



ATTACHMENT BOOKLET SEPTEMBER 2026

**Ordinary Council Meeting
Tuesday, 22 September 2026**

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MINUTES

ORDINARY COUNCIL MEETING
Tuesday 25 August 2026



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 on 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 from 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 meeting 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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MINUTES

of the

ORDINARY COUNCIL MEETING

held

Tuesday, 25 August 2026

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr Andrew Gillam, declared the meeting open at 5.00pm and welcomed Councillors and Shire Officers.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor I Scott
Councillor A J Gillam (Chair)
Councillor P Summers
Councillor J Melsom
Councillor S Hansen
Councillor L Berecz
Councillor L Musulin

Shire President
Deputy Shire President

Staff

Mr S D Ivers
Mr M Jones
Mr M Connell
Ms S Mearns

Chief Executive Officer
Manager Operations
Manager Development
Executive Assistant

Guests

Nil

Apologies

Miss P Machaka
Mr M Antony
Ms F Boksmati

Manager Finance
Community Emergency Services Manager
Manager Community Services

Approved Leave of Absence

Nil

Gallery

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question 1: Mr John Rossiter, 181 Point Leander Drive, Port Denison

In relation to obtaining a copy of the Quote for the bearing replacement for the Yellow Spinning Ball – aren't all quotation documents received for public works, public documents?

Response: No. A quotation submitted to a Western Australian local government is not automatically a document available for public inspection simply because it relates to public works. Section 5.94 of the Local Government Act 1995 specifies the categories of local government information that are available for public inspection. A supplier quotation held by the Shire does not, merely by being received as part of a procurement process, fall within those categories. Quotations may also contain commercially sensitive information such as pricing, methodologies and information concerning a supplier's business operations. Accordingly, the Shire does not generally release individual quotation documents through the ordinary public-inspection provisions of the Local Government Act 1995.

This does not prevent a person from making an application for access under the Freedom of Information Act 1992. Any such application would be assessed in accordance with that Act, including the provisions relating to commercial and business information.

Question 2: Mr John Rossiter, 181 Point Leander Drive, Port Denison

When will the Francis Road signage be corrected?

Response: The sign for Francis Road has now been replaced.

4. PUBLIC QUESTION TIME

Nil

5. DECLARATIONS OF INTEREST

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Jeff Melsom has applied for a Leave of Absence from 16 September 2026 to 14 October 2026.

COUNCIL DECISION		010826
MOVED: Cr Melsom		SECONDED: Cr Musulin
That Council by Simple Majority approve Cr Melsom Leave of Absence application being from 16 September 2026 to 14 October 2026.		
VOTING DETAILS:		CARRIED: 7/0
For:	Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Hansen, Cr Musulin,	
Against:	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 28 July 2026**

The Minutes of the Ordinary Council Meeting held 28 July 2026 are included in the *Attachment Booklet – August 2026*.

COUNCIL DECISION		020826
MOVED: Cr Musulin		SECONDED: Cr Summers
That Council by Simple Majority confirms the Minutes of the Ordinary Council Meeting held 28 July 2026.		
VOTING DETAILS:		CARRIED: 7/0
For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Hansen, Cr Musulin,		
Against: Nil		

8.2 Agenda Forum Notes – 18 August 2026

At the Agenda Forum held 18 August 2026, Shire Officers presented background information and answered questions on items to be considered at the August 2026 Ordinary Council Meeting.

Notes from the Agenda Forum are included in the *Attachment Booklet – August 2026*.

COUNCIL DECISION		030826
MOVED: Cr Hansen		SECONDED: Cr Summers
That Council by Simple Majority receives the Notes of the Agenda Forum held 18 August 2026.		
VOTING DETAILS:		CARRIED: 7/0
For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Hansen, Cr Musulin,		
Against: Nil		

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

4 August 2026	Shire President (Chair) and CEO attended LEMC Meeting
11 August 2026	CEO met with the Midwest Chamber of Commerce & Industry
17 August 2026	Shire President and CEO attended WALGA Northern Country Zone Meeting in Geraldton
19 August 2026	Shire President and CEO attended the quarterly catch-up with Mitsui E&P
24 August 2026	Shire President conducted a number of media interviews in relation to the abandoned offshore gas facility at Cliff Head and also the Shire of Irwin presentation to a Parliamentary Hearing into Financial Assistance Grants.

