



LAND ADMINISTRATION ACT 1997

### **PROPOSED ROAD DEDICATION AVAILABLE FOR INSPECTION & COMMENT**

Notice is hereby given that the West Arthur Shire Council has resolved to initiate the process required to:

- i) Excise a 447m<sup>2</sup> portion of Lot 310 (No.35) Johnston Drive, Darkan being Crown Reserve 28932 pursuant to section 51 of the *Land Administration Act 1997*; and
- ii) Dedicate the 447m<sup>2</sup> excised portion of Lot 310 (No.35) Johnston Drive, Darkan being Crown Reserve 28932 as a public road pursuant to section 56 of the *Land Administration Act 1997*.

A document and plans setting out and explaining the proposal are attached.

Comments on the proposal are now invited and can be emailed to [shire@westarthur.wa.gov.au](mailto:shire@westarthur.wa.gov.au) or posted to the Shire's Chief Executive Officer at PO Box 112 DARKAN WA 6392. All submissions must include the following information:

- Your name, address and contact telephone number;
- How your interests are affected; whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property;
- Address of property affected (if applicable); and
- Whether your submission is in support of, or objecting to the proposal and provide any arguments supporting your comments.

Comments on the proposal may be submitted to the local government on or before **Friday 14 March 2025**.

All submissions received may be made public at a Council meeting and included in a Council Agenda, which will be available on the Shire's website, unless a submission specifically requests otherwise.

**Vin Fordham Lamont**  
**Chief Executive Officer**  
**Shire of West Arthur**



## CONFIRMED MINUTES

Shire of West Arthur  
Ordinary Council Meeting  
Thursday 28 November 2024

These Minutes were confirmed at the Ordinary council meeting on: 19 December 2024

Signed:

Presiding Member at the meeting at which the Minutes were Confirmed.

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**14.2 PROPOSED ROAD DEDICATION**

<b>File Reference:</b>	<b>ADM729</b>
<b>Author:</b>	<b>Joe Douglas, Planning Consultant</b>
<b>Authorising Officer:</b>	<b>Vin Fordham Lamont, Chief Executive Officer</b>
<b>Date:</b>	<b>20/11/2024</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Location:</b>	<b>Lot 310 (No.35) Johnston Drive, Darkan being Crown Reserve 28932</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Owner:</b>	<b>State of Western Australia</b>
<b>Proposal:</b>	<b>Dedication of a public road through a portion of Lot 310 (No. 35) Johnston Drive, Darkan being Crown Reserve 28932</b>
<b>Attachments:</b>	<b>1. <a href="#">Proposed Subdivision Plan</a> ↓ 2. <a href="#">Reserve Information</a> ↓</b>

**SUMMARY:**

Council is requested to consider resolving to initiate the process required to excise a 447m<sup>2</sup> portion of Lot 310 (No.35) Johnston Drive, Darkan being part of Crown Reserve 28932, and dedicate it as a public road pursuant to sections 51 and 56 of the *Land Administration Act 1997*.

**BACKGROUND:**

The Shire is proposing to subdivide Lot 309 (No.22) Burrowes Street West, Darkan to create twenty one (21) new residential lots to accommodate current and future anticipated demand for new housing (see Attachment 1).

A subdivision application was prepared and lodged with the Western Australian Planning Commission earlier this month requesting conditional approval which is expected to be finally determined by the Commission in February 2025.

A significant portion of Lot 309 has been designated by the Fire and Emergency Services Commissioner as being bushfire prone. Under the terms of the Bushfire Management Plan prepared in support of the subdivision application a new access road is required to be constructed from the south western corner of Lot 309 through a portion of Crown Reserve 28932 to Johnston Drive to ensure safe, convenient and lawful access from the subdivision in the event of a major bushfire.

Crown Reserve 28932 is a 'Class C' reserve owned by the State of Western Australia with a management order issued in favour of the Shire for the designated purpose 'Drainage Nangip Creek' (see Attachment 2).

