SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

MINUTES

Ordinary Council Meeting
27 October 2026

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1 Declaration of Opening

President - Before we actually begin the formal part of this council meeting, I would like to invite Mr Tom Coffey, our newly appointed Councillor to step forward, and Mr Ian West JP, please also step forward so we can swear Mr Coffey in as an Elected Member of the council.

Mr Coffee undertook the Declaration in accordance with Section 2.29 of the Local Government Act,1995, prior to undertaking his duties as a Councillor, which was conducted and witness by Mr Ian west JP

The President congratulations Councillor Coffee and thanks Mr Ian West JP.

2 Attendance

2.1 Members

Councillor I Scott	Shire President
Councillor A J Gillam	Deputy Shire President
Councillor P Summers	
Councillor J Melsom	
Councillor S Hansen	
Councillor L Musulin	
Councillor T S Coffey	

2.2 Staff

Mr M Battilana	Acting Chief Executive Officer
Mr M Connell	Manager Development
Mr M Jones	Manager Operations
Ms F Boksmati	Manager Community Services
Mr M Antony	Community Emergency Services Manager
Mr G Nadarajah	ICT Supervisor (technical support)
Miss Stephanie Clarkson	Senior Finance Officer (5:00pm - 5.40pm)
Ms Jess Wadhawan	Finance Consultant (5:00pm –5.35 pm via Teams)
Ms W Brookhouse	Acting Executive Assistant to the CEO

2.3 Guests

2.4 Apologies

Mr S D Ivers	Chief Executive Officer

2.5 Approved Leave of Absence

Nil

2.6 Gallery

Beverley Sharp

Leonie Butler

Jan Hughes

Mark Leonard (5.00pm – 5.27pm)

Ian West JP

Ian Maluish

Bruce Baskerville

Di Moriarty

3 Response to Previous Public Questions Taken on Notice

3.1 Responses to Questions on Notice OCM 22 September 2026

The following questions were taken on notice at the Ordinary Council Meeting held on 22 September 2026. The questions and subsequent responses are recorded below

Question 1: Annamarie Oostuizen, 1 Brennand Road, Dongara

How can Council indemnify the Minister without first understanding, assessing and addressing the concerns raised about the validity of the proposed road dedication?

> ***Response****: Council made no determination on the road dedication at the meeting held on 22 September 2026, requesting officers to seek further advice on the matter which is now presented to Council for consideration.*

Question 2: Are Councillors satisfied that the community impacts and safety concerns raised by objecting members of the public have been adequately addressed? Do they continue to support the proposed connection to Brennand Road?

> ***Response***: *Whether the community impacts and safety concerns have been adequately addressed is a matter for each councillor to assess when considering the information presented and determining their vote.*

3.2 Responses to Questions on Notice Agenda Forum 15 September 2026

The following questions were taken on notice at the Agenda Forum Meeting held on 15 September 2026. The questions and subsequent responses are recorded below.

Written response issued: 5 October 2026.

Question 1: Nicolaas Oosthuizen – 1 Brennand Road, Dongara

The submission made on our behalf by our lawyers raises concerns about the potential invalidity of the proposed road dedication. Has the Shire obtained legal advice regarding the legality of the proposal?

> ***Response:*** *The Shire did not obtain legal advice. Council's decision would not itself dedicate Reserve 54384 as a road, nor would it constitute a decision by the Minister under the Land Administration Act 1997.*

Question 2: Nicolaas Oosthuizen – 1 Brennand Road, Dongara

Why were the concerns about the potential legal invalidity of the proposal not highlighted in the officer's report to Council?

Response: *The Shire sought advice from the Department of Planning, Lands and Heritage regarding the road dedication process. That advice was summarised in the 'Statutory Environment' section of the report.*

Question 3: Annemarie Oosthuizen – 1 Brennand Road, Dongara

Was a traffic impact assessment undertaken to assess the effects of the additional traffic expected to result from the proposed road dedication?

Question 4: Annemarie Oosthuizen – 1 Brennand Road, Dongara

Were alternative access routes to the Lot 9000 development considered, apart from Hidden Valley Close and the connection to Brennand Road via the right of way?

