bring challenges and changes to the local landscape. Benefits are not always experienced in proportion to the impact these projects have on hosting communities.

The larger benefits of renewable energy infrastructure are often strategic and shared across the State, including major industries and export sectors. Unlike other projects which have high levels of employment and economic activity created throughout the life of the project, renewable energy projects are characterised by large assets with much lower ongoing activity in the surrounding regions.

Community benefit sharing involves sharing the rewards of renewable energy development with local communities. It aims to integrate a development in the local community by contributing to the future vitality and success of the region. It is based on a desire to establish and maintain positive long-term connections to the area and to be a good neighbour.

Ultimately community benefits flow through to electricity costs, and so policy frameworks for community benefits must balance the need to recognise and support the contribution played by host communities with ensuring that electricity prices remain affordable.

The purpose of this paper is to respond to requests from communities and renewable energy developers to provide a resource for determining appropriate community benefits arrangements for renewable energy infrastructure. This guideline can be applied to renewable energy generation infrastructure such as wind turbines, solar farms and batteries. The principles in this guideline are broad and can be applied across WA. However, many of the suggested benefits values are most relevant to projects in the State's South-West, especially those intending to connect to the South West Interconnected System (SWIS).

Community benefits are only one part of social performance for renewable energy projects, and there are many other ways that projects can contribute to local communities. It is expected that projects will follow best practice in how they are developed, including local training and employment, procurement of goods and services and development and use of local infrastructure. Renewable energy projects are only a subset of electricity infrastructure – for instance, social performance for transmission infrastructure is also important and will be considered separately.

Feedback is sought on the proposed guideline as outlined in this paper; as well as case studies for inclusion in the final paper.



## Introduction

## The Energy Transition

The energy transition is underway in Western Australia (WA), bringing clean, reliable and affordable energy to Western Australians that can underpin our economic diversification and create opportunities. To meet our State's future energy needs, we need to decarbonise our energy system, moving away from carbon intensive resources (such as coal) to renewable resources.

Increasing demand for electricity from households and industry, coupled with projected economic growth, means that we may need to produce as much as ten times the current level of electricity for the State's main grid to reach WA's target of net zero by 2050.

The most cost-effective way to manage this transition is to build large-scale wind and solar power, supported by storage and gas, to maintain reliability. The transition from coal-fired generation to large-scale renewable energy generation projects represents a significant change to the energy system and surrounding landscape. These projects will need to be located throughout the state in areas where there is strong renewable resource availability and proximity to high voltage transmission infrastructure.

Many of these projects will be in regional areas, consistent with planned extensions and upgrades to the state's main transmission network, the South West Interconnected System (SWIS).

## **Communities and the Energy Transition**

Large-scale renewable energy brings significant benefits to Western Australia, reducing our emissions and helping to deliver more affordable and reliable power supply.

Regional communities located where there is strong renewable resource availability will play a key role in this energy transition. Many communities are located close to new electricity infrastructure.

Importantly, this transformation will ensure cleaner, affordable and more reliable energy for all Western Australians and growing WA industry into the future. The energy transition will bring significant benefits and opportunities to communities, such as economic growth and investment, but will also bring challenges and changes to the local landscape.

In addition to direct benefits to hosting landholders and sometimes neighbours, wider community opportunities can include local jobs and business procurement, community infrastructure, and local economic development. However, the greater benefits of renewable energy infrastructure are often strategic and shared across the State. Benefits are not always experienced in proportion to the impact these projects have on hosting communities. Hosting renewable energy infrastructure can also present challenges for regional communities. The construction process can cause disruption in the community, and objections by some community members may cause social and economic division.

Community benefits seek to promote equitable outcomes and participation by regional communities throughout the transition, and to recognise impacts on those hosting the infrastructure. These arrangements encourage greater empowerment of communities to derive equitable benefit from the energy transition, as well as improve investor certainty and reduce delays in the development of large-scale electricity infrastructure.

Renewable energy project proponents and communities are actively discussing community benefits, but to date these discussions have been inconsistent. This guideline is intended to support these discussions through providing a tool for developers and communities to refer to when negotiating community benefits contributions. Reflecting the diverse makeup of regional communities is key to developing a benefits framework that serves each unique community. This includes a reflection of the



local government needs, representation of diverse groups within a community, and other features specific to each community and project.

While community benefits are important, it is vital that they are based on specific community needs and proportionate to the impacts of the project. Early and continuous consultation with the community, local government, and impacted groups is crucial to maintain social licence and social performance throughout the lifecycle of the project. By prioritising transparent communication and proactive engagement, proponents can foster strong community relationships that support the success of their projects.

At the same time, it is important to ensure that these projects remain viable. This includes considering the cumulative costs, and local government rates. Striking the right balance is essential to keep energy affordable for households and businesses while delivering real outcomes for regional communities.

## **Purpose of this Paper**

The purpose of this paper is to:

- Provide information to communities about the types of benefit sharing arrangements available for the renewable energy infrastructure they are hosting,
- Provide information to developers about State Government expectations for community benefits arrangements,
- Provide a guide on appropriate value of community benefits in different contexts,
- Provide suggestions for the governance and administration of community benefits funds, and
- Provide confidence and clarity for proponents and investors by setting out a clear framework for benefit-sharing arrangements across Western Australia.

This guideline can be applied to large-scale, grid-connected renewable energy generation and storage projects, such as wind turbines and solar farms, and battery installations. It is not intended for behind the meter or embedded generation projects. The principles in this guideline are broad and can be applied across WA, particularly to projects located within the South West Interconnected System (SWIS) in Western Australia. It is important to note that projects in the North West Interconnected System (NWIS) may require tailored approaches due to different network characteristics and community contexts. Many of the suggested benefits values are most relevant to projects in the State's South-West, especially those intending to connect to the SWIS.

## **Invitation for Submission**

On behalf of the State Government, PoweringWA is seeking feedback on this guideline.

#### Making a Submission

The closing date for providing comments is 4 August 2025.

Submissions should be sent by email to poweringwa@demirs.wa.gov.au.

Submissions may also be sent by post, addressed to:

PoweringWA Locked Bag 100 East Perth WA 6892

#### Publication

PoweringWA will publish a summary of submissions received on the Energy Policy WA website.



