



MINUTES

of the

Ordinary Council Meeting

held

**Tuesday 27 July, 2021**

in the

**Council Chambers**  
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 27 July 2021

Signed: .....  
Presiding Elected Member

Date: .....

## Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

A handwritten signature in black ink, appearing to read 'Shane Ivers', is positioned above the printed name and title.

Shane Ivers  
**CHIEF EXECUTIVE OFFICER**

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# ORDINARY COUNCIL MEETING

held

**Tuesday 27 July, 2021**

at 6.00pm

## **MINUTES**

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Deputy Shire President welcomed Councillors, Staff, Guests and members in the Gallery and opened the meeting at 6.00pm.

### **2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

#### **Members**

Councillor B Wyse

Councillor I Scott

Councillor I F West

Councillor H M Palmer

Councillor G S Eva

Deputy Shire President

#### **Staff**

Mr S D Ivers

Mrs D K Chandler

Mr P Traylen

Mr B Jeans

Mr P Godfrey

Mr M Jones

Mrs J Keene

Ms S J Clarkson

Ms N A M'Leane

Mrs K Haug

Chief Executive Officer

Acting Manager Corporate & Community

Acting Manager Infrastructure & Development

Manager Development

Manager Finance

Supervisor Parks & Gardens

Procurement & Administration Officer

Acting Senior Finance Officer

Development & Executive Officer

IT Systems & Governance

#### **Guests**

Mr Ben Clarke (*via Teams Link*)

CBRE

#### **Approved Leave of Absence**

Councillor A J Gillam

#### **Apologies**

Councillor M T Smith

Councillor M Leonard

Shire President

#### **Gallery**

J Arden – Premier Circle, Dongara

### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

#### 4. PUBLIC QUESTION TIME

Nil.

#### 5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

#### 6. PETITIONS AND DEPUTATIONS

A deputation request was received from CLE Town Planning & Design on Monday 26 July at 4.22pm in relation to item *ID03-07/21 Subdivision of Lots 5, 10 & 15 Brand Highway, Bonniefield*. The Chief Executive Officer approved the request on Monday 26 July at 5.17pm.

The Presiding Member advised Council that the deputation will be made by Mr Ben Clarke of CBRE immediately preceding item ID03-07/21 via Teams Video Link.

#### 7. CONFIRMATION OF MINUTES

##### 7.1. Minutes of the Ordinary Council Meeting held 22 June 2021

A copy of the minutes of the 22 June 2021 Ordinary Council Meeting have been provided to all Councillors under separate cover.

<b>COUNCIL DECISION 010721:</b>	
<b>MOVED: Cr Palmer</b>	<b>SECONDED: Cr Eva</b>
<b>That the Minutes of the Ordinary Council Meeting, held 22 June 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 5/0</b>

## **8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

### **Functions, Meetings & Events**

- |              |  |
|--------------|--|
| 01 July 2021 | The Shire of Irwin was presented with a Certificate of Appreciation from the Dongara Community Resource Centre in recognition of our valuable contribution to the Great Easter Egg Drop Off 2021.  |
| 19 July 2021 | The Shire President together with Shire Staff attended a meeting with Indigenous Elders and family members of the Wattandee Tribe to discuss recognition of Aboriginal History and Heritage in relation to future development of Dongara-Port Denison. |
| 20 July 2021 | The Shire President and CEO attended a meeting in Geraldton with the Minister for Local Government.  |

## 9. REPORTS

### 9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-07/21
Subject:	CC01-07/21 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	P Godfrey, Manager Finance	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

#### Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ **Legislative** Includes adopting local laws and local planning schemes.
- ☐ **Review** When Council reviews decisions made by Officers.
- ☐ **Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

#### Report Purpose:

To receive the list of accounts paid under delegated authority during June 2021.

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of June 2021.

#### Officer's Comment:

Nil.

#### Consultation:

Nil.

#### Statutory Environment:

*The Local Government (Financial Management) Regulations 1996 provides as follows:*

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared*
- (a) *the payee's name;*
- (b) *the amount of the payment;*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and  
(b) recorded in the minutes of that meeting.

**Policy Implications:**

Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

**Financial/Resource Implications:**

Nil.

**Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

**Attachments:**

Attachment Booklet – July 2021

CC01-07/21 Attachment 1: Accounts for Payment – June 2021

**Officer Recommendation:**

**COUNCIL DECISION 020721:**

**MOVED: Cr Scott**

**SECONDED: Cr Eva**

That Council receives the Accounts paid during June 2021 as present in Attachment Booklet – July 2021, represented by:

Payment Type/Numbers	Total Amount
EFT 27449 – 27608	\$1,362,542.91
Muni Cheques – 32060 – 32070	\$81,905.27
Direct Debit – Telstra	\$2,440.74
Direct Debit – WA Treasury Corporation	\$41,296.79
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Credit Card	\$8,813.53
Direct Debit – Henry Road Bonds Administration	\$260.00
Direct Debit – Superannuation	\$29,058.58
<b>Grand Total</b>	<b>\$1,528,265.48</b>

**VOTING DETAILS:**

**Carried 5/0**



CORPORATE AND COMMUNITY		CC02-07/21
Subject:	CC02-07/21 Monthly Financial Statements for the Period Ended 30 June 2021	
Author:	P Godfrey, Manager Finance	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

**Council Role:**

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- ☐ **Legislative** Includes adopting local laws and local planning schemes.
- ☐ **Review** When Council reviews decisions made by Officers.
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**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2020 to 30 June 2021.