Response to Questions 3 and 4: *The Western Australian Planning Commission assessed the road network, including traffic and access, during the subdivision application process on two occasions:*

- *In July 2021, when a subdivision comprising 81 lots of 4,000 m² was approved.*
- *In April 2026, when a subdivision comprising a substantially smaller number of 38*

lots of one hectare was approved.

4 Public Question Time

Questions for Council at the October 2026 Ordinary Council Meeting:

Questions 1, 2 and 3: Mr Mark Leonard, 179 Springfield Road, Dongara

Written questions submitted by Mr Leonard as part of a joint submission from Antoni Sappell, Caroline Shaw, Michael Perkusich, Mark Leonard and Patricia Parker, on behalf of some residents supporting that submission.

1. Will Council, in accordance with Council Policy C5 – Community Engagement and Public Consultation, engage with the Springfield community group to assist Council in clearly identifying the Springfield community's preferred options for a fire escape road system?
2. Will Council accept the Springfield community group's offer to select a community representative to work with Council on the engagement process, in accordance with Council Policy C5 – Community Engagement and Public Consultation, which states: "Affected groups and interested parties can select their own representative from within their group to work with Council"?
3. To clarify current confusion within the Springfield community, could Council confirm:
    - Whether the Shire has committed to any Springfield lot owners that the Springfield Drive extension south to Kailis Drive will proceed; and
    - Whether Council has made a decision committing to the southern Springfield Drive extension through to Kailis Drive as a fire escape route?

Response to Questions 1, 2 and 3*: Council will consider undertaking community consultation on this matter.*

Question 4: Mr Ian Maluish, 5 Abbott Terrace, Port Denison

The tender result for the ERP does not appear in the Tender Register. Can you please advise the details?

Response: *The ERP tender was conducted by the Local Government Corporate Services Alliance Inc. (LGCSA). As the tender was conducted by LGCSA, it was not entered in the Shire of Irwin's tender register.*

Question 5: Mr Ian Maluish, 5 Abbott Terrace, Port Denison

The loan from Clearmatch Originate Pty Ltd for insurance premiums does not appear in the Borrowings section of the Budget. The amounts being repaid seem to exceed the budgeted figure for insurance of $273,429 in the 2025/26 Budget.

Response: *Payments to Clearmatch Originate Pty Ltd relate to an arrangement under which the Shire pays its annual insurance premiums by instalments. Insurance costs for 2025/26 totalled $288,962, compared with the budget of $273,429. The budget was exceeded by $15,533 due to adjustments to the initial LGIS quote provided at the time the budget was adopted.*

Question 6: Mr Ian Maluish, 5 Abbott Terrace, Port Denison

Why has the Shire spent $15,571 in June 2025 and $21,373.94 in September 2026 on visa applications for people from overseas?

Response*: These payments relate to visa application costs for existing employees in specialised roles. The arrangements form part of the relevant employees' employment agreements and support staff retention and continuity of Shire services.*

Questions 7, 8 and 9: Mr Mark Leonard, 179 Springfield Road, Dongara

7. Has any confirmation been given to Springfield residents regarding the Springfield Drive extension as a fire escape route?
8. Has a decision been made on a particular route?
9. Does Council's adopted budget include an allocation to progress the Springfield Drive extension as a fire escape route?

Response to Questions 7, 8 and 9: *The Shire President advised that Council had not made a decision. Planning consideration had been given to a route over a number of years.*

The Manager Development advised that officers had liaised with landowners and provided a brief outline of the previous planning undertaken for the Springfield rural residential area.

The Shire President advised that these matters could be considered more fully during community consultation and encouraged Springfield residents to attend. The President also expressed the hope that staff and most Councillors would attend.

Question 10: Mr Ian West JP, 5 Bygrave Drive, Port Denison

What was the final cost of the foreshore works, including removal of the two jetties and installation of the replacement jetty, and what was the Councillors' contribution to that cost?

Response: *Question taken on notice.*

Question 11: Mr Ian Maluish, 5 Abbott Terrace, Port Denison

Further to the response to my previous question on notice regarding the ERP tender process, where can we find details of the tender and the annual fee being paid?