Please indicate in your submission any information you would prefer to keep confidential, for example your name or organisations name, or information or data in your submission which should be redacted.

Please note that submissions made in response to this paper will be subject to freedom of information requests and will be treated in accordance with the *Freedom of Information Act 1992* (WA).

#### Next Steps

PoweringWA will review submissions and publish a finalised guideline, informed by the submissions received.

Detailed documentation will also be developed to enable and support the implementation of the final positions, including case studies which may support engagement between proponents and communities. The timing of the implementation of these positions will be dependent on the nature of any changes.

## Community Benefits

Community benefits seek to recognise the contribution hosting communities are making to the energy transition and share value from renewable energy projects with host communities, through direct support for local projects or financial contribution towards a local or regional fund. This has historically been referred to as 'benefit sharing'. Many new renewable energy projects provide community funds and negotiate these proposals with local communities to deliver meaningful benefits. These payments are considered separately and in addition to landholder agreements and compensation, planning / environmental conditions applied to manage and mitigate impacts, and in some other jurisdictions, payment in lieu of rates.

Community benefits can be financial or non-financial, and the appropriate mix of community benefits for each project can be negotiated between the developer and community. A financial commitment to a community fund is one of the clearest and most practical ways to deliver lasting benefits. It also gives proponents confidence they're meeting community expectations, especially when funds are managed appropriately and reflect best practice. This guideline sets out clear expectations to help get good projects off the ground and deliver benefits for communities and the broader energy system.

Community benefits should be based on the desire to establish and maintain the project's positive connection to an area in the long term – a legacy for the community. Benefit sharing for the community brings positive economic and social outcomes to the broader community – not just landholders hosting projects. It is vital that benefit sharing should reflect the needs and desires of each host community, as what is appropriate for one community doesn't always fit another. Flexibility is also important to ensure that lasting economic benefits can be achieved, particularly where there are multiple projects in a location.

It is important to ensure that benefits-sharing arrangements reflect the unique nature of renewable energy projects. These projects differ to mineral and petroleum projects, transmission infrastructure or other significant energy infrastructure developments. These are established industries embedded in regional WA which provide a range of benefits. Renewable energy is creating new opportunities in regions with strong wind and solar resources, and community benefit arrangements are a way to ensure locals see real value. Community benefits are about making sure the regions that power WA's clean energy future also share in the jobs, investment and long-term benefits that come with it.

## **Current Situation**

Increasingly, developers are recognising that community benefits are a fundamental part of project development. These community benefits arrangements differ in value, governance and longevity. This lack of consistency creates uncertainty for both communities and proponents.



Often, these arrangements are managed by the developer, in consultation with stakeholders who they have identified as being impacted by the development. The developer will provide benefits to some part of the community through a mechanism such as sponsorship, or through a central fund that community members can apply to. This approach may favour small, visible contributions rather than those most highly valued by the community, and those which can build lasting economic benefits. Of the community benefit examples available, those undertaken collaboratively and with community can be the most effective arrangement for community benefits.

Therefore, a more consistent approach to agreeing benefits arrangements between community representatives, the relevant Local Government(s), regions and the developer is proposed.

## **Types of Community Benefit**

Community benefit sharing arrangements can take many forms. The approach for each community should be tailored to that community's needs and provide benefit throughout the renewable energy infrastructure's life.

These arrangements can be financial or non-financial, however there is usually some financial contribution from the developer. Some examples of different benefit-sharing arrangements are outlined below.

Benefit sharing can include:

- *Legacy funding and grant fund initiatives.* These financial arrangements are explained in greater detail below, along with a suggested range for contribution.
- *Sponsorship*. This contributes to local groups and/or activities and can also build the local reputation of a project. Sponsorship can work well in combination with more long-term funding or support.
- Community Infrastructure. Infrastructure for the use of the community, such as local housing used as worker accommodation during construction of the development, can be donated to the community by the developer or constructed with direct financial support by the developer. Where there is a community need for these services, project proponents can also fund or supply upgraded solar, battery and/or telecommunications infrastructure.
- *Innovative financing and co-ownership*. Developers may choose to offer the local community additional opportunities to become involved in local projects.

## Principles for community benefit arrangements

The following principles should be considered when developing community benefit arrangements.

- *Appropriate*: the arrangements should consider the project size and its impact on the host community, with the contribution being commensurate to the scale of the project.
- *Provide Opportunity*: the arrangements should support the community to benefit from hosting a project and reap lasting economic benefits.
- *Equitable and Inclusive*: the arrangements should aim to include affected community as much as practicable and distribute benefits equitably.
- *Legacy Building*: the arrangements should leave a lasting positive impact on the community.
- *Bespoke*: the arrangements should be created with local input to address specific needs and concerns in the area.
- *Transparent*: the arrangements should be clearly communicated, with local involvement and collaboration whenever possible.



# **Community Benefits Arrangements in WA**

As outlined above there is currently significant variability across individual projects in terms of the agreed approach to community benefit sharing. For new developments, there is an opportunity to improve consistency and provide upfront guidance to developers, local governments, and the broader community. To assist in building a more consistent approach and managing expectations across parties, the WA Government suggests community benefits be designed in line with the below guidelines, in accordance with the principles detailed above. Payment into a defined community benefits fund is presented as an option and to assist in providing a standard baseline for approaching these negotiations.

## Application of this guideline

This guideline can be applied to communities hosting renewable energy projects across Western Australia. However, many of the suggested benefits values are most relevant to projects intending to connect to the SWIS. In areas of the State where communities can look very different – such as the Pilbara – it is important that a benefit sharing program takes the uniqueness of that community into account. These guidelines are not intended to apply to embedded renewable generation projects (such as those directly supplying mining operations) as these are by their nature part of a larger project with associated economic activity.

## Benefit value guidelines

Guidance for community benefits values is informed by benchmarking of best practice arrangements across Australia. Recognising that each project is unique, flexibility is encouraged within a range of:

- \$500-\$1,500 per MW per annum for wind projects; and
- \$150-\$800 per MW per annum for solar projects,

paid over the life of the development and indexed to inflation.

While no range is proposed for storage projects (there is no industry benchmark for this currently), it is expected that these projects also provide some benefit to the hosting community. Where projects have multiple elements, benefits should be paid for each.

Under this guideline, a 200MW wind project would contribute between \$100,000 and \$300,000 in benefits per annum.