10. REPORTS OF OFFICERS AND COMMITTEES**10.1 Finance Reports****FIN 01-08/26 Accounts for Payment - July 2026**

Author:	S Clarkson, Senior Finance Officer
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	2.0057
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

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

COUNCIL DECISION**040826****MOVED: Cr Summers****SECONDED: Cr Musulin**

That Council, by Simple Majority, receives the list of accounts paid under delegated authority during July 2026, as contained in FIN 01-08/26 Attachment 1 and summarised as follows:

Payment Type/Numbers	Total Amount
EFT 000000025/1– 00000027/46	\$685,215.98
Muni Cheques – 32273 – 32274	\$27,253.65
Direct Debit – Telstra	\$3,107.95
Direct Debit – WA Treasury Corporation	\$164,076.61
Direct Debit – N-Able Pty Ltd	\$2,658.74
Direct Debit – Australian Phone Company	\$225.23
Direct Debit – Telair Pty Ltd	\$2,730.89
Direct Debit – Hello Teams Pty Ltd	\$2,420.68
Direct Debit – Superannuation	\$86,535.21
Grand Total	\$974,224.94

VOTING DETAILS:**CARRIED: 7/0**

For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Hansen, Cr Musulin,

Against: Nil

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of July 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:

Attachment Booklet – August 2026

FIN01-08/26 Attachment 1: Accounts for Payment – July 2026

MINUTES – Shire of Irwin Ordinary Council Meeting

25 August 2026

FIN 02-08/26 Monthly Financial Statements – June 2026

Author:	K Kumar, Finance Consultant
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	2.0057
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to consider and receive the Monthly Financial Statements for the period 1 July 2025 to 30 June 2026.

COUNCIL DECISION**050826****MOVED: Cr Melsom****SECONDED: Cr Musulin**

That Council, by Simple Majority, receives the Monthly Financial Statements for the period 1 June 2026 to 30 June 2026 as contained in FIN 02-08/26 Attachment 1 of the Attachment Booklet – August 2026.

VOTING DETAILS:**CARRIED: 7/0**

For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Hansen, Cr Musulin,

Against: Nil

Background:

The Monthly Financial Statements to June 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 financial position as at 30 June 2026 is detailed in the attached Monthly Financial Report. A number of year-end accounting adjustments are still to be completed, including the recognition of eligible grant and contribution revenue, processing of depreciation for the period January to June 2026, and the final allocation of employee costs between operating and capital activities. These adjustments will be completed as part of the June 2026 year-end process and may impact the final reported financial result.

The Statement of Financial Activity records a positive amount attributable to operating activities of approximately \$2.00 million after adjusting for non-cash items. Operating revenue was approximately \$12.40 million, which was \$773,000 above budget. The favourable variance was primarily due to grants, subsidies and contributions being approximately \$664,000 above budget, together with higher fees and charges and other Revenue. This was partly offset by rates and interest revenue being below budget.

Operating expenditure was approximately \$12.87 million, which was approximately \$2.04 million below the year-to-date budget. Materials and Contracts and Finance Costs were below budget, while Employee Costs and Utility Charges were above budget. These amounts remain subject to year-end adjustments and may change following completion of the year-end financial processes.

The adjusted net current funding position at 30 June 2026 remains preliminary and is subject to completion of the year-end accounting and reconciliation processes. The final position will be reported following completion of those adjustments.

Capital expenditure remains subject to year-end reconciliation. Significant capital works, including the Milo Road Crossing and Foreshore projects, were not completed by 30 June 2026, with the relevant unspent project budgets and associated grant funding to be carried forward into the 2026/27 financial year.

The Statement of Financial Position records total assets of approximately \$110.63 million, comprising approximately \$6.09 million in current assets and \$104.54 million in non-current assets. Total liabilities were approximately \$10.36 million, resulting in net assets of approximately \$100.27 million at 30 June 2026.

Rates collection for the year was approximately 98% at 30 June 2026. Management will continue to monitor outstanding receivables and aged debts as part of the ongoing year-end and financial management processes.

Overall, the June 2026 financial position reflects a favourable operating result and capital expenditure below the year-to-date budget, while the net current funding position remains in deficit. These results are preliminary and remain subject to year-end adjustments and the completion of the annual financial reporting process.

The current ratio at 30 June 2026 was 0.93, with current assets of approximately \$6.09 million compared with current liabilities of approximately \$6.53 million. The year-end position was materially influenced by significant grant-related receivables and associated contract liabilities. Approximately \$2.9 million of grant-related receivables remained outstanding at 30 June, with the corresponding cash received in July 2026. While receipt of the cash does not alter the current ratio reported at 30 June, it has strengthened the Shire's immediate liquidity position in the 2026/27 financial year. The reported ratio remains preliminary and will be reviewed as part of the year-end accounting process.

30/06/2026	YTD Budget	YTD Actual
Operating Revenue	11,622,455	12,395,699
Operating Expenditure	(14,915,269)	(12,871,995)
Net Operating	(3,292,814)	(476,296)
Non - Operating Revenue	1,677,187	1,531,304
Non - Operating Expenditure	(2,854,512)	(3,116,364)
Net Non-Operating	(1,177,325)	(1,585,059)
Cash at Bank		785,540
Cash at Bank Restricted		1,240,603
Reserve Bank		373,935
Total Cash Funds		2,400,079
Current Ratio		0.93

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

- *Regulation 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.

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:

Attachment Booklet – August 2026

FIN 02-08/26 Attachment 1: Financial Statements for the Period Ended June 2026.