Response: *Question taken on notice.*

Question 12: Mr Mark Leonard, 179 Springfield Road, Dongara

Mr Leonard asked about Shire amalgamations.

Response: *The Shire President advised that Council had not made a decision on amalgamation. Informal discussions had occurred between members of the Northern Country Zone, with some councils open to considering amalgamation and others opposed.*

The Shire President stated that the Minister had made it clear that amalgamations were on her agenda, along with a full Council spill at each election, as part of a possible move towards larger, amalgamated councils.

The Shire President recalled that, during the recent Strategic Community Plan review, approximately 30% of the community had been accepting of amalgamation, with the remainder opposed. The President noted that the community was particularly opposed to amalgamation with Geraldton.

Question 13: Di Moriarty, 9 Brennand Road, Dongara

Has Council made a decision about the Brennand Road access?

Response: *The Shire President advised that this matter would be discussed at that evening's Council meeting.*

5 Declarations of Interest

Councillor Gillam declared proximity interest in 14.2 (Late Confidential Item) Milo Road Crossing: Pavements and Surfacing (RFT 02 - 2026) Award of Contract.

6 Application for Leave of Absence

Nil

7 Petitions and Deputations

Nil

8 Confirmation of Minutes and Tabling of Agenda Forum Notes

8.1 Minutes of the Ordinary Council Meeting held on 22 September 2026

RESOLUTION 0011027OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

That Council by Simple Majority confirms the Minutes of the Ordinary Council Meeting held on 22 September 2026.

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

ATTACHMENTS

1. Minutes of the Ordinary Council Meeting held on 22 September 2026 ⇨

8.2 Minutes of the CASE Committee Meeting held on 15 September 2026

That Minutes of the CASE Committee Meeting held on 15 September 2026 are included in the *Attachment Booklet - October 2026 .*

RESOLUTION 0021027OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

That Council by Simple Majority confirms the Minutes of the CASE Committee Meeting held on 15 September 2026.

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

ATTACHMENTS

1. CASE Committee Minutes ⇨

8.3 Agenda Forum Notes - 20 October 2026

RESOLUTION 0031027OCM

Moved: Councillor Luke Musulin

Seconded: Councillor Jeff Melsom

That Council by Simple Majority confirms the Notes of the Agenda Forum held 20 October 2026.

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

ATTACHMENTS:

⇨1. Agenda Forum Notes - 20 October 2026

9 Announcements by the Person Presiding without Discussion

02 October	Both the Shire President Isabelle Scott (on site at Irwin Council) and the Deputy Shire President Andrew Gillam were interviewed by 7News Regional WA (Mid West), relating to concerns about the Belisama Gas Project and the potential impact on local roads and ratepayers.
08 October	Shire President and A/CEO Maurice Battilana, attended the Meet and greet with Minster Dawson at Port Denison Boat Ramp and discussed possible future funding for a an additional boat ramp.
27 October	Shire President was interviewed by 7News Regional WA (Mid West) in relation to the General Practitioner costs being incurred by Local Government

10 Reports of Officers and Committees

10.1 Finance Reports

10.1.1 FIN01-10/26 ACCOUNTS FOR PAYMENT - SEPTEMBER 2026

FILE NUMBER:	2.0057
AUTHOR(S):	Stephanie Clarkson, Senior Finance Officer
RESPONSIBLE OFFICER:	Maurice Battilana, Acting CEO
COUNCIL'S ROLE	**Executive** - The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
VOTING REQUIREMENTS	Simple Majority

REPORT PURPOSE

For Council to receive the list of accounts paid under delegated authority during September 2026.