Under the terms of the proposed subdivision plan for Lot 309, a previously cleared 447m<sup>2</sup> portion of Crown Reserve 28932 needs to be excised to create a new 19.5-metre-wide road reserve to allow for the construction of a new road carriageway to provide the access required for bushfire safety purposes.

**COMMENT:**

In order to progress the road dedication proposal outlined above Council must resolve to request the Minister for Lands to do the following:

- i) Excise a 447m<sup>2</sup> portion of Crown Reserve 28932 pursuant to section 51 of the *Land Administration Act 1997*; and
- ii) Dedicate the 447m<sup>2</sup> excised portion of Crown Reserve 28932 as a public road pursuant to section 56 of the *Land Administration Act 1997*.

Prior to seeking the Minister for Lands approval for all of the above the proposal must be advertised in a newspaper circulating throughout the local district for a minimum period 35 days inviting feedback and comment from anyone who may have an interest in the proposal. This process will also include, amongst other things, publication of the proposal on the Shire's website and referral of the proposal to all essential service authorities.

At the conclusion of public advertising and consideration of any submissions received Council may then resolve to formally request the Minister for Lands approval to the abovementioned proposals and submit the request to the Lands Division of the Department of Planning, Lands and Heritage accordingly for processing.

Upon receiving Council's formal requests the Minister may, if he or she is satisfied the Shire has complied with the procedural requirements of the relevant sections of the *Land Administration Act 1997* and associated regulations, approve the requests, direct Council to reconsider the request having regard to such matters as the Minister thinks fit, or refuse the requests in their entirety.

Council should note that should it resolve to pursue the abovementioned requests it is also required, in accordance with section 56(4) of the *Land Administration Act 1997*, to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

#### **CONSULTATION:**

To be undertaken by the Shire for the minimum required period of 35 days to satisfy the procedural requirements of the *Land Administration Act 1997* and associated regulations. This process will include publication of a notice in a newspaper circulating throughout the local district, the Shire's website, Facebook page and local newsletter as well as correspondence to all immediately adjoining landowners and essential service authorities inviting their feedback / comment.

#### **STATUTORY ENVIRONMENT:**

- *Land Administration Act 1997*
- *Land Administration Regulations 1998*

#### **POLICY IMPLICATIONS:**

Nil

#### **FINANCIAL IMPLICATIONS:**

All costs associated with the road dedication proposal will need to be borne by the Shire directly and are likely to be in the order of \$6,000 to \$8,000 excluding GST. This would include all required reporting, public advertising, preparation of a formal submission to the Minister for Lands and all costs and expenses likely to be incurred by the Minister in considering and granting the request (i.e. administrative and survey costs and Landgate fees as may be applicable).

Council should note the estimate provided above does not include the cost of constructing the new road carriageway required from the south western corner of Lot 309 through the relevant portion of Crown Reserve 28932 to Johnston Drive.

It is understood the cost of all the work required will be covered by allowances made in Council's annual budgets and external funding sources for the subdivision project.

#### **STRATEGIC IMPLICATIONS:**

The proposal to create a new public roadway through a portion of Crown Reserve 28932 to support the proposed subdivision of Lot 309 for residential purposes is generally consistent with the aims and objectives of the Shire's *Local Planning Strategy (2006)*, *Draft Joint Local Planning Strategy (2024)*, *Strategic Community Plan Towards 2031*, *Corporate Business Plan 2021-2025* and *Economic Development Strategy 2023-2033*.

**RISK IMPLICATIONS:**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**Risk Matrix:**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Errors, omissions or delays; Inadequate document management processes; and/or Inadequate engagement practices.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Compliance failure

Risk Action Plan (Controls or Treatment Proposed)	Ensure compliance with the requirements of the <i>Land Administration Act 1997</i> and associated regulations when progressing the road dedication proposal.
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**VOTING REQUIREMENTS:**

Simple Majority

**RESOLUTION CO-2024-127**

Moved: Cr Karen Harrington

Seconded: Cr Russell Prowse

That Council resolve to initiate the process required to:

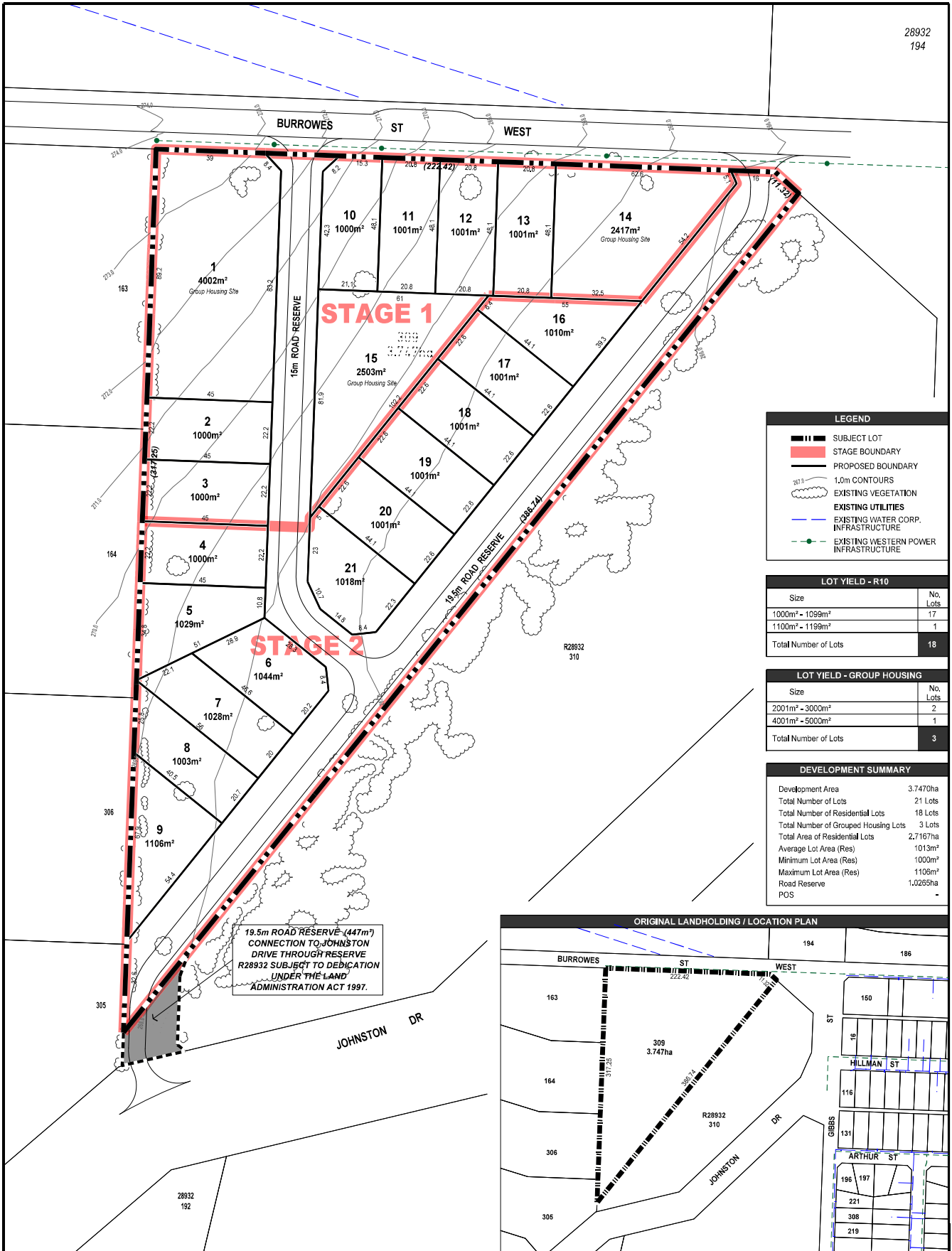
- i) Excise a 447m<sup>2</sup> portion of Lot 310 (No.35) Johnston Drive, Darkan being part of Crown Reserve 28932 pursuant to section 51 of the *Land Administration Act 1997*; and
- ii) Dedicate the 447m<sup>2</sup> excised portion of Lot 310 (No.35) Johnston Drive, Darkan being part of Crown Reserve 28932 as a public road pursuant to section 56 of the *Land Administration Act 1997*.