The final benefits offering should be informed by the impact of the project on the community, the size of the impacted community, whether there are multiple communities impacted and the extent that neighbouring landholders have also shared in benefits. This includes factors such as the impact on community services and amenity for community members, the ability of the community to access economic value from ongoing maintenance of renewable energy infrastructure (e.g. availability of accommodation and housing), and the cumulative impact multiple projects may have on a single community or region. In sparsely populated areas, a lower per MW amount may be appropriate compared to areas of higher population or small landholdings or multiple communities/Local Government areas impacted. Additionally, a wider spread of benefits might be appropriate where services are delivered through a regional centre.

#### Note on this draft:

It is intended that the final version of this guideline will showcase some of the innovative benefits sharing arrangements that some developers and communities have negotiated, which recognise the needs and aspirations of the community in question.



#### Criteria for application of guidelines

Factors considered by developers and communities when agreeing a community benefits arrangement with a value within the proposed range could include:

- the population and population density of the community (or communities) most impacted by the renewable energy infrastructure;
- the impact a potential renewable energy project will have on the amenity of the area;
- the scale and staging of the renewable energy project;
- whether a high proportion of community members experiencing impacts to their amenity are also receiving neighbour or landholder compensation;
- the application of other fees and charges incurred by the developer, including local government rates and any pre-existing community focused financial commitments;
- the ability of the community or regional centre to support the ongoing maintenance of the infrastructure and infrastructure deficits that need to be addressed to ensure ongoing community benefits;
- the community benefits experienced as a result of the project's construction, such as local employment and supply chain opportunities and improved housing or temporary worker facilities that can be repurposed for ongoing use;
- the cumulative impact of multiple renewable energy projects on the community; and
- other unique factors specific to each project and community.

#### Developing Community Benefits arrangements

Effective community engagement is crucial to developing a community benefits solution that will help maintain community acceptance throughout the project lifecycle. The following engagement principles are based on the National Guidelines for Community Engagement and Benefits for Transmission Projects, which provide a strong foundation that can be applied to developing community benefit arrangements for generation projects.

To achieve best practice in community engagement for developing community benefits, developers should adhere to the following principles:

- Engage early, to ensure community benefits arrangements can be agreed to in principle before the Development Application is submitted.
- Ensure engagement is diverse, equitable and inclusive, through ensuring members of the community have an ability to have a direct say or direct participation in the design of benefits arrangements.

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- Be responsive to community input and enable participation.
- Engage with Aboriginal people and be responsive to their input and influence.
- Partner with the community.
- Provide accurate, transparent and accessible information.
- Engage impacted groups in the process.
- Be aware of community expectations.
- Build long-term legacy.
- Measure broadly and regularly.
- Report accurately and transparently.



#### Benefits for Aboriginal Western Australians

The First Nations Clean Energy Strategy sets out the principles and actions that all governments, industry and community should take to ensure that First Nations peoples across the country are supported to participate in the energy transition. The WA State Government has endorsed the vision, goals and objectives of the Strategy, which considers the intersection between the clean energy transition and the rights and interests of all First Nations peoples.

Western Australia is a geographically diverse state, with equally diverse communities. An Aboriginal perspective should be included all community consultation and consideration of benefits programs to ensure a social licence to operate renewable energy projects. This is particularly the case in parts of the State where the proximate communities have a predominantly Aboriginal population. This social licence to operate is separate, but related to specific statutory rights and processes under State and Federal legislation such as the *Aboriginal Heritage Act 1972* and the Commonwealth *Native Title Act 1993* (which includes a statutory right to compensation), as well as specific rights held by the parties in the South West Native Title Settlement and Yamatji Nation Indigenous Land Use Agreement areas.

#### Governance and Administration

#### Governance Structure

There are several options for the administration and governance of a community benefits fund, should this option form part of the community benefits arrangement. These arrangements must also contemplate the delivery of the scheme, in particular recognising the varying level of interest and capacity of Local Governments in implementing such arrangements. A series of models are suggested here; however, the exact governance structure will depend on the hosting community.

- Local Government Administered Suitable in a community where the Local Government has the capacity and resources to manage community benefit programs but not the resources to set up and manage an additional trust structure. Several Local Governments have expressed a preference for this option.
- Community Trust Fund Suitable where the community has the capacity and resources to set up and manage a trust fund. Members would need to be representative of the community, and it would aim to support programs, services or infrastructure that reflects local needs and delivers enduring benefits for local communities. Decisions on funding would include representatives from the relevant Local Government/s, community and proponent/s. This would take the form of a consultative community panel and could include representatives from existing community organisations. The panel would identify, review and recommend appropriate funding opportunities for a local community benefits fund.
- Local Government-led Community Trust Fund Suitable where a Local Government has the capacity to set up a trust fund to support the allocation of funding. Decisions on funding would ideally be made in a consultative way similar to the above option, but governance would ultimately sit with the Local Government. This is similar to the model proposed in some other jurisdictions, where community benefits are attached to Renewable Energy Zones. Involvement in this structure would be subject to restrictions placed on Local Governments under the Local Government Act 1995.

Often, multiple projects will fall in one area due to the renewable resource availability and/or grid connections. Where there are multiple projects in one area, developers are encouraged to collaborate on a benefit sharing arrangement where possible. Governance through a community trust fund is well suited to this.



#### Commencement of benefit sharing arrangements

The WA Government recognises that renewable energy infrastructure development impacts hosting communities starting in the planning phase, peaking in the construction phase, through operation to decommissioning. Local communities may have an expectation that benefits will begin to be delivered during the construction phase to compensate for this.

However, in the case of a community benefits fund arrangement, commencing payment into the fund before a project is generating income may adversely impact the viability of a project. There can be a significant gap between the first construction stages of a renewable energy project, and the date that revenue is first received from the electricity generated by that infrastructure.

Discussion between the developer and affected community is encouraged to agree on a commencement date for community benefits, taking both perspectives into account. The facilitation of these arrangements could be staggered, providing different benefits between construction and operation periods, but this is at the discretion of the developer and the hosting community.

#### Length of Arrangements

Community Benefits arrangements are suggested to take place throughout the life of the project. All members of the community should have an opportunity to derive benefits from the proposal, as opposed to the benefits being distributed within the first 1 - 5 years of operations. This means that community benefits arrangements should be tied to a specific project, rather than the project proponent, and should be maintained regardless of any change in project ownership.