**Background:**

The Monthly Financial Statements to 30 June 2021 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Councillor's information.

### Officer's Comment:

The financial position to the end of June 2021 is detailed in the attached report and summarised as follows, relative to year to date budget expectations:

30/06/2021		YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue		8,122,737	8,446,188	4%
Operating Expenditure		(11,977,220)	(11,880,651)	-1%
Net Operating		(3,854,483)	(3,434,463)	
Non-Operating Revenue		5,860,315	3,124,333	53%
Non-Operating Expenditure		(7,284,746)	(3,649,535)	50%
Net Non-Operating		(1,424,431)	(525,202)	
Cash at Bank			2,957,871	
Cash at Bank Restricted			362,875	
Reserve Bank			1,480,544	
Total Cash Funds			4,801,290	

The attached statements provide explanatory notes for items greater than 10% or \$10,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

### Consultation:

Nil.

### Statutory Environment:

*Local Government Act 1995*

- *Section 6.4 Financial report*

*Local Government (Financial Management) Regulations*

- *Section 34 Financial activity statement report provides as follows:*

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) *budget estimates to the end of the month to which the statement relates;*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing -*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in sub-regulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown -*

- (a) *according to nature and type classification;*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*
  - (a) *presented to the council -*
    - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
    - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month. Given that end of financial year processes are still being undertaken, the final position at June 30 for the 2020/21 financial year may vary once the Annual Financial Report is finalised for auditing purposes.

**Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

**Attachments:**

*Attachment Booklet – July 2021*

CC02-07/21 Attachment 1: Financial Statements for the Period Ended 30 June 2021

**Officer Recommendation:**

**COUNCIL DECISION 030721:**

**MOVED: Cr West**

**SECONDED: Cr Scott**

**That Council receives the Monthly Financial Statements for the period 1 July 2020 to 30 June 2021 as provided in Attachment Booklet – July 2021.**

**VOTING DETAILS:**

**Carried 5/0**

CORPORATE AND COMMUNITY		CC03-07/21
Subject:	CC03-07/21 Fees and Charges 2021/2022	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	3.00227	
Voting Requirements:	Absolute Majority	

**Council Role:**

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

For Council to consider adopting the 2021/2022 Schedule of Fees and Charges for advertising purposes.

**Background:**

In accordance with section 6.16(1) of the *Local Government Act 1995*, Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide.

Council are required to review fees and charges on an annual basis.

The schedule of fees and charges are normally adopted as part of the budget process but due to the budget not being presented to Council for adoption until the 24 August 2021 Ordinary Council Meeting, this allows the fees & charges for the 2021/22 financial year to be implemented as of 11 August 2021 after the advertising period.

The adopted fees and charges will be incorporated into the 2021/22 Budget.

**Officer's Comment:**

Council has a number of fees and charges, including statutory fees, generating a significant income that is required for the delivery of services to our community.

In reviewing the fees and charges for 2021/22, the following procedures and processes have been taken into consideration:

- Input has been sought from all managers and key personnel;
- Statutory charges updated;
- CPI increases; and
- Actual cost of service delivery

**Consultation:**

The proposed schedule of fees and charges have been reviewed by relevant Shire officers.

## **Statutory Environment:**

*Local Government Act 1995*

*Part 6, Division 5 – Financing local government activities*

### **6.16. Imposition of fees and charges**

- (1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) imposed\* during a financial year; and*
- (b) amended\* from time to time during a financial year.*

*\* Absolute majority required.*

### **6.17. Setting level of fees and charges**

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*

- (a) under section 5.96; or*
- (b) under section 6.16(2)(d); or*
- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*

- (4) *Regulations may —*

- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or*
- (b) limit the amount of a fee or charge in prescribed circumstances.*

### **6.18. Effect of other written laws**

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*

- (a) determine an amount that is inconsistent with the amount determined under the other written law; or*
- (b) charge a fee or charge in addition to the amount determined by or under the other written law.*

- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

### **6.19. Local government to give notice of fees and charges**

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

*Local Government (Financial Management) Regulations 1996*

*Part 2 – General finance management*

**5. CEO's duties as to financial management**

- (1) *Efficient systems and procedures are to be established by the CEO of a local government —*
  - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to —*
  - (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).*

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

By adopting the proposed 2021/22 Schedule of Fees and Charges prior to the budget, the fees will be imposed 11 August 2021.

**Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

**Attachments:**

*Attachment Booklet – July 2021*

CC03-07/21 Attachment 1: Schedule of Fees and Charges 2021/22

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 040721:**

**MOVED: Cr Scott**

**SECONDED: Cr Palmer**

**That Council, by Absolute Majority;**

- a) Adopts the Schedule of Fees and Charges 2021/22 as provided in Attachment Booklet – July 2021, that are proposed to be imposed from 11 August 2021 to 30 June 2022; and**
- b) Approves the Chief Executive Officer to advertise the Schedule of Fees and Charges for the 2021/22 financial year in accordance with Section 6.19 of the *Local Government Act 1995*.**

**VOTING DETAILS:**

**Carried by Absolute Majority 5/0**

*The officer recommendation was moved by Cr Scott and seconded by Cr Palmer.*

*The Deputy Shire President invited Cr Scott, as the Mover, to speak to the Motion. Cr Scott declined to speak.*

*The Deputy Shire President invited Cr Palmer, as the Seconder, to speak to the Motion. Cr Palmer declined to speak.*

*The Deputy Shire President invited any other Councillors to speak for or against the Motion.*

*The Deputy Shire President put the Motion to vote.*

*The Motion was Carried by Absolute Majority.*

CORPORATE AND COMMUNITY		CC04-07/21
Subject:	CC04-07/21 Charitable Rates Exemption – Community Housing Ltd	
Author:	D Chandler, A/Manager Corporate & Community	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0679	
Voting Requirements:	Simple Majority	

#### Council Role:

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#### Report Purpose:

To consider Community Housing Limited's (CHL) application for a charitable rate exemption.