RESOLUTION 0041027OCM

Moved: Councillor Sophie Hansen

Seconded: Councillor Andrew Gillam

That Council receives the Accounts paid during September 2026, represented by:

Payment Type/Numbers	Total Amount
EFT 00000030/1– 00000031/81	**$994,088.76**
Muni Cheques – 32277 – 32278	**$6,108.70**
Direct Debit – Telstra	**$2,242.67**
Direct Debit – WA Treasury Corporation	**$34,472.51**
Direct Debit – Credit Card	**$18,648.23**
Direct Debit – N-Able Pty Ltd	**$2,732.60**
Direct Debit – Australian Phone Company	**$225.23**
Direct Debit – Telair Pty Ltd	**$4,275.35**
Direct Debit – Hello Teams Pty Ltd	**$743.44**
Direct Debit – Insurance Premiums	**$48,120.18**
Direct Debit – Vestone Capital Pty Ltd	**$10,554.20**
Direct Debit – Superannuation	**$64,552.28**
Grand Total	**$1,186,764.15**

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

BACKGROUND

A list of accounts paid under delegated authority is attached showing all payments made during the month of September 2026.

OFFICER'S COMMENT

Changes to the format of the list of payments has been made to be aligned with Section 13(1) of the Local Government (Financial Management) Regulations.

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 payments from the municipal or trust fund.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

ATTACHMENTS

1. FIN01-10/26 Accounts for Payment - September 2026 ⇨

10.1.2 Monthly Financial Statements - August 2026

FILE NUMBER:	2.0057
AUTHOR(S):	Jess Wadhawan, Finance Consultant
RESPONSIBLE OFFICER:	Maurice Battilana, Acting CEO
COUNCIL'S ROLE	**Executive** - The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
VOTING REQUIREMENTS	Simple Majority

REPORT PURPOSE

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2026 to 31 August 2026.

RESOLUTION 0051027OCM

Moved: Councillor Sophie Hansen

Seconded: Councillor Andrew Gillam

That Council by Simple Majority receives the Monthly Financial Statements for the Period 1 July 2026 to 31 August 2026.

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

BACKGROUND

The Monthly Financial Statements to 31 August 2026 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 Nature
- Statement of Financial Position
- Explanation of Material Variances
- Net Current Funding Position

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

OFFICER'S COMMENT

The draft financial position to the end of August 2026 is detailed in the attached report and summarised as per below:

31/08/2026	YTD Budget	YTD Actual
Operating Revenue	419,219	469,417
Operating Expenditure	(1,957,319)	(1,125,966)
Net Operating	(1,538,100)	(656,549)
Non - Operating Revenue	431,519	-
Non - Operating Expenditure	(460,796)	(321,223)
Net Non-Operating	(29,277)	(321,223)
		.
Cash at Bank		2,669,989
Cash at Bank Restricted		880,179
Reserve Bank		984,818
Total Cash Funds		4,534,986

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 must be shown according to the nature classification.

(4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
(a) presented to the council - at an ordinary meeting of the council within 2 months after the end of month to which the statement relates; 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 or at budget review.

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Goal 4.2 Effective governance, management and prudent financial responsibility

Goal 4.3 A local government that is professional, transparent and accountable

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

ATTACHMENTS

1. Monthly Financial Statements - August 2026 ⇨

5.35pm Ms Jess Wadhawan left the meeting

5.40pm Miss Stephanie Clarkson left the meeting

10.2 Development Reports

10.2.1 September 2026 - Development Delegated Authority Report

FILE NUMBER:	3.00125
AUTHOR(S):	Murray Connell, Manager Development
RESPONSIBLE OFFICER:	Maurice Battilana, Acting CEO
COUNCIL'S ROLE	**Executive** - The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
VOTING REQUIREMENTS	Simple Majority

REPORT PURPOSE

For Council to receive the September 2026 Development Delegated Authority Report.

RESOLUTION 0061027OCM

Moved: Councillor Peter Summers

Seconded: Councillor Andrew Gillam

That Council by Simple Majority, receives the September 2026 Development Delegated Authority Report as contained in Attachment 1.

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

BACKGROUND

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire.

