



AGENDA FORUM PAPERS

Tuesday 15 September 2026 - 5:00 PM



NOTICE OF MEETING

Notice is hereby given that the next Agenda Forum of the Shire of Irwin will be held in Council Chambers, 11-13 Waldeck Street, Dongara at 5:00pm on Tuesday, 15 September 2026.

Shane Ivers

Chief Executive Officer

11 September 2026



AGENDA & BUSINESS PAPERS

Agenda Forums and Ordinary Council Meetings for 2026 will be held on the following dates in the Council Chambers, 11-13 Waldeck Street, Dongara.

2026 DATES	
15 September	22 September
20 October	27 October
17 November	24 November
1 December	7 December (Monday)

Members of the public are always welcome to attend the Agenda Forums and Ordinary Council Meetings.

Agenda Forum Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may, for a Committee, Working Party or Steering group examine specific subjects and then report to Council.
3. The purpose of the Agenda Forum is for council members and community members to be informed on agenda items before the next Ordinary Council Meeting.
4. Generally, all meetings are open to the public. Occasionally Council will be required to deal with person, legal and other sensitive matters and on these occasions, Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
5. **Public Questions Time:** It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time. At the Agenda Forum all questions asked must be related to the items listed on the Agenda Paper. Please note the following.
 - a) Meetings are scheduled for a 5.00pm start (unless otherwise advised)
 - b) Record your full name and suburb of resident on the Attendance Form available in the public seating area.
 - c) When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the note taker and those present,
 - d) A minimum of 15 minutes is allocated to Public Question Time, which may be extended at the discretion of the Presiding Member.
 - e) You may ask up to 2 questions before other members of the public will be invited to ask their questions to ensure all have an equal and fair opportunity to ask questions.
 - f) The Presiding Member may elect for written questions to be responded to as normal business correspondence.
 - g) The Presiding Member may decide that a question shall not be responded to where the same or similar questions has been asked at a previous meeting and a response has already been provided;
 - A statement has been made and is not reformed into a question; or a question is offensive or defamatory in nature and is not reformed into a question.
 - h) A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and summary will be included in the agenda of the next Ordinary Council Meeting of Council.
 - i) Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request System.
 - j) Should you wish to provide written questions prior to the meeting please submit them by 4.00pm the day before the meeting. By submitting written questions, this assists the administration with preparing a response.
 - k) Should you wish to provide a presentation at the Agenda Forum, a request will need to be submitted in writing directly to the Chief Executive Officer by 4pm the day before the meeting. The presentation must be related to an item listed on the agenda paper.
 - l) Presentations have a time limit of 10 minutes and a limit of 2 representatives will be allowed to speak.
 - m) Agendas for the Agenda Forum and Ordinary Council Meetings are available to the public from the Shire of Irwin Administration Centre or via the Shire's Website www.irwin.gov.au seventy-two (72) hours prior to the meeting.
 - n) Recording of Minutes for Agenda Forums is not required by legislation however a summary of notes from the Agenda Forum will be presented to Council at the next Ordinary Council Meeting.
6. No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of an Agenda Forum without the written permission of the Presiding Member.

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 an Elected 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.
- 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 Agenda Forums, Council or Committee Meetings.
- disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision in the audio recording. Council minutes provide the definitive record of Council's resolutions.

Nature of Council's Role in Decision Making

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 the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

By allocating these roles, the Shire ensures that the Council's decision-making is structured and aligned with its legal responsibilities, allowing it to effectively govern, serve its community, and maintain compliance with applicable laws.

Notes for Members of the Public

Meeting Formalities

Shire of Irwin Council Meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile phones are switched off and not used during any Shire meeting.

Members of the public are hereby advised that in line with Council Policy CP48 – Recording of Council Minutes, no person is to use any electronic, visual or audio recording device or instrument to record the proceedings of a Council Meeting without the written permission of the Council.

Audio Recordings

This Meeting will be audio recorded. The recording will be made publicly available on the Shire's website within ten (10) days of the meeting being held.