#### Background:

Section 6.26(2)(g) of the *Local Government Act 1995* provides a rate exemption for 'land used exclusively for charitable purposes'. 'Charitable purposes' is not currently defined in the *Local Government Act 1995* or other statutes; rather charity is defined through common law.

Although the *Local Government Act 1995* does not provide a definition, the Western Australian Local Government Association (WALGA) and WA Rates Officers Association have produced a Best Practice Guideline and within this document given a definition of "charitable purpose".

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable –

- a) It must fall within the preamble to the Statute of Elizabeth I enacted in 1601, and the judgement by Lord MacNaghten in *Commissioners for Special Purposes of Income Tax v Pemsel*, which classified the categories of charitable as follows –
  - Trusts for the relief of poverty;
  - Trusts for the advancement of education;
  - Trusts for the advancement of religion; and
  - Trusts for other purposes beneficial to the community.
- b) There must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.

CHL is objecting to the rate record under section 6.76 of the *Local Government Act 1995*, specifically section (1)(a)(ii) "on the basis that the land or part of the land is not rateable land". They suggest that the property at 8 Church Street, Dongara is not rateable land as the 'land is used exclusively for charitable purposes', namely providing housing for seniors aged 55 or over, since February 2011.

CHL is a not-for-profit organisation which provide affordable housing for people on lower to middle incomes. All financial surpluses remain in the company to be reinvested in quality affordable housing for people in need. Originating in Australia in 1993, CHL is a registered charity, Public Benevolent Company, is registered with the Australian Charities and Not-for-Profits Commission and endorsed to access the following tax concessions:

- Income Tax Exemption;
- GST Concession; and
- FBT Exemption.

The mission of CHL is:

*Working to ensure the provision of affordable and sustainable housing for all by:*

- *Providing housing which is affordable, has long term tenure and appropriate services to live comfortably;*
- *Assisting residents to access housing and to maintain links with their communities;*
- *Ensuring that the development of housing improves social, economic and environmental sustainability;*
- *Creating employment and training opportunities in the development of housing wherever possible; and*
- *Assisting the development and sustainability of strong communities with social diversity by fostering community building initiatives to improve the health and wellbeing of disadvantaged people.*

Council considered a previous application from CHL for rate exemption on this property at the 28 February 2017 Ordinary Council Meeting. Council assessed the land and resolved to decline the request due to the use of the land as not being “exclusively for charitable purposes”.

Council considered another application from CHL for rate exemption on this property at the 28 July 2020 Ordinary Council Meeting with the vote being tied at 4/4. To enable a result, the Shire President cast a second vote in support of the motion, therefore the motion to grant the rate exemption was carried 5/4.

**Officer’s Comment:**

Research has shown that the current rent paid by the tenants at the units is well below current market value, when compared with private rentals via local real estate agents for properties of a similar size and quality.

Tenants must meet the Community Housing Income and Asset Limits Policy (as established by the WA Housing Authority through the Department of Communities) in order to qualify. On that basis it is considered that the property may meet the requirements of Section 6.26 (2)(g) of the *Local Government Act 1995* as land used exclusively for a charitable purpose. It is also considered that aged housing is a charitable purpose and is a purpose beneficial to the public.

CHL own 19 properties within the City of Greater Geraldton (CGG) of which 10 have been assessed as meeting the charitable purpose criteria and have therefore been granted rate exemption due to the properties being sublet to specific target groups such as people with disabilities and people referred under the Department of Justice Prisoner Reintegration Program. The remaining 9 properties are for the provision of social housing for people on low to middle incomes on the Housing Authority General Joint Wait List. CCG considered that these properties are not used for a charitable purpose and should be rated.

If the application from CHL is refused, under s.6.76 of the *Local Government Act 1995*, the applicant may object to the rate record, on the basis that the land or part of the land was not rateable land. Further, the applicant has the right to appeal a decision made under s.6.76, through the State Administrative Tribunal (SAT). Council may be required to defend its decision and legal costs may be incurred as a result.



It is recommended to grant CHL a charitable rate exemption to remain in force for the duration of the current use of the properties, subject to an annual review of rental charges in relation to the current market value.

**Consultation:**

This report was prepared in consultation with the WALGA Best Practice Guideline on *Rates and Charitable Land Use Exemption Applications* (Attachment 2).

**Statutory Environment:**

*Local Government Act 1995*

- Section 6.26 Rateable Land
  - (2) *The following land is not rateable land —*
  - (g) *land used exclusively for charitable purposes; and*
- Section 6.76 Grounds of objection
  - (1) *A person may, in accordance with this section, object to the rate record of a local government on the ground —*
  - (a) *that there is an error in the rate record —*
    - (ii) *on the basis that the land or part of the land is not rateable land;*

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

The application, if approved, will result in a rate revenue decrease of approximately \$6,500 annually, based on the 2021/2022 rate modelling for 8 Church Street, Dongara.

If the application is refused and the matter is referred to the State Administrative Tribunal, Council may be required to defend its decision and legal costs may be incurred.

**Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 3.1.1 Identify and support services, events and programs for building capacity, social inclusion and wellbeing (including those catering for families, youth and seniors)

Strategy 4.3.3 Adopt and follow better practice processes

**Attachments:**

*Attachment Booklet – July 2021*

CC04-07/21 Attachment 1: CHL Application for Rate Exemption for 8 Church Street, Dongara

*CONFIDENTIAL Attachment Booklet – July 2021*

CC04-07/21 Attachment 2: WALGA Best Practice Guideline – Rates & Charitable Land Use Exemption Applications.

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 050721:**

**MOVED: Cr Scott**

**SECONDED: Cr West**

That Council, pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, grant a charitable rate exemption to Community Housing Limited for the property at 8 Church Street, Dongara (A8510), on the basis that the land is being used exclusively for charitable purposes, effective 1 July 2021 and remaining in force for the duration of the current use of the property, subject to the following:

- a) An annual review of rental charges is to be undertaken to ensure they remain well below the current market value; and
- b) If the annual review identifies a substantial increase in rental charges, the charitable rate exemption status of the property will be presented to Council for reconsideration.

**VOTING DETAILS:**

**Carried 5/0**

*The officer recommendation was moved by Cr Scott and seconded by Cr West.*

*The Deputy Shire President invited Cr Scott, as the Mover, to speak to the Motion. Cr Scott spoke to the Motion.*

*The Deputy Shire President invited Cr West, as the Seconder, to speak to the Motion. Cr West spoke to the Motion.*

*The Deputy Shire President invited any other Councillors to speak for or against the Motion.*

*The Deputy Shire President put the Motion to vote.*

*The Motion was Carried.*

INFRASTRUCTURE & DEVELOPMENT		ID01-07/21
Subject:	ID01-07/21 Delegated and Authorised Actions for June 2021 – Development	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

### Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ **Legislative** Includes adopting local laws and local planning schemes.
- ☐ **Review** When Council reviews decisions made by Officers.
- ☐ **Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

### Report Purpose:

To inform Council of officer actions made under delegated authority and authorisation in the Development department.

### Background:

To increase transparency this report has been prepared for Council and includes actions performed under delegated authority and authorisation for:

- Development Approvals issued;
- Subdivision Clearances issued;
- Building Permits issued; and
- Health Approvals issued.

### Officer's Comment:

The table in Attachment 1 outlines the actions performed within the Development department under delegated authority or authorisation for the period 1 June 2021 to 30 June 2021.

The table in Attachment 2 provides further details in relation to actions performed under delegated authority and has been provided to Councillors under separate confidential cover.

### Consultation:

Nil.

### Statutory Environment:

*Local Government Act 1995*

*Planning and Development Act 2005*

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3

*Public Health Act 2016*

*Building Act 2011*

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Nil.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

**Attachments:**

*Attachment Booklet – July 2021*

ID01-07/21 Attachment 1: Table of Delegated Actions for June 2021, Development

*CONFIDENTIAL Attachment Booklet – July 2021*

ID01-07/21 Attachment 2: Detailed Table of Delegated Actions for June 2021, Development

**Officer Recommendation:**

**COUNCIL DECISION 060721:**

**MOVED: Cr Palmer**

**SECONDED: Cr Eva**

**That Council receives the Delegated and Authorised Actions for June 2021 as set out in Attachment 1 in Attachment Booklet – July 2021.**

**VOTING DETAILS:**

**Carried 5/0**

INFRASTRUCTURE & DEVELOPMENT		ID02-07/21
Subject:	ID02-07/21 Shire of Irwin Coastal Management Plan	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	3.0347	
Voting Requirements:	Simple Majority	

#### Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ **Legislative** Includes adopting local laws and local planning schemes.
- ☐ **Review** When Council reviews decisions made by Officers.
- ☐ **Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

#### Report Purpose:

For Council to consider adopting the Shire of Irwin Coastal Management Plan.

#### Background:

Each year the Department of Planning, Lands and Heritage (DPLH), through the Coastal Adaptation and Protection (CAP) and Coastal Management Plan Assistance Program (CMPAP) grant programs, release funds for coastal planning and management related projects. With acknowledgement of the Shire's dated Coastal Management Plan (Strategy) from 2000, in July 2018 the Shire was successful receiving grant funding to assist with the development of a new Coastal Management Plan (CMP). Shortly after executing the grant agreement, a project Steering Group was established comprising of DPLH officers, Shire staff, Councillors and a former NACC member.

Following an RFQ process, on 17 April 2019 the Shire appointed planning consultants Land Insights to assist with the development of the Shire's Coastal Management Plan. For the technical coastal process aspects required in the CMP, Land Insights sub-contracted Seashore Engineering.

In July 2019 Council endorsed the Stakeholder and Community Engagement Plan, with engagement actions and outcomes of the CMP detailed in the 'Consultation' section of this report.

At the 25 August 2020 Ordinary Council Meeting, Council resolved to support public advertising of the draft Coastal Management Plan.

#### Officer's Comment:

In summary, the purpose of the CMP is to provide strategic direction and objectives for Shire owned and managed coastal land. The previous CMP (Strategy) did not cover large areas of the coast that now have greater importance and so it was identified early that the CMP would include focus to sectors of the coast. The CMP has been prepared in accordance with the State Guidelines for developing coastal management plans and has been tailored to suit the specific characteristics of the Shire's managed coast.