The use of delegated authority means the large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

OFFICER'S COMMENT

This report presents the details of development functions made under delegated or authorised authority for the month of September 2026, with 8 building permits/certificates, 6 single house applications and 4 development approvals having been issued.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

- *Local Government Act 1995, Local Government (Administration) Regulations 1996*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

POLICY IMPLICATIONS

Nil.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Goal 4.2 Effective governance, management and prudent financial responsibility

Goal 4.3 A local government that is professional, transparent and accountable

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

ATTACHMENTS

1. September 2026 Development Delegated Authority Report ⇨

10.2.2 Road Dedication Right-of-Way Reserve 54384 – Brennand Road, Dongara

FILE NUMBER:	WAPC202782
AUTHOR(S):	Murray Connell, Manager Development
RESPONSIBLE OFFICER:	Maurice Battilana, Acting CEO
COUNCIL'S ROLE	**Legislative** - Includes adopting local laws, town planning schemes and policies.
VOTING REQUIREMENTS	Simple Majority

REPORT PURPOSE

For Council to request the Minister for Lands to approve the dedication of the Right-of-Way (ROW) Reserve 54384 as road.

RESOLUTION 0071027OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Luke Musulin

That Council by Simple Majority request the Minister for Lands to dedicate the Right-of-Way Reserve 54384 indicated on the plan contained in Attachment 1, as road.

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

BACKGROUND

The Shire has received a request from the developer of Lot 9000 Brennand Road, Dongara to dedicate the ROW Reserve 54384 as a road (as per the plan contained in Attachment 1).

On 12 January 2026 the Minister for Planning approved the Shire of Irwin Local Planning Scheme Amendment No. 22 which rezoned the land to 'Rural Residential'.

Subsequently, on 20 April 2026 the WA Planning Commission (WAPC) granted subdivisional approval for 38 rural residential lots.

Council at its meeting held on 23 June 2026 approved the (alternate) road name 'Quindalup Way'.

A copy of the subdivision and road naming plan is contained in Attachment 2.

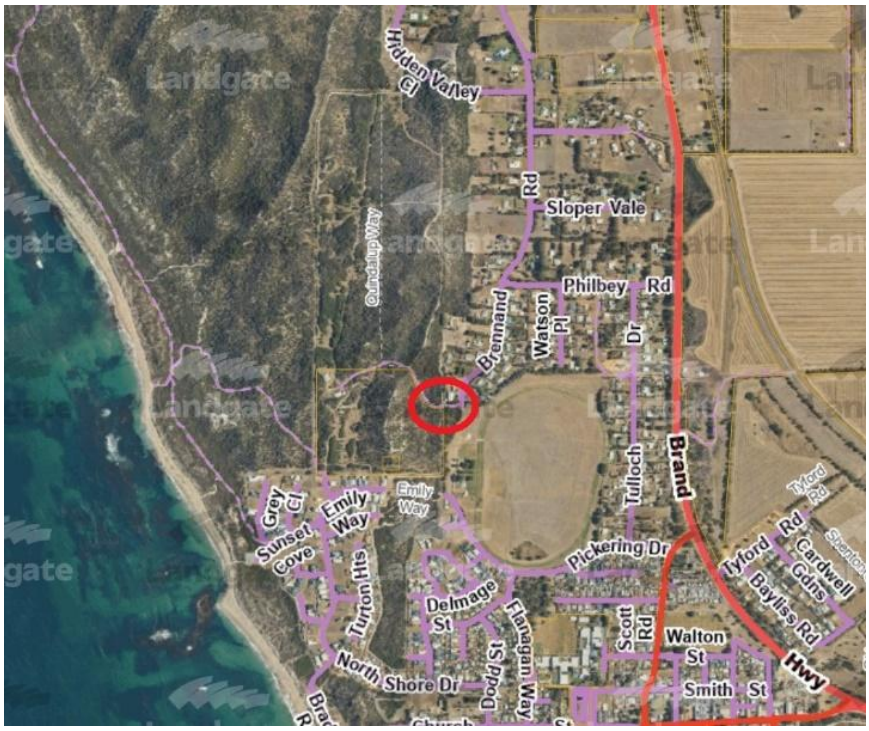
A report was previously prepared in relation to the proposed dedication of the ROW for Council's meeting of 22 September 2026. At that meeting Council resolved:

> *"That the meeting proceeds to the next business as per clause 11.5 of the Shire of Irwin Meeting Procedures Local Law 2016."*

Essentially the matter was put on hold pending further advice as to the statutory validity of the proposed dedication in response to a submission received during the advertising period (refer to the 'Consultation' section of this report).