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AGENDA (Draft)

Of the

ORDINARY COUNCIL MEETING

To be held

22 September 2026

Commencing at 5:00 PM

1 DECLARATION OF OPENING

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 Berecz

Councillor L Musulin

2.2 STAFF

Mr S D Ivers

Chief Executive Officer

Mr M Connell

Manager Development

Mr M Jones

Manager Operations

Miss P Machaka

Manager Finance

Ms F Boksmati

Manager Community Services

Mr M Antony

Community Emergency Services Manager

Ms S Mearns

Executive Assistant

2.3 GUESTS

2.4 APOLOGIES

2.5 APPROVED LEAVE OF ABSENCE

2.6 GALLERY

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

Items 5 - 9 will be dealt with at the Ordinary Council Meeting being held on Tuesday 22 September 2026.

5 DECLARATIONS OF INTEREST

6 APPLICATION FOR LEAVE OF ABSENCE

7 PETITIONS AND DEPUTATIONS

8 CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES

8.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 AUGUST 2026

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 25 August 2026 be received and the recommendations therein be adopted.

8.2 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 10 SEPTEMBER 2026

RECOMMENDATION

That the Minutes of the Audit, Risk & Improvement Committee Meeting held on 10 September 2026 be received and the recommendations therein be adopted.

8.3 MINUTES OF THE LEMC MEETING HELD ON 4 AUGUST 2026

RECOMMENDATION

That the Minutes of the Local Emergency Management Committee (LEMC) Meeting held on 4 August 2026 be received.

9 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10 REPORTS OF OFFICERS AND COMMITTEES

10.1 FINANCE REPORTS

10.1.1 ACCOUNTS FOR PAYMENT - AUGUST 2026

FILE NUMBER: 2.0057

AUTHOR(S): Stephanie Clarkson, Senior Finance Officer

RESPONSIBLE OFFICER: Shane Ivers, Chief Executive Officer

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 August 2026.

OFFICER RECOMMENDATION

That Council by simple majority receive the list of accounts paid under delegated authority during August 2026 represented by:

Payment Type/Numbers	Total Amount
EFT 000000028/1– 00000029/38	\$577,459.98
Muni Cheques – 32275 – 32276	\$42,578.26
Direct Debit – Telstra	\$3,563.26
Direct Debit – WA Treasury Corporation	\$20,727.35
Direct Debit – Credit Card	\$22,398.82
Direct Debit – N-Able Pty Ltd	\$2,724.20
Direct Debit – Australian Phone Company	\$225.23
Direct Debit – Telair Pty Ltd	\$2,768.22
Direct Debit – Hello Teams Pty Ltd	\$799.12
Direct Debit – SiteDocs	\$12,705.92
Direct Debit – Insurance Premiums	\$144,610.54
Direct Debit – Bonds Administrator	\$1,400.00
Direct Debit – Superannuation	\$59,980.98
Grand Total	\$891,941.88

BACKGROUND

A list of accounts paid under delegated authority is attached showing all payments made during the month of August 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. Accounts for Payment - August 2026 - *Under Separate Cover*

10.1.2 MONTHLY FINANCIAL STATEMENTS - JULY 2026

FILE NUMBER:	2.0057
AUTHOR(S):	Patience Machaka, Manager Finance
RESPONSIBLE OFFICER:	Shane Ivers, Chief Executive Officer
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 July 2026.

OFFICER RECOMMENDATION

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

BACKGROUND

The Monthly Financial Statements to 31 July 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 July 2026 is detailed in the attached report and summarised as per below:

31/07/2026		YTD Budget	YTD Actual
Operating Revenue		333,324	189,201
Operating Expenditure		(1,176,999)	(668,699)
Net Operating		(843,675)	(479,499)
Non - Operating Revenue		386,668	-
Non - Operating Expenditure		(115,500)	(225,873)
Net Non-Operating		271,168	(225,873)
Cash at Bank			2,463,892
Cash at Bank Restricted			926,248
Reserve Bank			980,944
Total Cash Funds			4,371,084

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

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 - July 2026 - *Under Separate Cover*

10.2 DEVELOPMENT REPORTS

10.2.1 AUGUST 2026 DEVELOPMENT DELEGATED AND AUTHORISED AUTHORITY REPORT

FILE NUMBER:	3.00125
AUTHOR(S):	Murray Connell, Manager Development
RESPONSIBLE OFFICER:	Shane Ivers, Chief Executive Officer
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 August 2026 Development Delegated and Authorised Authority Report.