The development of a new CMP has been an important exercise for a few reasons:

- The Shire completed a Coastal Hazard and Risk Management Plan (CHRMAP) in 2016 in accordance with State Planning Policy. A CHRMAP models the coastal hazards of inundation, erosion and sea level rise over several severity scenarios and the associated risks of this to public assets and property. The CMP sets strategic objectives in response to the CHRMAP for Shire owned and managed land and so it has been critical to have a relevant CMP in line with the revised State Planning Policy and Guidelines to inform decision making.
- Secondly, since the previous CMP (Strategy) is 20 years old, the impacts and awareness of coastal erosion and sea level rise has greatly heightened. The coast is what gives Dongara-Port Denison's its identity and so a plan that recognises and provides structured forward planning in this space is essential.
- Thirdly, the strategic management of coastal land achieved in a CMP is paramount to the appropriate development of the district. The development of the CMP helps inform the local planning framework.

It is recommended that Council adopt the Shire of Irwin Coastal Management Plan.

**Consultation:**

Project Steering Group

Internal Staff

Agencies

Local Community

In October 2019 the Shire carried out the first phase of community engagement which was prior to commencing the drafting of the CMP. This phase involved a community information workshop and a survey distributed locally. The survey and workshop evening directed questions to better understand the community values to the coast to ensure the development of CMP could respond to the community expectations.

In September 2020 the draft CMP was advertised for a period of 58 days to the community, state agencies and identified stakeholders for the opportunity to review and provide comment. During the advertising period an open house information session was held to offer further opportunity to the community to view the draft CMP in person and speak directly with Land Insights on their views about coastal management.

A Schedule of Submissions tabling the submissions received from agencies and community member is attached (Attachment 3). In total 11 submissions were received: 5 from agencies and 6 from the public. It was positive to see that the submissions provided valuable constructive feedback on the project. All comments were reviewed by Land Insights and confirmed by the Shire and have been incorporated (where possible) into the final Coastal Management Plan.

The Project Steering Group was also offered the opportunity for comment prior to the CMP being presented to Council for adoption. No further comments were received.

**Statutory Environment:**

Nil.

**Policy Implications:**

State Planning Policy 2.6 State Coastal Planning Policy

**Financial/Resource Implications:**

Development of the Coastal Management Plan was made possible through part grant funding from the Department of Planning, Lands and Heritage as part of the Coastal Management Plan Assistance Program (CMPAP).

**Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 2.1.1 Prepare for and manage natural disasters and environmental risks

Strategy 2.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels

**Attachments:**

*Attachment Booklet Shire of Irwin Coastal Management Plan – July 2021*

ID02-07/21 Attachment 1: Shire of Irwin Coastal Management Plan

*Attachment Booklet – July 2021*

ID02-07/21 Attachment 2: Literature Review and Stakeholder and Community Engagement Plan

ID02-07/21 Attachment 3: Schedule of Submissions

**Officer Recommendation:**

COUNCIL DECISION 070721:	
<b>MOVED: Cr West</b>	<b>SECONDED: Cr Eva</b>
<b>That Council adopts the Shire of Irwin Coastal Management Plan provided as Attachment 1 in Attachment Booklet Shire of Irwin Coastal Management Plan – July 2021.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 5/0</b>

*The officer recommendation was moved by Cr West and seconded by Cr Eva.*

*The Deputy Shire President invited Cr West, as the Mover, to speak to the Motion. Cr West spoke to the Motion.*

*The Deputy Shire President invited Cr Eva, as the Seconder, to speak to the Motion. Cr Eva declined to speak.*

*The Deputy Shire President invited any other Councillors to speak for or against the Motion.*

*Cr Scott spoke for the Motion.*

*The Deputy Shire President put the Motion to vote.*

*The Motion was Carried.*

The Presiding Member invited Mr Ben Clarke of CBRE to give his Deputation on item ID03-07/2021 via Teams Video Link at 6.12pm.

Ben provided information on a previous subdivision approval for the subject property that lapsed due to a weak market at that time.

Ben provided Councillors with three plans relating to WAPC160823. Ben apologised that the Staging Plan was only submitted to the Shire earlier that day.

Ben explained the staging plan demonstrated the creation of the new access to Brand Highway and future connection of subdivision roads to Brennand Road and the western part of Francisco Road so that there wasn't a need for the use of the balance of Francisco Road to Brand Highway.

Ben also detailed that the road closure put forward with the subdivision was on the understanding of all parties and view that it was not a safe or ideal connection with Brand Highway, being a 4-way intersection with a nearby hill. The new access further north offered a better access for users.

It was their concern that an upgrade of Francisco Road to Brand Highway would be met with strict requirements from Main Roads WA to improve the intersection.

The Deputation concluded at 6.20pm. The Presiding member thanked Mr Ben Clarke for his deputation. Mr Ben Clarke left the meeting at 6.20pm.

INFRASTRUCTURE & DEVELOPMENT		ID03-07/21
Subject:	ID03-07/21 Subdivision of Lots 5, 10 & 15 Brand Highway, Bonniefield	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	WAPC160823	
Voting Requirements:	Simple Majority	