Legal advice has been obtained and in summary it concurs that the Shire may validly request the Minster dedicate the ROW as road (refer to the 'Statutory Environment' section of this report).

Location Plan



OFFICER'S COMMENT

ROW's are created as a requirement of the WAPC upon subdivision to allow for existing or planned future public access over land by vehicles, cyclists or pedestrians.

The ROW Reserve 54384 comprises two separate land parcels; the eastern portion Lot 155 on Plan 17609, and the western portion Lot 501 on Plan 425414.

Lot 155 was created in 1990 as part of the subdivision that created several surrounding rural residential lots on Brennand Road, Philbey Road and Watson Place. The ROW was then extended in October 2023, creating Lot 501 to give access to Lot 9000.

The subdivision of Lot 9000 has been approved by the WAPC. The approved subdivision establishes the future subdivision and road network for the land, including Quindalup Way and its relationship with the surrounding road system and connection to Brennand Road.

The proposed dedication of the ROW Reserve 54384 should therefore be understood in the context of that approved subdivision framework. The dedication is not, of itself an approval for subdivision, or the introduction of road access that has not been previously subject to the statutory planning process.

The proposed road connection will facilitate public road access from Brennand Road, through the new subdivisional road (Quindalup Way), ultimately connecting with Hidden Valley Close. It is a requirement as part of the approved subdivision and will improve road connectivity throughout the locality.

CONSULTATION

The dedication was advertised in accordance with the provisions of the *Land Administration Act 1997* and involved the following:

- A public notice was published in the Midwest Times and the Dongara Denison Local Rag;
- A written notice was sent to the abutting landowner to the north;
- A copy of the dedication was made available for public inspection at the Shire office;

- The dedication was published on the Shire's website along with an alert on the Shire's Facebook page; and
- A written notice was sent to the following government/service agencies:
    - Department of Biodiversity, Conservation and Attractions
    - Department of Planning, Lands and Heritage – Aboriginal Heritage
    - Department of Water and Environmental Regulation
    - Telstra
    - Water Corporation
    - Western Power

In response to the advertising a total of 15 submissions were received (4 from government/service agencies with no objections and 11 from the public with objections). A copy of the objecting submissions is contained in Confidential Attachment 3.

The issues raised in the objecting submissions are summarised as follows:

- Injurious affection, disrupting use and enjoyment of property.
- No benefit to surrounding property.
- Noise impacts.
- Drop in market appeal of property.
- Loss of privacy.
- Amenity concerns over noise, dust, visual impacts and quite character of the area.
- Traffic safety and no impact assessments.
- Light and visual intrusion.
- Neighbourhood wellbeing.
- Construction of the road would be unsafe and cause flooding.
- Environmental impact.
- Better options for road access.
- Challenging the validity of the proposed dedication as the ROW does not have the purpose of a road.
- 'Application Area' on plan extends into other land.
- Previous assurance that there would be no access from the ROW.

Regarding the amenity concerns, all these matters have been previously considered by both the Shire and the relevant State government agencies throughout the various statutory planning processes.

It is important to acknowledge that the planning framework and subdivision itself that has necessitated the road dedication is not being determined for the first time through this dedication process and has been previously scrutinised on a number of occasions as summarised below:

1. 7 May 2008 – Ministerial Gazettal of Local Planning Scheme No. 5 that zoned the land to Residential R12.5.
2. 5 July 2021 – WA Planning Commission subdivision approval for 81 (4,000m^2) lots, which also created a road connection to Brennand Road.
3. 25 February 2025 – Council initiation of Scheme Amendment No. 22 to rezone the land to 'rural residential' (item DEV 04-02/25). The report clearly articulated the design

principles for the future subdivision of the land notably a road connection to Brennand Road and Hidden Valley Close.