In Favour: Crs Neil Morrell, Karen Harrington, Graeme Peirce, Robyn Lubcke, Duncan South, Adam Squires and Russell Prowse

Against: Nil

**CARRIED 7/0**

28932  
194



**NOTES**

Base data supplied by Landgate (Aerial Photo - 11/2018)  
Areas and dimensions shown are subject to final survey calculations and WAPC approval.  
All cartageways are shown for illustrative purposes only and are subject to detailed engineering design.  
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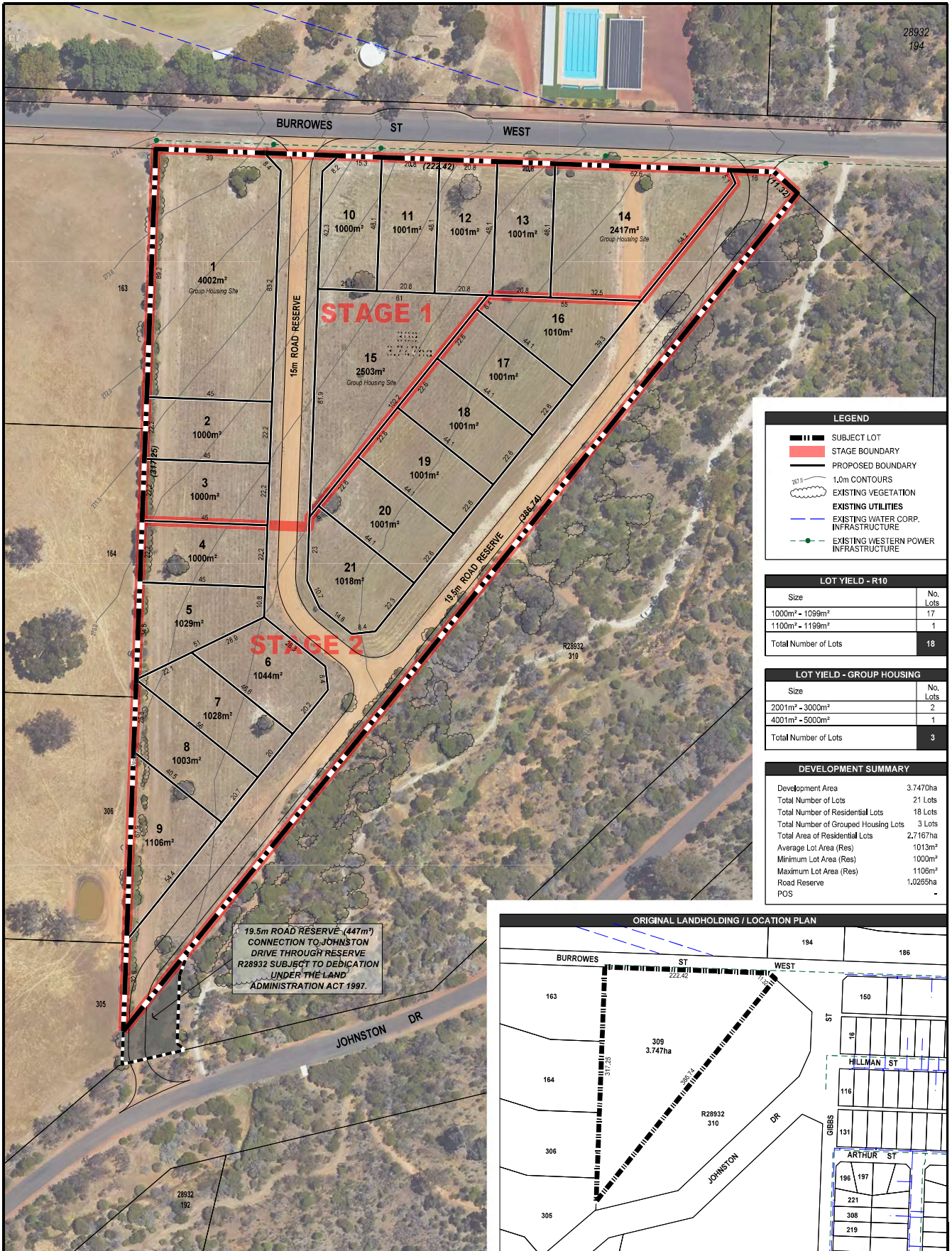
CLIENT : SHIRE OF WEST ARTHUR  
SCALE : 1:1,250 @ A3  
DATE : 13 November 2024  
PLAN No : 309-3-001  
REVISION : A  
PLANNER : JD  
DRAWN : BL