#### Council Role:

- ☐ **Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ **Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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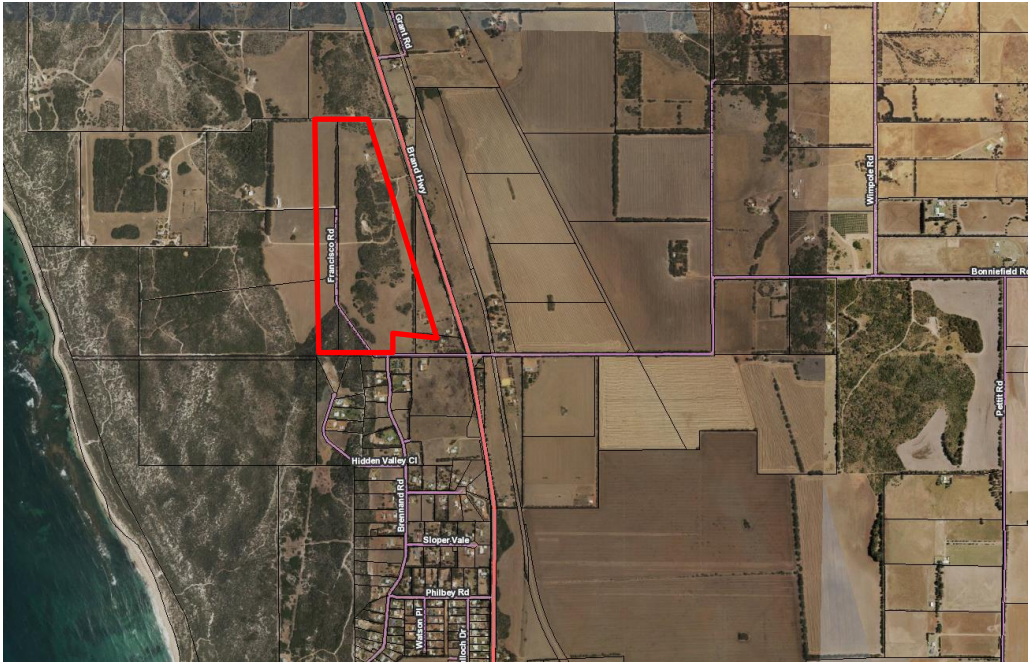
#### Report Purpose:

For Council to consider the subdivision proposal and advise the Western Australian Planning Commission of any comments, information or recommended conditions pertinent to the subdivision of Lots 5, 10 & 15 Brand Highway, Bonniefield.

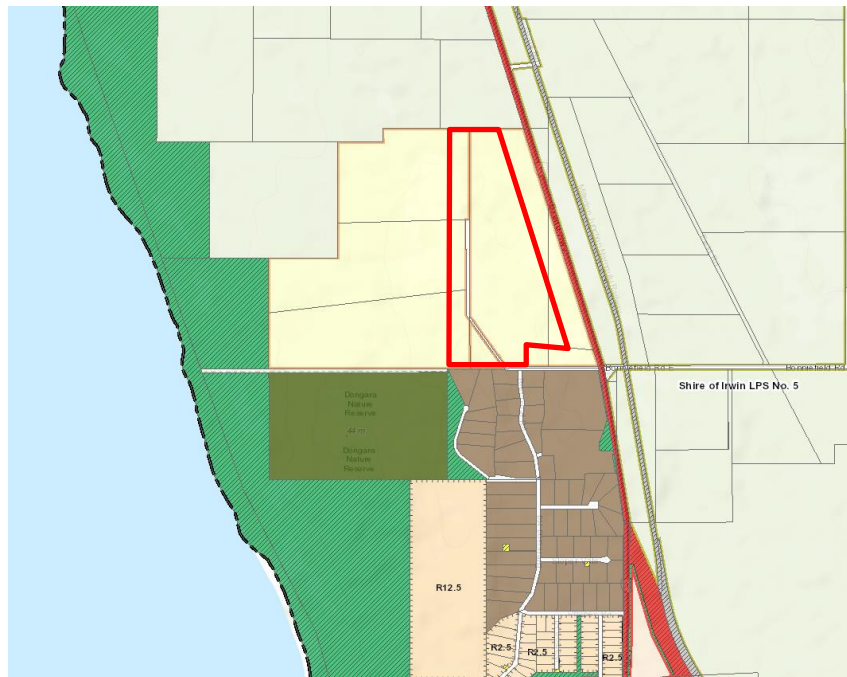


**Background:**

The subject land, being Lots 5, 10 & 15 Brand Highway, Bonniefield, covers an area of 56ha. The land is situated to the north of Dongara, located on the western side of Brand Highway and northern side of Francisco Road.



The subject land is within the Development zone with an approved Local Structure Plan applying a Residential zone with a density coding of R2.5 (minimum 4000sqm lots).



The Local Structure Plan that applies to the site was approved in 2015 (Attachment 3) and a previous subdivision for 82 lots was subsequently approved later in 2015.

The subdivision proposes the creation of ninety-one (91) residential lots ranging in size from 4000sqm to 1.3ha, one (1) balance lot and the creation of five (5) areas of Public Open Space totalling 6.7ha. All lots are to be connected to the reticulated water network and, due to the minimum lot sizes, provision of on-site effluent disposal systems.

The Western Australian Planning Commission (WAPC) is the decision-making authority for the subdivision of land. The process prior to a decision requires the WAPC to consult with relevant agencies, in which the relevant local government (Shire) is one of several referral bodies. The Shire's involvement

at the referral stage is to provide comments and recommend local government applicable conditions for the WAPC to consider when making the final decision.

**Officer's Comment:**

The proposed subdivision is generally consistent with the Shire's planning framework and is supported for residential development.

Local Planning Scheme

Clause 5.25 of the Local Planning Scheme stipulates that the Shire may require the preparation of a structure plan for residential subdivision. A Local Structure Plan (LSP) was approved in 2015 (Attachment 3) and in accordance with the Planning Regulations is valid for a period of 10 years from the date of approval. The proposed subdivision is generally consistent with the approved LSP and offers low density residential lots close to Dongara – Port Denison. The LSP stipulates the requirement for a Local Development Plan to address matters such as restricted lot access to the new boulevard road, acoustic assessment for lots backing on to the highway and other development considerations that are considered appropriate. The Local Development Plan will be required prior to the creation of lots and will require Council's approval.