OFFICER RECOMMENDATION

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

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 August 2026, with 16 building permits/certificates, 6 single house applications and 2 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

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. August Delegated Authority Report - *Under Separate Cover*

10.2.2 ROAD DEDICATION, RIGHT-OF-WAY RESERVE 54384 – BRENNAND ROAD, DONGARA

FILE NUMBER:	WAPC202782
AUTHOR(S):	Murray Connell, Manager Development
RESPONSIBLE OFFICER:	Shane Ivers, Chief Executive Officer
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.

OFFICER RECOMMENDATION

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.

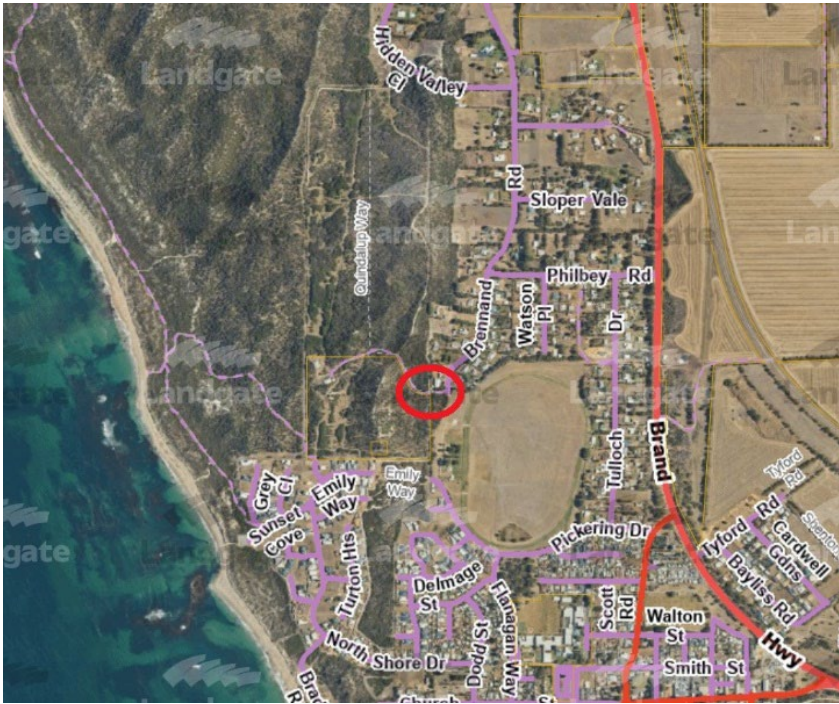
BACKGROUND

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.

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.
- 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 (4,000m²) 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.

POLICY IMPLICATIONS

Nil

FINANCIAL/RESOURCE IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 1.1.3 Support appropriate community transport options

ATTACHMENTS

1. ROW Dedication PPlan - *Under Separate Cover*
2. Subdivision and Road Naming Plan - *Under Separate Cover*
3. Objecting Submissions - *Confidential Under Separate Cover*

10.2.3 LAND ACQUISITION AND ROAD DEDICATION - PORTION OF LOT 713 MIDLANDS ROAD, YARDARINO

FILE NUMBER:	P26051 / A9306
AUTHOR(S):	Murray Connell, Manager Development
RESPONSIBLE OFFICER:	Shane Ivers, Chief Executive Officer
COUNCIL'S ROLE	Legislative - Includes adopting local laws, town planning schemes and policies.
VOTING REQUIREMENTS	Simple Majority

REPORT PURPOSE

For Council to conditionally approve the acquisition of a 3,246m² portion of Lot 713 Midlands Road, Yardarino and subsequently request the Minister for Lands to approve the dedication of the land as road.