**PROPOSED PLAN OF SUBDIVISION**

Lot 309 BURROWES STREET WEST, DARKAN







**NOTES**

Base data supplied by Landgate (Aerial Photo - 11/2019)  
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DATE : 13 November 2024  
PLAN No : 309-3-001  
REVISION : A  
PLANNER : JD  
DRAWN : BL

**PROPOSED PLAN OF SUBDIVISION**

Lot 309 BURROWES STREET WEST,  
DARKAN

## ATTACHMENT 2

### Reserve Details Report - 28932

<b>Reserve</b>	28932	<b>Legal Area (ha)</b>	5.0569
<b>Name</b>	N/A	<b>Status</b>	CURRENT
<b>Type</b>	N/A	<b>Current Purpose</b>	DRAINAGE NAGIP CREEK
<b>File Number</b>	03800-1967-01RO		
<b>Notes</b>	N/A		
<b>Additional Reserve Information</b>	N/A		

<b>Class</b>	<b>Responsible Agency</b>	<b>Date of Last Change</b>
C	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)	11/05/2007

<b>Management Order</b>	<b>Document Number</b>
VEST:SHIRE OF WEST ARTHUR	N/A

<b>Land Use</b>
DRAINAGE

<b>Local Government Authority</b>
SHIRE OF WEST ARTHUR

CLT Number	Parcel Identifier	Street Address, Suburb	File Number	PIN	Area (m <sup>2</sup> )
LR3146/145	Lot 192 On Deposited Plan 210290	12 Johnston Drive, DARKAN 6392	03800-1967-01RO	551858	11879
LR3146/146	Lot 194 On Deposited Plan 210290	39 Burrowes Street West, DARKAN 6392	03800-1967-01RO	553251	6144
LR3146/147	Lot 310 On Deposited Plan 191521	35 Johnston Drive, DARKAN 6392	03800-1967-01RO	553249	31878

<b>Previous Certificates of Title</b>	<b>Status</b>
LR3002/760	Cancelled
LR3002/763	Cancelled
LR3002/768	Cancelled

Previous Certificates of Title	Status
LR3102/225	Cancelled

Document Number/Gazette Page	Date	Type	Text
4850	20/09/1994	Current Vesting	VEST:SHIRE OF WEST ARTHUR
4852	20/09/1994	Vesting Revoked	REVOKED ( ORDER DATED 02/02/1968 )
4862	20/09/1994	Current Area	5.0569
4862	20/09/1994	Lot/Town Lot	DARKAN LOTS 192, 194 & 310
4862	20/09/1994	Street Name	JOHNSTON DRIVE & BURROWES STREET
4862	20/09/1994	Survey Number	PLAN:10290, DIA:91521
3196	16/10/1970	Historical Area	9.3.20 (3.9963)
189	02/02/1968	Historical Vesting	VEST SHIRE OF WEST ARTHUR
196	02/02/1968	Original Gazettal and page	ORIGINAL GAZETTE
N/A	02/02/1968	Class	C
N/A	02/02/1968	Current Purpose	DRAINAGE NAGIP CREEK
N/A	02/02/1968	Correspondence File Number	3800/67
N/A	02/02/1968	Original Area	14.0.28
N/A	02/02/1968	Previous Lot/Locations	DARKAN LOT 193
N/A	02/02/1968	Public Plan	DARKAN TOWNSITE

date: Nov 20, 2024, 12:16:04 PM



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