Servicing

The subdivision proposes for lots to be connected to on-site effluent disposal systems with a land capability assessment in support of this. This is consistent with the State Government Sewerage Policy 2019 whereby residential developments with minimum lot sizes above 4000sqm (reflective of the R2.5 density) do not require connection to the reticulated sewer network. In addition to this the current sewer infrastructure is a fair distance to the south, currently servicing up to Pickering Drive/Tulloch Drive. The previous subdivision approval did not require connection to reticulated sewerage.

Road Connectivity

The subdivision proposes a new road connection to Brand Highway as the main access for the subdivision which is considered to be a suitable intersection point consistent with the approved Local Structure Plan. A wide internal north-south road is also proposed to connect to Brennand Road via Francisco Road (dog leg alignment). The intent of the road hierarchy and likely future development to the west would be for Francisco Road to be the more prominent road along the west side from Brennand Road. The subdivision proposes road widening to achieve the necessary road reserve widths. Road construction would be to a residential standard.

The Applicant provided additional information in support of closing Francisco Road with the subdivision application. The proposal to close Francisco Road has been discussed internally and with Main Roads WA. The Shire's view is that any proposal to close Francisco Road should be a consultative process with the landowners directly affected prior to a decision being made, notwithstanding traffic safety elements as a consideration. The Applicant has indicated support to the consultation process for a road closure occurring on the basis their proposed staging (from the north as opposed to from the south initially proposed) now results in the subdivision not requiring use of the portion of Francisco Road east of the proposed subdivision road (just east of Brennand Road intersection. The previous subdivision required upgrade to all of Francisco Road.

It is recommended that Council notify the WAPC that the use, requirements and potential adjustments to the eastern portion of Francisco Road requires:

- a) Consideration of the current and future need for Francisco Road (including the proposed subdivision and future subdivisions of the locality) with a detailed Council Agenda report focused on this matter; and
- b) If closure of Francisco Road is to be contemplated as a potential option, a public consultation process required under the Land Administration Act shall be followed. Following this consultation, Council could then be in a position to make a determination.

Whilst the recent staging plan now proposes the first stage to be from the new highway access point and no direct access required from Francisco Road to Brand Highway, it is still considered relevant in the context of the subdivision proposal and wider development of the locality.

### Public Open Space (POS)

The proposed 6.7ha of POS (12% of the total site area) meets and exceeds the State's Development Control Policy 2.3 - Public open space in residential areas (DC 2.3) which requires the provision of 10% POS for all residential subdivisions.

The use of POS as 'entry statements' and landscape buffers for lots that would back on to the highway is viewed as a positive outcome. As the site is adjacent to the Brand Highway and visible to highway traffic travelling from the north into town, the implementation of a landscape buffer to partially screen the rear portion of residential properties would enhance the rural amenity.

The POS proposed in the south west, consistent with the approved Local Structure Plan, would likely offer more of a passive use due to its shape and slope to the west.

### Bushfire Risk

A Bushfire Management Plan was prepared for the subdivision and provides for appropriate bushfire planning requirements including Section 70A Notifications on lots and permanent two-way access (which will need to be achieved at each stage).

### Officer Recommendation

It is recommended the subdivision be supported subject to model conditions applicable to the residential zone. The matter of closing Francisco Road is considered a necessary component of this subdivision to be assessed as part of a road closure process, which would include public consultation prior to a Council determination. Should the outcome of this process result in road closure not being supported, it is considered appropriate that Francisco Road be upgraded in negotiation with the Shire.

### **Consultation:**

Internal Staff

Department of Planning, Lands and Heritage

### **Statutory Environment:**

Shire of Irwin Local Planning Scheme No 5

Clause 5.25 of the Scheme sets provisions relating to the "Residential" Zone. In respect to residential subdivisions, Clause 5.25.2 stipulates that the Shire may prepare or require preparation of a structure plan for subdivision within the Residential Zone.

### **Policy Implications:**

Development Control Policy 2.2 - Residential Subdivision (DC 2.2)

Development Control Policy 2.3 - Public open space in residential areas (DC 2.3)

Liveable Neighbourhoods 2009 & 2015 (draft)

State Government Sewerage Policy 2019

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

### **Financial/Resource Implications:**

Nil.

### **Strategic Implications:**

Strategic Community Plan 2017 – 2027

Strategy 1.1.1 Continuously improve approval processes

Shire of Irwin Local Planning Strategy 2017

The Strategy identifies the subject site to be contained within Policy Area B (the area for the Dongara and Port Denison townsites) and is identified to be supported for "Future Urban/Residential".

Dongara-Port Denison District Structure Plan 2014

The Dongara-Port Denison District Structure Plan sets a framework for development and growth for the townsite locality at a broad level. The subject land is located within the Francisco Road North Precinct

(Precinct 3) supported for residential development, whereby any low density or rural living development should be designed to not constrain conversion to urban density types in the future.