Ongoing contributions into a fund, as an alternative to single one-off payment benefit arrangement, may assist in maintaining a project's social licence over time and assist in the building of longer-term legacy benefits for proponents.

Consistent with the above principles, community benefits arrangements are most successful where there is an ongoing commitment tailored to the needs of unique communities, and the knowledge that these may change over the project lifecycle.

#### Reporting and Review

Renewable energy projects have a long lifespan. For example, a wind farm can operate for up to 30 years, so it is crucial that evaluation of impact on the community is reviewed over time, as local needs and priorities may shift. Developers need certainty too, as projects age and maintenance increases. There are ongoing roles for communities and developers over the life of a project, and benefit sharing should strike a balance between supporting communities while giving proponents the confidence to plan ahead.

What is considered effective for a community now might not be the same in a decade, so evaluating the role and effectiveness of community benefits should always be an ongoing process. How often evaluation takes place is dependent on project needs.

Some key considerations include:

- Clearly setting evaluation objectives is an important first step. Benefits arrangements vary by community and project, so evaluation of outcomes should be clearly linked to the success of the project. Methods of evaluation should always be highly tailored to project needs. Where benefits are delivered through a fund, responsibility for monitoring outcomes will rest with the fund administrator and should be addressed through the fund's governance arrangements.
- The identification of key questions, concepts, or factors to measure community benefits consistently throughout the project should be considered early.
- Evaluation needs to encompass measurement across diverse community groups for greater accuracy.



- Using indirect and direct sources of data can be useful when reviewing community benefits.
   For example, a direct source of evaluation could be the amount of money distributed through a community-run grants program, while an indirect source could be the reported satisfaction with the project and benefits program from the community.
- Communicating results and establishing a feedback loop between the developer and community is important for productive evaluation.

#### Monitoring Implementation of the Framework

Consistency with this guideline will support a project's progression through the planning, regulatory and connection processes, as well as eligibility for Commonwealth Government support, such as the Capacity Investment Scheme.

## **Other considerations**

#### Nearby communities

Communities or regional centres outside of the hosting local government area, but near where the renewable energy project is located should be considered in the allocation of community benefits. There may be instances where broader regional investment would assist the whole region to support the energy transition (i.e., where the project is far from population areas, but regional centres will be important for hosting the servicing and maintenance of the infrastructure). There may also be impacts on nearby communities that should be considered (e.g., in terms of traffic flows, wear and tear on roads, water use, sand and gravel available for local road maintenance). Providing community benefits for projects is an opportunity for a mutual win for both members of the community and developers. Community benefits assist in ensuring both parties see benefits and minimal costs associated with renewable energy projects.

#### Neighbours

Neighbours are a part of the community, and the relationship between landholders directly hosting renewable energy projects and the neighbouring property can be a key part of the community's acceptance of a new renewable energy development. While any neighbour payments are separate to community benefits arrangements, they can be considered in ensuring an appropriate split of landholder payments, neighbour payments and community benefits. Suggestions for agreements with neighbours, and other considerations for neighbours to those hosting, are outlined in the Australian Energy Infrastructure Commissioner's Observations and Recommendations.

#### The role of rates

Most Local Governments are not currently collecting rates revenue from renewable energy projects but at the same time are incurring costs from these projects. Unless otherwise agreed, community benefits should be viewed as separate to any cost recovery undertaken by Councils, including rates specific to renewable energy projects. Nevertheless, communities and Local Governments should consider the cumulative impact of any change in ratings approach along with any independently negotiated community benefits program. This will ensure commerciality is maintained, sovereign risk is reduced, and that additional revenue is split fairly between hosting councils seeking to recover their costs, and communities seeking benefits for hosting new renewable energy projects.

Landholders considering hosting renewable energy infrastructure should ensure that consideration of rate increases on their land, and how these are passed through, is included in their agreement with the developer.



#### Development benefits

The way in which developers undertake projects can also result in lasting benefits for communities. For instance, the development of local skills, job opportunities and housing. Where possible, projects should optimise their overall impact on the community. Development benefits may offer a way to accelerate the delivery of planned regional economic development activities. For example, contributions to headworks for residential or industrial land development that may support the ongoing operation of renewable energy projects.

Flexibility in community benefits acknowledges that some important benefits may be able to be delivered through a considered approach to project development, and that this should be acknowledged.

#### Additional Resources

- <u>Clean Energy Council (CEC) guide to benefit sharing options for renewable energy projects</u> This CEC guide has provided communities and developers with a resource since 2019. The suggestions in this guide provide a good overview of the options available for benefit sharing. This paper aims to supplement the CEC guide by providing current, WA-specific guidance and resources.
- <u>CEC best practice charter for developers</u> This charter outlines a commitment by signatories to engage respectfully with the communities in which they plan and operate projects, to be sensitive to environmental and cultural values and to make a positive contribution to the regions in which they operate.
- <u>Australian Energy Infrastructure Commissioner's Observations and Recommendations</u> This
  includes a number of observations and recommendations for consideration in relation to the
  governance, development and operation of wind farms, solar farms and energy storage facilities.
- <u>National guidelines for community engagement and benefits for electricity transmission</u> <u>projects</u> – These guidelines were developed following extensive consultation. While they are specific to transmission infrastructure, the principles are also relevant for generation projects in WA.
- First Nations Clean Energy Strategy This is a useful resource for inclusion of First Nations people in a community benefits arrangement. The Strategy is a national framework to guide investment, influence policy, and support First Nations people to self-determine how they participate in, and benefit from, Australia's clean energy transition.
- <u>CEC/KPMG Leading Practice Principles: First Nations and Renewable Energy Projects</u> This
  provides a national guide on First Nations engagement, participation and benefit sharing for
  renewable energy projects.
- On the frontline: climate change and rural communities This provides an overview of the opportunities for rural communities in the energy transition. It also outlines the effects of climate change on rural communities, and the long-term role that renewable energy can play in mitigating these.





