



AGENDA

For the Special Council Meeting

To be held on Wednesday 16 September 2026

Notice of Meeting

A Special Council Meeting will be held on Wednesday 16 September 2026 in function room at Quay Perth, commencing at 5:00pm.



Ian Holland

CHIEF EXECUTIVE OFFICER

09 September 2026

Disclaimer:

The Shire of Yalgoo gives notice to members of the public that any decisions made at the meeting, can be revoked, pursuant to the Local Government Act 1995. Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Agenda – Special Council Meeting – Wednesday 16 September 2026

Contents

1	DECLARATION OF OPENING	3
2	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....	3
3	DISCLOSURE OF INTERESTS	3
4	PUBLIC QUESTION TIME	3
5	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	3
6	NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS.....	3
7	APPLICATIONS FOR LEAVE OF ABSENCE	3
8	BUSINESS AS NOTIFIED.....	4
	8.1 Donation to Pilroc Retreat Wildlife Rehabilitation	4
	8.2 Fenix Proposal	5
9	NEXT MEETING	6
10	MEETING CLOSURE.....	6

Agenda – Special Council Meeting – Wednesday 16 September 2026

1 DECLARATION OF OPENING

The Shire President welcomed those in attendance and declared the meeting open at.

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

With the Permission of the Shire president attendance by electronic means is granted.

President

Deputy President

Councilors

Chief Executive Officer

APOLOGIES

3 DISCLOSURE OF INTERESTS

Councilors and Officers are reminded of the requirements of s5.65 of the Local Government Act 1995, to verbally disclose any interest during the meeting before the matter is discussed or to provide in writing the nature of the interest to the CEO before the meeting.

4 PUBLIC QUESTION TIME REPONSES TO QUESTIONS TAKEN ON NOTICE

QUESTIONS TAKEN WITHOUT NOTICE

5 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

6 NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS

7 APPLICATIONS FOR LEAVE OF ABSENCE

Agenda – Special Council Meeting – Wednesday 16 September 2026

8.2 Fenix Proposal

Applicant:	Shire of Yalgoo
Date:	14/09/26
Reporting Officer:	CEO
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council consider a proposal from Fenix New-Haul in relation to the extraordinary use of Yalgoo-Ninghan Rd.

COMMENT

The proposal will be discussed in the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council consider a proposal from Fenix New-Haul in relation to the extraordinary use of Yalgoo-Ninghan Rd.

COUNCIL RESOLUTION

Moved: Second:

That Council consider a proposal from Fenix New-Haul in relation to the extraordinary use of Yalgoo-Ninghan Rd.

CARRIED:

Agenda – Special Council Meeting – Wednesday 16 September 2026

9 NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Paynes Find Community Centre, Paynes Find on Friday 30th October 2026 commencing at 10.30am.

10 MEETING CLOSURE

There being no further business the Shire President declared the Ordinary Council Meeting closed at

Local Government (Administration) Regulations 1996

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended: Gazette 31 Mar 2005 p. 1030;

SL 2020/213 r. 16.]

Local Government Act 1995

3.59. Commercial enterprises by local governments

(1) In this section —

acquire has a meaning that accords with the meaning of
dispose;

dispose includes to sell, lease, or otherwise dispose of, whether
absolutely or not;

land transaction means an agreement, or several agreements for
a common purpose, under which a local government is to —

(a) acquire or dispose of an interest in land; or

(b) develop land;

major land transaction means a land transaction other than an
exempt land transaction if the total value of —

(a) the consideration under the transaction; and

(b) anything done by the local government for achieving the
purpose of the transaction,

is more, or is worth more, than the amount prescribed for the

Agenda – Special Council Meeting – Wednesday 16 September 2026

purposes of this definition;

major trading undertaking means a trading undertaking that —

(a) in the last completed financial year, involved; or

(b) in the current financial year or the financial year after

the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction.

(2) Before it —

(a) commences a major trading undertaking; or

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

(a) its expected effect on the provision of facilities and services by the local government; and

(b) its expected effect on other persons providing facilities and services in the district; and

(c) its expected financial effect on the local government; and

(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and

(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.

(4) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and

(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

Agenda – Special Council Meeting – Wednesday 16 September 2026

(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; and

(c) publish a copy of the business plan on the local government's official website.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

* Absolute majority required.

[(5a) deleted]

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may —

(a) prescribe any land transaction to be an exempt land transaction;

(b) prescribe any trading undertaking to be an exempt trading undertaking.

[Section 3.59 amended: No. 1 of 1998 s. 12;

Local Government (Functions and General) Regulations 1996

7. Term used: major regional centre

(1) In this Part —

major regional centre means a local government the district of which —

(a) is not in the metropolitan area; and

(b) has more than 20 000 inhabitants.

(2) Section 2.4(6) of the Act applies to determine the number of inhabitants of a district for the purposes of the definition of major regional centre.

[Regulation 7 inserted: Gazette 27 Sep 2011 p. 3843-4.]

9. Amount prescribed for major trading undertakings; exempt

trading undertakings prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of major trading undertaking in section 3.59(1) of the Act is —

(a) if the trading undertaking is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —

(i) \$5 000 000; or

(ii) 10% of the lowest operating expenditure

described in subregulation (2);

or

(b) if the trading undertaking is entered into by any other

local government, the amount that is the lesser of —

(i) \$2 000 000; or

(ii) 10% of the lowest operating expenditure

described in subregulation (2).

(2) The lowest operating expenditure referred to in subregulation (1) is the lowest of —

(a) the operating expenditure incurred by the local government from its municipal fund in the last completed financial year; and

(b) the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and

(c) the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.

(3) A trading undertaking is an exempt trading undertaking for the purposes of section 3.59 of the Act if —

Agenda – Special Council Meeting – Wednesday 16 September 2026

(a) the undertaking —

(i) in the last completed financial year, involved; or

(ii) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed under subregulation (1); and

(b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which expenditure is, or is likely to be, more than the amount prescribed under subregulation (1) is not significant taking into

account —

(i) the total value of the undertaking; or

(ii) variations throughout the State in the value of land.

[Regulation 9 amended: Gazette 31 Mar 2005 p. 1054;
27 Sep 2011 p. 3845.]