**Attachments:**

*Attachment Booklet – July 2021*

ID03-07/21 Attachment 1: Cover Letter

ID03-07/21 Attachment 2: Subdivision Plan

ID03-07/21 Attachment 3: Local Structure Plan

ID03-07/21 Attachment 4: Supplementary Information

**Officer Recommendation:**

**COUNCIL DECISION 080721:**

**MOVED: Cr West**

**SECONDED: Cr Scott**

**That Council:**

- 1. Advise the Western Australian Planning Commission that it recommends the following be further assessed prior to a decision of the current subdivision proposal being made:**
  - a) The closure of Francisco Road proposed by the Applicant needs to be considered by the Shire in accordance with the road closure process set out in section 58(2) of the Land Administration Act 1997. Until this process is carried out to make a determination on Francisco Road, the previous requirements for Francisco Road are considered applicable.**
- 2. Advise the Western Australian Planning Commission that it supports the subdivision of Lots 5, 10 & 15 Brand Highway, Dongara subject to the following conditions:**
  - a) All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.**
  - b) Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:**
    - i. lots can accommodate their intended use; and**
    - ii. finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.**
  - c) Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with the Local Water Management Strategy prepared for the Local Structure Plan (Lots 4, 5 and 10 Brand Highway).**
  - d) Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.**

- e) A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

*“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land”*

- f) A Local Development Plan(s) being prepared and approved for lots shown on the plan no. 2172-112B-01 (attached) that address the following:
- i. restriction of access to the Boulevard Entry Road from abutting lots by limiting access points and requiring the placement and design of parking areas to allow vehicles to return to the street in forward gear; and
  - ii. mitigation of noise received from the Brand Highway through building placement and/or design controls on lots within, or with a portion within, 48m of the Brand Highway in accordance with the Acoustic Assessment undertaken for the Local Structure Plan for Lots 4, 5 and 10 Brand Highway.
  - iii. any bushfire management plan requirements consistent with the approved Local Structure Plan for Lots 4, 5 and 10 Brand Highway to the satisfaction of the Western Australian Planning Commission.
- g) The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject to the Local Development Plan are advised in writing that Local Development Plan provisions apply.
- h) The proposed reserves shown on the approved plan of subdivision being shown on the deposited plan as a reserve for public open space and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
- i) Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government.
- j) Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
- i. street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and
  - ii. roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and
  - iii. temporary turning areas are provided to those subdivisional roads that are subject to future extension to the satisfaction of the Western Australian Planning Commission.
- k) Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision,

- l) engineering drawings and specifications, for the provision of shared paths through and connecting to the application area in accordance with the plan no. 2172-112B-01. The approved shared paths are to be constructed by the landowner/applicant.**
- m) Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Francisco Road in the locations as shown on the plan no. 2172-112B-01 to the standard of a neighbourhood connector.**
- n) Francisco Road being widened in accordance with the approved plan no. 2172-112B-01 by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening to the standard of a neighbourhood connector.**
- o) The section of Francisco Road widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant.**
- p) All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's *Liveable Neighbourhoods* policy. This is to include the intersection of the new boulevard road connecting to Francisco Road to the west whereby sufficient reserve shall accommodate for a future roundabout.**
- q) Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision, and the engineering drawings and specifications for the construction of an intersection at the Boulevard Entry Road with the Brand Highway, and such modifications to the section of Brand Highway abutting the application area as this intersection requires, to the satisfaction of the Western Australian Planning Commission and in consultation with Main Roads WA.**
- r) A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s) abutting the linear public open space abutting Brand Highway. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

***'The lot/s is/are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.'***
- s) Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision.**
- t) A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

***'A reticulated sewerage service is not available to the lot/s.'***

**ADVICE:**

- 1. The landowner/applicant is advised that the Department of Environment Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans.**

The dust management plans are generally approved, and their implementation overseen, by Local Government. Further information on the guidelines can be obtained from the Department of Environment Regulation's website: [www.der.wa.gov.au](http://www.der.wa.gov.au) under air quality publications.

**2. With regard to Condition i), the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.**

**In regard to Condition j), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.**

**VOTING DETAILS:**

**Carried 5/0**

*The officer recommendation was moved by Cr West and seconded by Cr Scott.*

*The Deputy Shire President invited Cr West, as the Mover, to speak to the Motion. Cr West spoke to the Motion.*

*The Deputy Shire President invited Cr Scott, as the Seconder, to speak to the Motion. Cr Scott declined to speak.*

*The Deputy Shire President invited any other Councillors to speak for or against the Motion.*

*The Deputy Shire President put the Motion to vote.*

*The Motion was Carried.*



## 9.2. Committee Reports

### 9.2.1 Local Emergency Management Committee Meeting 24 March 2021

The minutes of the Local Emergency Management Committee Meeting held Wednesday 24 March 2021 have been provided as Attachment 9.2.1 in Attachment Booklet – July 2021.

#### COUNCIL DECISION 090721:

**MOVED: Cr Palmer**

**SECONDED: Cr Eva**

**That Council receives the Minutes of the Local Emergency Management Committee Meeting held Wednesday 24 March 2021.**

**VOTING DETAILS:**

**Carried 5/0**

### 9.2.2 Local Emergency Management Committee Meeting 9 April 2021

The minutes of the Local Emergency Management Committee Meeting held Friday 9 April 2021 have been provided as Attachment 9.2.2 in Attachment Booklet – July 2021.

#### COUNCIL DECISION 100721:

**MOVED: Cr Palmer**

**SECONDED: Cr Eva**

**That Council receives the Minutes of the Local Emergency Management Committee Meeting held Friday 9 April 2021.**

**VOTING DETAILS:**

**Carried 5/0**

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

## 11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

## 12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

## 13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil.

## 14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.23pm.

An electronic copy of the Minutes are available for download from the Shire's website.

<https://www.irwin.wa.gov.au/council/council-meetings/2021-council-meetings>