OFFICER RECOMMENDATION

That Council by Simple Majority:

1. Consents to the acquisition of a 3,246m² portion of Lot 713 on Deposited Plan 231555 subject to the installation of new fences along the new property boundary lines at no cost to the Shire.
2. Consents to Main Roads Western Australia and its contractors entering onto Lot 713 to carry out any construction works and relocation of existing services that may commence prior to the acquisition being completed.
3. Request the Minister for Lands to dedicate as road the portion of Lot 713 Midlands Road, Yardarino indicated on Main Roads Drawing Number 2660-106 as contained in 10.2.3 Attachment 1.

BACKGROUND

Main Roads WA (MRWA) proposes to acquire land for the purpose of a road widening at the intersection of Brand Highway and Midlands Road, Yardarino (the Project).

The purpose of the Project is to achieve safe road infrastructure that is suitable to allow the transport of 91m long and 5m wide wind turbine blades and tower sections up to 37m long with a maximum diameter of 6.5m. The Project's primary objective is to ensure such wind turbines can be delivered to the site of windfarms in the first quarter of 2028.

To undertake the Project MRWA will need to acquire a 3,246m² portion of Lot 713 on Deposited Plan 231555, Certificate of Title 2635/40, owned by the Shire of Irwin, for inclusion in the Brand Highway road reserve (as per the plan contained in Attachment 1).

Subsequent to the acquisition the land will then be dedicated as road.

Location Plan**OFFICER'S COMMENT**

Lot 713 is a freehold lot owned by the Shire located at the south-western corner of the Brand Highway and Midlands Road intersection with the Irwin River abutting the land to the west. It is moderately vegetated and essentially forms part of the Irwin River reserve. The land also contains a somewhat informal gravel parking area which MRWA is proposing to remove.

The process for the Project will require MRWA to:

- Obtain a valuation and make a formal offer to purchase the land;
- Be responsible for all survey and legal documentation costs associated with the land transfer and any costs and claims that may arise as a result of the dedication; and
- Arrange and pay for the installation of new fences along the new property boundary lines.

MRWA have provided a publication 'Land Acquisition, A Guide for Property Owners', as contained in Attachment 2.

The acquisition and dedication will facilitate strategic transport infrastructure with no material impact on the remaining portion of Lot 713.

CONSULTATION

MRWA will be responsible to undertake all advertising in accordance with the provisions of the *Land Administration Act 1997*.

STATUTORY ENVIRONMENT

MRWA have issued the Shire with a statement of procedures explaining the rights and obligations as required under section 168(2) of the *Land Administration Act 1997* (as contained in Attachment 3).

Parts 9 and 10 of the *Land Administration Act 1997* authorises an acquiring authority to acquire, on behalf of the State, all or part of any land, or an interest in any land, by agreement to purchase or by the compulsory taking, for a public work.

The compulsory taking of land and compensation process is designed so that Government can acquire land for public works, while giving certain Interest Holders in the land the right to object and/or the right to claim compensation for the value of the land and improvements taken.

Section 56 of the *Land Administration Act 1997* 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.

POLICY IMPLICATIONS

Nil

FINANCIAL/RESOURCE IMPLICATIONS

If the Shire of Irwin have no objection to this proposed acquisition of this land, Main Roads will obtain a valuation and make a formal offer to purchase the land.

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Strategy 1.1.3 Support appropriate community transport options

ATTACHMENTS

1. Road Dedication Plan - *Under Separate Cover*
2. Land Acquisition Guide for Property Owners - *Under Separate Cover*
3. Statement of Procedures - *Under Separate Cover*

10.3 COMMUNITY DEVELOPMENT REPORTS

10.4 OPERATIONS REPORTS

10.5 OFFICE OF THE CEO

10.5.1 COMPLIANCE AUDIT RETURN 2025

FILE NUMBER:	3.0198
AUTHOR(S):	Sue Mearns, Executive Assistant
RESPONSIBLE OFFICER:	Shane Ivers, Chief Executive Officer
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	Absolute Majority

REPORT PURPOSE

For Council to consider and adopt the 2025 Compliance Audit Return as per the *Local Government Act 1995*, Section 7.13 and the *Local Government (Audit) Regulations*, Regulation 14.