COUNCIL POLICY Administration

Title	Enorgy & Desource Industry Community Penofits Delicy
Adopted:	17 July 2024
Adopted.	
Reviewed:	INI
Associated Legislation:	Local Government Act 1995, State Planning Policy 3.6 Infrastructure Contributions
Associated Documents:	
Review Responsibility: Delegation:	Manager Governance and Community Chief Executive Officer

#### **Objective:**

The Energy & Resources Industry Community Benefit Policy will support the promotion of benefit sharing strategies associated with the development of State Significant and Regionally Significant Energy and Resource sector projects in the Shire of Mingenew Local Government Area. 'Projects' may include activities including but not limited to exploration, extraction, generation, processing, transport/ transit and or related infrastructure associated with any of these activities that have transit impact or are located in the Shire of Mingenew.

The purpose of the Energy & Resources Industry Community Benefit Policy is to:

- Secure off-site benefits for the community so that Energy and Resource Industry developments deliver a net community benefit;
- Ensures that the wider community shares in the benefits resulting from Energy and Resource Industry development in (and/or impacting) the Local Government Area; and
- Ensures that the costs and benefits of Energy and Resource Industry development will be equitably distributed within the community and inter-generationally.

The Energy and Resource Industry Community Benefit Policy will be updated as required so that it is suitable to deliver on the Shire of Mingenew's Community Strategic Goals and provides clear expectations to Energy and Resource Industry developers.

#### Policy Statement:

The Shire of Mingenew supports the development of Energy and Resource Industry projects within our Shire and across our region, which will attract significant investment and opportunities for the local community. The Shire of Mingenew's focus is ensuring developments, and their related activities result in positive socio-economic impacts for the people of Mingenew and contribute to local population growth, employment and training opportunities, promote local business procurement and improve the standard of living (including servicing).

Council is engaging deeply with developers, community, businesses, farmers, experts, State and Federal Government entities and other Councils, to understand the process, challenges and opportunities of Energy and Resource Industry developments.

Previous Policy Number/s Nil



Through this ongoing work, Council will help to lead and support the development of Energy and Resource Industries in a way that minimises / negates negative impacts and delivers prosperity for our community.

Key to success is a coordinated and strategic approach whereby all members of the Mingenew Community and all developers that are active in the region are aware of the community's co- designed, overall vision for the future and how it can be supported by the economic benefits associated with Energy and Resource Industry development and its flow-on effects.

Council considers this coordinated and strategic approach to be essential to capitalise on the opportunity that the clean energy transition and associated resources sector growth presents.

#### Policy Principles:

The Fundamental Principles for Successful Energy and Resource Industry Development in the Mingenew LGA (The Principles), are ensuring real and purposeful community acceptance and support. This Policy is the first step in an ongoing partnership between the Energy and Resource Industry Developers and our community to minimize the impacts and maximise the opportunities for Mingenew.

The Principles identifies key community projects and programs that will deliver tangible community legacy and benefits through the strategic use of Community Benefit Funding.

The Principles deliver the following message from the Mingenew Community to the WA Government, Developers and other stakeholders:

- We are supportive of the Energy and Resource Industry transition
- We want to keep the overall experience for our community positive, to remain supportive
- We will ensure the Energy and Resource Industry transition happens with us, not to us.
- Assist us to deliver a coordinated and consultative approach to our community.
- Follow our Fundamental Principles for Successful Energy and Resource Industry Development, to maximise collaboration and strategic outcomes.
- We want to ensure that Energy and Resource Industry developments maintain or enhance our existing economy and industries.
- We want to ensure changes in population and land use result in long-term social benefit and empower our community.
- We have a long-term plan for our economic transition, which includes the Energy and Resource Industry transition, and we invite you to support it.

#### PLANNING AGREEMENTS

The Shire of Mingenew will use a Voluntary Planning Agreement (VPA) also known as Developer Agreements to establish Community Benefit sharing as it has no Development Contribution Plan incorporated into its local planning scheme. In addition, at the time of implementing this policy the State of WA has no legislative mechanism to enshrine a Voluntary Planning Agreement into the planning framework other than that of being via the use of discretion.

A voluntary planning agreement is defined as an agreement between Council and a developer, who has made, or proposes to make, a development application, under which the developer is required to dedicate



land free of cost; pay a monetary contribution; provide any other material public benefit to be used for or applied towards a public purpose.

Developer Agreements may be formulated with direct reference to, or in consideration of, this Policy. However, this Policy does not bind Council or otherwise prevent Council from entering into Developer Agreements that do not strictly adhere to the Policy, should the Agreements otherwise provide alternative and equivalent community benefit sharing, and are supported by the community.

Where there is a disparity between the conditions of a developer VPA and the requirements of this Policy (which may change over time), the VPA will be adhered to.

#### **COMMUNITY BENEFIT SHARING**

Community benefit sharing excludes that which is required to mitigate adverse impacts of development including, but not limited to, host and adjoining landowner payments required to obtain consent or prescribed by legislation, or acute impacts to Council assets e.g. damage to local road infrastructure.

The public purpose that funds will be applied to includes works to embellish public spaces, the provision of spaces for public recreation and community facilities, initiatives to support affordable housing and/or development activity, works to rehabilitate or conserve biodiversity values, new or upgraded community infrastructure, provision of new or improved services for community (particularly those that target vulnerable groups, children and young people), support of local volunteer or community group activities or some other public purpose if the Council reasonably considers that the public interest would be better served by applying the funds towards that purpose.

Community benefit sharing does not include using funds as a financial off-set or subsidy to Council operational activities whereby a direct link from the funds to the prescribed community benefit cannot be defined. For example, the funds could be used to implement new and or improved infrastructure at the Mingenew Recreational Centre but could not be used to off-set operational costs of the facility.

#### **GOVERNANCE AND INTER-GENERATIONAL EQUITY**

Council will ensure a governance structure that, as far as possible, reflects the needs and concerns of the immediate communities of impact and the broader Local Government Area to assist with determining the public purpose for funds.

A Community Benefit Advisory Committee will be established and provide advice and recommendation to Council on the projects to which community benefit funds may be allocated. The Community Benefit Advisory Committee will be governed by a Terms of Reference and its members will be selected via an Expression of Interest process and with view to ensuring a diversity of representation.

While project proposals and community initiatives may come from any source, the Community Benefit Advisory Committee will have the opportunity to provide feedback and/or endorsement for any and all uses of the Community Benefit Fund.

