

**From:** Mark Chester <mark@essentialsolutionspl.com.au>  
**Sent:** Thursday, 14 May 2026 1:25 PM  
**To:** SOCM - Admin <admin@cunderdin.wa.gov.au>  
**Subject:** Fw: Proximity or Financial Interest Rural Road works

Some people who received this message don't often get email from [mark@essentialsolutionspl.com.au](mailto:mark@essentialsolutionspl.com.au). [Learn why this is important](#)  
Attention: CEO Stuart

Hi Stuart

This question was discussed at length at yesterday's training.

I advised the councillors I had asked Governance for advice. As each had a different view and had come to a consensus that they could adopt the budget without declaring their proximity to road works that is programmed.

The WALGA Governance response is below.

The contentious issue is interpreting the word 'significant'.

Please see below, this is the link to this screen shot: -

[Disclosures of Interest](#)

The Act requires you to disclose a proximity interest that you, or a person with whom you are closely associated, has in a matter before a council or council committee meeting, that would constitute a proximity interest.

You (or a person with whom you are closely associated) have a proximity interest in any matter that concerns:

- a proposed change to a planning scheme affecting land that adjoins the person's land;
- a proposed change to the zoning or use of land that adjoins the person's land; or
- a proposed development of land that adjoins the person's land (development refers to the development, maintenance or management of the land or of services or facilities on the land)

The existence of a proximity interest is established purely by the location of land. A financial effect on the valuation of your land or on the profitability of your business does not have to be established.

It is therefore important that you fully understand when a proximity interest exists.

The person's land referred to is both land in which you, or a person with whom you are closely associated, have any estate or interest.

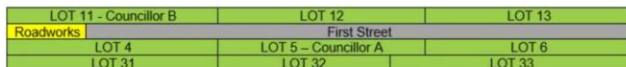
Land that adjoins a person's land is defined by the Act as land that:

- not being a thoroughfare, has a common boundary with the person's land;
- is directly across a thoroughfare from the person's land; or
- is that part of a thoroughfare that has a common boundary with the person's land.

For example (referring to the diagram below), the owner of Lot 13 submits a development application to council (see Figure 1 on page 9). Councillor A would have a proximity interest as part of Lot 13 is directly across a thoroughfare from his land, Lot 5.

Councillor B would not have a proximity interest as his land, Lot 11, does not have a common boundary with Lot 13, nor is any of his land directly across a thoroughfare.

Approval for road works (as indicated in the diagram below) in First Street is before council. Councillor B has a proximity interest as part of the thoroughfare on which the road works will be undertaken has a common boundary with councillor B's land, Lot 11. Councillor A does not have a proximity interest as there is no common boundary.



I'll leave this for you to discuss with the Shire President and councillors.

Kind regards

Mark  
Director



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