OFFICER RECOMMENDATION

That Council by Absolute Majority consider and endorse the 2025 Compliance Audit Return as per the *Local Government Act 1995*, Section 7.13 and the *Local Government (Audit) Regulations*, Regulation 14.

BACKGROUND

Each year, local governments are required to complete a statutory Compliance Audit Return (CAR) and submit it to Council for adoption. The CAR assesses the local government's compliance with key provisions of the Local Government Act 1995 and associated regulations, with a particular focus on areas identified as presenting a higher compliance risk.

The Audit, Risk and Improvement Committee is responsible for reviewing the completed CAR and reporting the outcome of its review to Council before the return is formally adopted. Following adoption, the CAR must be certified by the Shire President and Chief Executive Officer and lodged with the Department of Local Government, Sport and Cultural Industries (DLGSC) by 30 September 2026.

OFFICER'S COMMENT

The Shire of Irwin's completed Compliance Audit Return (CAR) for the period 1 January to 31 December 2025 was provided to the Audit, Risk and Improvement Committee (ARIC) for review. Having considered the completed CAR, the ARIC is now reporting the outcome of its review to Council and recommending that Council adopt the return prior to its submission to the Local Government Inspector.

The 2025 CAR contains nine "No" responses relating to seven separate compliance matters. The matter concerning publication of the tender register has since been rectified, with corrective action underway or scheduled for the remaining matters. While remedial action undertaken after the reporting period does not change the historical responses recorded in the CAR, it demonstrates the Shire's ongoing efforts to address the identified matters and restore compliance. The Shire remains committed to strengthening its processes and internal controls to support continued compliance with its legislative obligations, as outlined below:

Legislation	Non-compliance identified	Corrective action/current status
Local Government Act 1995, s3.16	Local laws that had not been reviewed within the preceding eight years were not reviewed during the reporting period.	A comprehensive review will commence during 2026 and is scheduled for completion in early 2028.
Local Government Act 1995, s5.51A	The published Employee Code of Conduct was not fully up to date during 2025.	The code will be reviewed, implemented by the CEO and published by 30 June 2027
Administration Reg 19AB	The Employee Code's prohibited-gift provisions were not aligned with the current regulatory framework.	To be corrected as part of the Employee Code update by 30 June 2027.
Administration Reg 19AC	The Employee Code did not contain all current requirements governing the recording, storage, disclosure and use of gift information.	To be corrected as part of the Employee Code update by 30 June 2027.
Administration Reg 19C	The required review of the Strategic Community Plan was not completed during the reporting period.	Review underway and scheduled for Council consideration before 31 December 2026
Administration Reg 19DA	The Corporate Business Plan was not reviewed during 2025.	A replacement plan is being prepared and is scheduled for Council consideration by 30 June 2027.
Administration Reg 35	One council member did not complete Council Member Essentials within 12 months of election.	The Shire will monitor completion and retain evidence of completion.
Audit Reg 17	The required review of risk management, internal control and legislative compliance systems was not completed within the prescribed three-year period.	Review scheduled for completion before 31 December 2026, followed by ARIC and Council consideration.
Functions and General Reg 17	The 2025 tender register was available for inspection but was not published on the Shire website.	Rectified. The 2025 tender register is now published on the Shire website.

CONSULTATION

The 2025 CAR was presented to the Shire of Irwin Audit Committee on Thursday 10 September 2026. The committee reviewed the return and resolved to support the responses provided.

STATUTORY ENVIRONMENT

Local Government Act 1995

- Section 7.13 – Regulations as to audits

Local Government (Audit) Regulations

- Regulation 14 - Compliance audits by local governments

POLICY IMPLICATIONS

Nil

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 4.3.3 Promote workplace health, safety and well-being

ATTACHMENTS

1. Compliance Audit Return 2025 - *Under Separate Cover*

10.6 COMMITTEES REPORTS

Items 11 - 14 will be dealt with at the Ordinary Council Meeting being held on Tuesday 22 September 2026.

- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 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**
- 15 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC**
- 16 CLOSURE**