Developer representatives from where the community benefit funds are derived will not form part of the Committee but will have the ongoing opportunity to present to the Committee in regard to specific projects or initiatives and have access to recommendations and minutes which will also be made public.



Council has the final say in regard to the use of the funds. The Community Benefit Advisory Committee has no delegated authority to spend monies from the Community Benefit Fund and can only advise on its use to Council.

#### COMMUNITY BENEFIT FUND

The financial value of community benefit will vary from project to project and over time, however, the minimum community threshold for the Shire of Mingenew will be based on the industry standard Benefit Sharing Guidelines and benchmarks produced by many State Governments across Australia and other countries.

Globally there is a move to establish benchmark rates for community benefits sharing through Government Policy. By way of example some European countries have established rates of between \$2,000 - \$8,000 /megawatt/annum for the life of the project generally 25 years which is significantly higher than the current Australian benchmarks.

The states of New South Wales, Victoria, Queensland and Tasmania have established or are in the process of establishing legislation which will facilitate strong Community Benefit Sharing for community investment resulting from Energy Transition projects. The policy presented intends to use the same methodology across all Energy and Resource Industry partners.

Some examples of the proposed benefit sharing benchmarks are:

Narrogin WA – 1.5% of CIV annualised over the life of the project – LPP WindFarm/Turbines Warrumbungle, Dubbo, and Mid-Western councils LPP NSW – 1.5% of CIV NSW Govt - \$850/MW/annum Solar - \$1,050/MW/annum Wind Tas Govt - \$1,800/MW of installed capacity per year for Tasmania north west REZ

These benchmarks generally are derived from the long term 1.5% of CIV (Capital investment Value) which is considered equitable. This figure however, would need to be descaled for projects of significant CIV for example projects valued over \$5B. The development of a social impact assessment would then be used to determine what benefit sharing arrangement would required.

The unit of benefit may be by product or output for example Tonne of product transported, Enegry generating capacity, % of CIV or even set \$ amounts for specific projects or programs all of which would be identified in a Development Agreement or common law Agreement.

Funds will be held by the Shire of Mingenew as externally restricted funds. The use of funds from individual developer contributions, or other sources, will be monitored and form part of the annual reporting process, such that the specific funding breakdown for each community project or initiative is clear.

Council will manage funds to ensure that they benefit future generations as well as the present generation, and that ongoing depreciation and maintenance costs (whole of life costs), or any other unforeseen impacts, are taken into account for project proposals. Council will not apply a management fee for the administration and management of these funds.



## LEGISLATIVE CONTEXT

## State Planning Policy 3.6 Infrastructure Contributions - April 2021

The Policy provides a system for local governments to plan and charge for community infrastructure items that are not included in the standard provisions through development contribution plans and introduces a framework for the requesting of contributions for community infrastructure.

State Planning Policy 3.6 Infrastructure Contributions - April 2021

#### 6.9 Developer Agreements

Contributions may also be implemented in limited circumstances through Developer Agreements or by a voluntary agreement between a landowner or developer and the relevant local government, pursuant to a request from the landowner or developer.

Circumstances include large-scale, single ownership projects with a long development timeframe, or in regional areas where a formal DCP is not considered by local government and contributing owners to be necessary to achieve desired infrastructure delivery outcomes.

Notwithstanding that Developer Agreements do not form part of a local planning scheme, infrastructure contributions prepared under this arrangement should be consistent with the principles outlined in this policy and any decision to deviate from these principles, including the provision of facilities of a higher quality or specification than standard, should be a voluntary decision by all parties to the agreement.

State Planning Policy 3.6 Infrastructure Contributions Guidelines - April 2021 2.3 Imposition of infrastructure contributions

(iii) Developer Agreements

Developer Agreements may be considered in limited circumstances – usually large-scale projects **under single ownership** – **and pursuant to a request from the landowner or developer, or in regional** areas where a formal DCP is not considered by local government and contributing landowners to be necessary to achieve the desired infrastructure delivery outcomes.

Developer Agreements are voluntary and fall outside the formal infrastructure contributions system, and do not require State Government assessment or approval. Any agreement for infrastructure contributions via a Developer Agreement should be consistent with the principles outlined in SPP 3.6 and any decision to deviate from these principles, including the provision of facilities of a higherquality or specification than standard, should be a voluntary decision by all parties to the agreement.

#### National Legislative Framework/Policy Development

The 2024 National General Assembly of Local Government endorsed motion "to implement a nationwide compulsory community benefit sharing framework. This framework would eliminate the need for individual councils to negotiate separate voluntary planning agreements for each project proposal within their respective Local Government Area."

#### DEFINITION

*Energy and Resource Industry -* **Proponents identified to form part of the Energy and Resource Industry** may include, but are not limited to:

• Critical Minerals Projects



- Mineral Sands Projects
- Gas Projects
- Wind Projects
- Solar Projects
- Geo-thermal Projects
- Carbon Offsetting Schemes and
- Carbon Sequestration Schemes
- Battery Energy Storage System (BESS) Schemes
- Any other emerging technologies relating to the Energy and Resource Industry sector

*Projects* - may include activities including but not limited to exploration, extraction, generation, processing, transport/ transit and or related infrastructure associated with any of these activities that have transit impact or are located within the Shire of Mingenew.



# **BUSINESS PLAN MAJOR LAND TRANSACTION** *Mingenew Essential Worker and Aged Persons Accommodation Project*

March 2025

## EXECUTIVE SUMMARY

The Shire has prepared this business plan setting out the details of a proposed Major Land Transaction, for the purpose of seeking submissions from the community before deciding whether to proceed with the proposed Major Land Transaction.

Information about how to make a submission is set out at the end of this business plan.

## **INTRODUCTION**

The purpose of this business plan is to:-

- 1. Inform the community that the Shire is proposing to undertake a Major Land Transaction for the acquisition and development of essential worker and aged persons accommodation;
- 2. Provide details of the proposed Major Land Transaction for the consideration by the community;
- 3. Provide the community with the opportunity to make submissions about the proposed Major Land Transaction; and
- 4. Satisfy the regulatory requirements of the Local Government Act 1995.

## **PROPERTY DETAILS AND HISTORY**

The expansion of workforce accommodation within the Shire of Mingenew is vital to the economic growth of the region. The high cost of construction and lack of registered builders and tradesmen in the Mingenew region has limited new development.