4. 2 April 2025 – Environmental Protection Authority determination that no assessment of Amendment No. 22 was required under Part IV of the *Environment Protection Act 1986*.
5. 22 July 2025 – Council approval of Amendment No. 22 having considered submissions received (item DEV 02-07/25).
6. 14 January 2026 – Ministerial approval of Amendment No. 22.
7. 5 February 2026 – Ministerial approval of the Local Planning Strategy showing the land as 'rural residential'.
8. 20 April 2026 – WA Planning Commission subdivision approval for 38 (1 hectare) lots.
9. 23 June 2026 – Council approval of new road name (item DEV 03-06/26).
10. 25 August 2025 – Council approval of the road dedication of Reserve 45038, Hidden Valley Close (item DEV 02-08/26).

Regarding property values, the claim is unsubstantiated and, in any event, property value is not a relevant planning consideration in itself. Council's role is not to determine whether a planning proposal may affect property values, but whether it would adversely affect the amenity of the locality. The amenity issues have already been considered, as outlined above.

STATUTORY ENVIRONMENT

Section 56 of the *Land Administration Act 1997* (LAA) enables a local government to request the Minister for Lands to dedicate land as road, as follows:

56. Dedication of land as road

(1) If in the district of a local government –

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

Further the Department for Planning, Lands and Heritage (DPLH) have confirmed the statutory requirements applying to the proposed dedication and the request to cancel Reserve 54384 and its subsequent dedication as road will be under section 56(1)(a) of the LAA.

DPLH will commence the due diligence referrals process seeking comments and statutory approvals upon receiving the requirements outlined below pursuant to sections 56(2) and (56(4) of the LAA and Regulation 8 of the *Land Administration Regulations 1998:*

1. Written confirmation that the local government has resolved to make the request to dedicate the road.
2. Plan of survey, sketch plan or document to describe the dimensions of the proposed road.
3. Copy of advertisement to dedicate the road and copies of comments, objections and submissions received.
4. Any other consultation with adjoining landowners/interest holders and services/utilities.
5. Indemnification of the Minister for Lands against claim for compensation.

It is important to note that the ultimate determination whether the land is dedicated as road rests with the Minister under the LAA. Council is not making the dedication but simply deciding whether to *request* it.

Further to the above the Shire has received legal advice and additionally the developer has provided its own legal advice, which is contained in Confidential Attachment 4.

In summary the advice considers that the Shire may validly request the Minister dedicate the ROW as a road under section 56(1)(a) as the ROW:

a. constitutes land “reserved…for use by the public…as a road”; and

b. is land under the care, control and management of the Shire as an otherwise unvested facility.

POLICY IMPLICATIONS

Nil.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Goal 1.1 The community has access to suitable community spaces, vibrant events and relevant services

Strategy 1.1.3 Support appropriate community transport options

ATTACHMENTS

1. Proposed Road Dedication Plan ⇨
2. Subdivision and Road Naming Plan ⇨
3. Objecting Submissions - *Confidential*
4. Legal Advice - *Confidential*

10.3 Community Development Reports

Nil

10.4 Operations Reports

Nil

10.5 Office of the CEO Reports

Nil

10.6 Committees Reports

Nil

11 Motions of Which Previous Notice Has Been Given

Nil

12 Questions by Members of which due Notice has been given

13 Urgent Business Approved by the Person Presiding or by Decision

14 Matters for which Meeting was Closed to the Public

RESOLUTION 0081027OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Luke Musulin

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with 5.23 of the Local Government Act 1995:

14.1 CEO Performance Review

This matter is considered to be confidential under *Section 5.23(2) - ((b)) of the Local Government Act*

14.2 Milo Road Crossing: Pavements and Surfacing (RFT 02 - 2026) Award of Contract

This matter is considered to be confidential under *Section 5.23(4) - ((c)) and ((d)) of the Local Government Act*

CARRIED 7/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

RESOLUTION 0141027OCM

Moved: Councillor Peter Summers

Seconded: Councillor Luke Musulin

Council reopens the meeting to the public at 5:59pm

CARRIED 6/0

For: Crs Isabelle Scott, Peter Summers, Jeff Melsom, Sophie Hansen, Luke Musulin and Thomas Coffey

Against: Nil

5:59pm – Cr A Gillam re-entered the meeting.
5:59pm – Members of the public (Mr West and Mr Maluish re-entered the meeting

15 Closure

The President declared the meeting closed at 6.01pm.