The Council has been requested by the State Government to develop GROH housing, in addition the Council has as part of it housing strategy and Long Term Financial plan (LTFP) the development of addition key worker accommodation. The Shire has also identified and applied to the Department of Communities to develop an additional 3 Aged person Units (APU) under the Governments Social Housing Stream as its current 6 APU units are all at capacity and other elderly residents awaiting placement.

The Council currently has no available key worker housing and currently houses nursing and daycare staff in addition to its own staff. Future developments and current staffing portability has identified that additional key worker accommodation will be required into the future. Council currently has 5 staff which reside outside of the shire and if these positions were to become vacant there is a high probability that additional housing resources may be required. In addition, the new daycare will require additional staff resulting in the need for more key worker accommodation in Mingenew.

Whilst the housing of external industries such as Teachers, Nursing and Daycare staff are not a Local Government responsibility, there is very little to no potential for others to perform this function due to market forces and as a result a Council-led solution to Mingenew's essential worker accommodation shortage is required.

There are also issues with the quality of existing housing, as dwellings age and decrease in quality and value.

## STRATEGIC COMMUNITY PLAN 2023-2033

Under the Council's Strategic Community plan 2023-2033, the Shire identified 'advocate for key worker accommodation' as an action to support local business and encourage further investment in the district. The Plan also identified 'investigate available land and seek funding for staff accommodation and affordable housing for aged ' as an action to achieve a well-planned built environment and infrastructure which supports the community.

- 2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options
  - a. Partner with government agencies and stakeholders to support housing shortage and explore solutions to housing shortages
  - b. Develop a housing strategy for increasing key worker housing stock
  - c. Identify external funding sources and apply to support the expansion of quality housing stock
  - d. Advocate to Government agencies for local housing to be included in operational approvals for resource sector projects.
- 8.3 Provide and maintain affordable housing for aged and disabled residents to meet demandb. Increase residential housing for aged and disabled residents

## STATE GOVERNMENT EMPLOYEE NEED

The State Government makes accommodation available to selected Agency employees through the Government Regional Officer Housing (GROH) program.

There is currently only 1 GROH dwelling in the Shire, allocated by Agency.

The current volume of GROH housing is not sufficient to meet current need, and this gap is forecast to increase as teachers housing requirements grow due to portability of staff and a significant cohort of current teachers living external to Mingenew.

Current and forecast additional unmet demand for GROH accommodation, based on employment projections provided to the Shire by GROH indicates a need for an additional 2 GROH dwellings in the short term.

## SHIRE STAFF ACCOMMODATION NEED

The Shire has identified a need for up to a further five (8) dwellings of accommodation to be able to offer staff, such that all supervisors and managers would be offered housing at a discount to market rents as part of their employment package. This would alleviate a current constraint to attracting employees, being a lack of available housing at affordable levels and take into consideration the risk of current staff residing external to the Shire and/or in their own housing leaving the organization resulting in the need for additional housing.

#### STATUTORY FRAMEWORKS

#### The Shire as a local government body

The Shire of Mingenew is a local government established under Division 2 of Part 2 of the Local Government Act 1995 (hereafter referred to as "the Act").

The Shire of Mingenew is a body corporate, with power to acquire, hold and dispose of property under Section 2.5 of the Act. The Act provides for, and regulates, the exercising of various executive functions of a local government.

#### Regulation of the disposing of property

Relevant to this Business Plan, the Act regulates the disposal of property by a local government. This regulation is consistent with the purpose of the Act in promoting greater community participation in the decisions and affairs of the local government and greater accountability of local governments to their communities.

Section 3.58 applies generally to disposal of property, other than specified 'excluded' dispositions. The lease of the houses to a department or agency of the Crown in right of the State is exempt under regulation 30 of the *Local Government (Functions and General) Regulations 1996*.

Sections 3.59 of the Act provides for certain administrative requirements that must be complied with before undertaking a land transaction involving the acquisition, development or disposing of land.

Section 3.59 applies to land transactions, including 'Major Land Transaction'. A 'Major Land Transaction' is a land transaction with a total expenditure of more than the prescribed lesser of two amounts.

In the case of the Shire of Mingenew as a regional local government the prescribed amount is either \$2 million or 10% of the Shire's operating expenditure (\$535,059) (incurred from the municipal fund in the last completed financial year). See regulation 8A (b) of the *Local Government (Functions and General) Regulations 1996*.

The total value of the proposed acquisition and development of the essential worker and aged persons accommodation is as follows:

- GROH Housing 2 off 3x2 Dwellings
- Key Worker Housing 2 off 2x1 dwellings
- Aged Person Units 3 off 1x1 units

TOTAL Investment Estimate - \$2,800,000

This value is more than the than the lessor prescribed \$535,059. It is unclear whether the prescribed amount should be treated individually or as a whole. For the purpose of the business plan the total investment has been considered.

As a result, prior to acquiring, developing and disposing of the land via a 10 to 15 year lease for the GROH housing, supplying Key worker accommodation and Aged Persons units the Shire is required to prepare this business plan for the proposed 'Major Land Transaction'.

#### Interaction between s3.58 and s3.59 of the Act

The Act recognises that there can be an area of overlap in the operation of sections 3.58 and 3.59 of the Act. The Act therefore provides for certain dispositions to be "excluded" from the application of s3.58: see *Local Government (Functions and General) Regulations 1996* r.30(2a) (c).

Where a business plan gives the details of the names of all the parties concerned, the consideration to be received, and the market value of the proposed disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition, then s 3.58 of the Act will not apply to the proposed disposition of property.

In accordance with Section 3.59 of the Act, a business plan in respect of a Major Land Transaction is to include details of:

- a) Its expected effect on the provision of facilities and services by the local government;
- b) Its expected effect on other persons providing facilities and services in the district;
- c) Its expected financial effect on the local government;
- d) Its expected effect on matters referred to in the local government's current plan prepared under Section 5.56;
- e) The ability of the local government to manage the undertaking or the performance of the transaction; and
- f) Any other matter prescribed for the purposes of this subsection.

Section 3.59 of the Act also requires the Shire to -

- a) Give State-wide public notice stating that
  - i. The Shire proposes to enter into the Major Land Transaction described in the notice;
  - ii. A copy of the business plan may be inspected or obtained at any place specified in the notice; and
  - iii. Submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
- b) Make a copy of the business plan available for public inspection in accordance with the notice.

## MAJOR LAND TRANSACTION PROPOSAL

## GROH Dwellings x 2 – 8 & 10 Spring Street, Mingenew

Current Land Owner:Shire of MingenewProposed Purchaser/Developer:Shire of MingenewProposed Lessee:GROH (teacher housing)Zoning:Residential

8 (Lot 120) and 10 (Lot 119) Spring Street, Mingenew have an approximate area of 2,000m2 and both lots are zoned Residential with an 'R12.5' density code under Local Planning Scheme No 4 endorsed by the Western Australian Planning Commission.

Proposed Development Price: The purchase / development price is commercial in confidence.

Proposed Development:

The Shire is proposing to construct 2 x GROH specification residential dwellings.

Both dwellings are to be leased to the State Government (Department of Communities) for a minimum period of 15 years. At the end of the lease the dwellings would revert to the care and control of the Shire of Mingenew or be re-leased depending on the circumstances.



## Key Worker Dwellings x 2 – 71 Phillip Street, Mingenew (portion of)

<u>Current Land Owner:</u> <u>Proposed Purchaser/Developer:</u> <u>Proposed Lessee:</u> <u>Zoning:</u> Shire of Mingenew Shire of Mingenew Essential workers / Shire employees Residential

71 (Lot 5) Phillip Street, Mingenew is zoned Residential with an 'R12.5' density code under Local Planning Scheme No 4 endorsed by the Western Australian Planning Commission. The portion of land proposed for the development (shown in red below) is approximately 800m2.

Proposed Development Price: The purchase / development price is commercial in confidence.

## Proposed Development:

The Shire is proposing to construct 2 x Key Worker residential dwellings. Both dwellings will be made available to either key workers or shire staff on a leasing arrangement. At the end of the lease the dwellings would revert to the care and control of the Shire of Mingenew or be re-leased depending on the circumstances.



## Aged Person Units (APU) x 3 – 15 King Street, Mingenew (undeveloped portion)

<u>Current Land Owner:</u> <u>Proposed Purchaser/Developer:</u> <u>Proposed Lessee:</u> <u>Zoning:</u> Shire of Mingenew Shire of Mingenew Aged Persons Special Use

15 (Lot 43) King Street, Mingenew has an approximate area of 475m2 and is zoned Special Use allocated for 'Aged Persons' Dwelling' under Local Planning Scheme No 4 endorsed by the Western Australian Planning Commission.

Proposed Development Price: The purchase / development price is commercial in confidence.

## Proposed Development:

The Shire is proposing to construct 3 x Aged Person Units. These units will be made available to aged persons under the Council's operating policies for the placement of Aged Persons under individual leasing arrangements. At the end of the lease the units would revert to the care and control of the Shire of Mingenew or be re-leased depending on the circumstances.



## ASSESSMENT OF THE MAJOR LAND TRANSACTION

#### Expected effect on the provision of facilities and services by the Shire of Mingenew

The acquisition, development and lease of the land will not have any immediate effect on the provision of facilities and services by the Shire. The Shire will obtain two additional key worker houses from the Major Land Transaction with the two proposed GROH Spec houses being available for Shire use, disposal or leasing after the 15 year lease period with the Department of Communities. The three Aged Person Units being available for the Shires Aged Population.

#### Effect on other persons providing facilities and services in the district

The proposed land transaction will assist in easing the current shortage of housing in Mingenew by virtue of making available to GROH employees housing which is currently not available resulting in teacher being able to accept positions in Mingenew as there are no alternative housing options with zero available rentals.

#### Expected financial effect on the Shire of Mingenew

The subject land is currently vacant, and the acquisition and development of the dwellings is expected to cost between \$2.5 million and \$3 million. A borrowing of \$1.6million is in place which will combine with successful grant funding to fund the land transaction. A positive net operating cashflow of \$1.56 million (GROH), \$312,000 Key worker and \$292,000 APU is expected over the life of the initial lease of the dwellings resulting in a total expected return of \$2.164 million over the first 15 years not taking into consideration the social impacts, benefits and subsidy provided by the shire for staff housing.

#### Effect on matters referred to in the Shire's plan for the future

The proposed Major Land Transaction would support the achievement of the following actions of the Shire of Mingenew Community Strategic plan 2023-2033:

- 2.3 Advocate for and promote opportunities to external stakeholders, including the resource sector, to provide local diverse accommodation options
  - a. Partner with government agencies and stakeholders to support housing shortage and explore solutions to housing shortages
  - b. Develop a housing strategy for increasing key worker housing stock
  - c. Identify external funding sources and apply to support the expansion of quality housing stock
  - d. Advocate to Government agencies for local housing to be included in operational approvals for resource sector projects.
- 8.3 Provide and maintain affordable housing for aged and disabled residents to meet demandb. Increase residential housing for aged and disabled residents

#### Ability of the Shire to manage the undertaking

The Shire of Mingenew has sufficiently qualified and experienced personnel to manage the proposed acquisition, development and leasing of the lot.

The Shire of Mingenew has sufficient funding to appoint professional consultants to provide advice on the transaction if required. If the proposed land transaction proceeds, the Shire will need to make provision in its future budgets to deal with costs of completing the project of which some are already identified in its LTFP.

## **BUSINESS PLAN ADVERTISING AND SUBMISSIONS**

Section 3.59 of the *Local Government Act 1995* requires the Shire to give state-wide public notice of the proposal to enter into the Major Land Transaction under consideration and invite public submissions for a minimum six-week period.

A notice will be placed in "The West Australian" (state-wide newspaper) on Saturday 22 March 2025.

Submissions are to be made in writing to the Chief Executive Officer and to be eligible must be received by the Shire no later than <u>5.00pm Monday</u>, <u>5 May 2025</u>.

Submissions are to be marked – 'Essential Worker and Aged Persons Accommodation Major Land Transaction' and lodged with the Shire's Chief Executive Officer via the following methods:

Mail:PO Box 120, MINGENEW WA 6522Email:enquiries@mingenew.wa.gov.auIn person:Shire of Mingenew Administration Building, 21 Victoria Road, Mingenew WA 6522