10.2 Development Reports

DEV 01-08/26 July 2026 Development Delegated and Authorised Authority Report	
Author:	M Connell, Manager Development
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.00125
Council Role:	Executive
Voting Requirements:	Simple Majority

Report Purpose:

For Council to receive the July 2026 Development Delegated and Authorised Authority Report.

COUNCIL DECISION	060826
MOVED: Cr Summers SECONDED: Cr Musulin That Council by Simple Majority, receives the July 2026 Development Delegated and Authorised Authority Report, as contained in DEV 01-08/26 Attachment 1. VOTING DETAILS: CARRIED: 7/0 For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Hansen, Cr Musulin, 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 July 2026, with 10 building permits/certificates, 5 single house applications, 1 application for development approval and 1 subdivision clearance 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

MINUTES – Shire of Irwin Ordinary Council Meeting

25 August 2026

Attachments:

Attachment Booklet – August 2026

DEV 01-08/26 Attachment 1: July 2026 Development Delegated and Authorised Authority Report

Unconfirmed

DEV 02-08/26 Road Dedication, Reserve 45038 – Hidden Valley Close, Dongara

Author:	M Connell, Manager Development
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	WAPC202782
Council Role:	Legislative
Voting Requirements:	Simple Majority

Report Purpose:

For Council to request the Minister for Lands to approve the dedication of a portion of Reserve 45038 as road.

COUNCIL DECISION**070826****MOVED: Cr Musulin****SECONDED: Cr Summers**

That Council by Simple Majority request the Minister for Lands to dedicate the portion of Reserve 45038, indicated on the plan contained in DEV 02-08/26 Attachment 1, as road.

VOTING DETAILS:**CARRIED: 7/0**

For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Hansen, Cr Musulin,

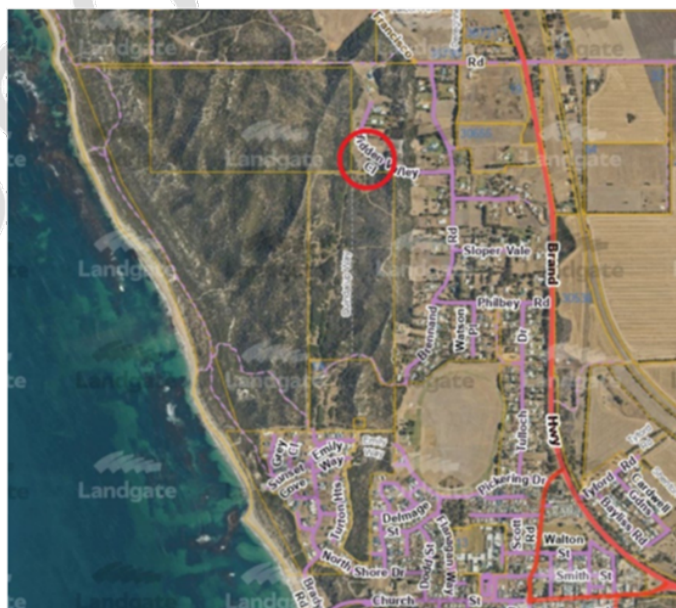
Against: Nil

Background:

The Shire has received a request from the developer of Lot 9000 Brennand Road, Dongara to dedicate a portion of Crown Reserve 45038 as a road (as per the plan contained in DEV 02-08/26 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 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 DEV 02-08/26 Attachment 2.

Location Plan

Officer's Comment:

Reserve 45038 was ceded free of cost to the Crown for public open space in 1997 and has not been developed or improved for recreation. The surrounding land has since been rezoned and largely developed for rural residential purposes, with now little requirement for active open space areas.

There are no plans to further develop the reserve other than maintain its limited natural landscape values.

The proposed road connection will facilitate public road access from Hidden Valley Close, through the new subdivisional road (Quindalup Way), ultimately connecting with Brennand Road. 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 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 8 submissions were received (5 from government / service agencies with no objections and 3 from the public with objections). A copy of the objecting submissions and the response from the developer is contained in DEV 02-08/26 Confidential Attachment 3.

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

- Increase in traffic.
- Clearing of vegetation.
- Disruption to wildlife.
- Amenity concerns over noise, dust, visual pollution and quiet character of the area.
- Negative impact on property values.

Regarding traffic, vegetation, wildlife and amenity all these matters have been previously considered by both the Shire and the relevant State government agencies. It is important to acknowledge that the subdivision itself that has necessitated the road dedication is not for consideration 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.
3. 25 February 2025 – Council initiation of Scheme Amendment No. 22 to rezone the land to 'rural residential' (item DEV 04-02/25).

4. 2 April 2025 – Environmental Protection Authority determination that no assessment of Amendment No. 22 was required under Part IV of the *Environmental Protection Act 1986*.
5. 22 July 2025 – Council approval of Amendment No. 22 having considered submissions received (item DEV 02-07/25).
6. 12 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).

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 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:

Nil.

Strategic Implications:

Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 1.1.3 Support appropriate community transport options

Attachments:

Attachment Booklet – August 2026

DEV 02-08/26 Attachment 1: Road dedication plan

DEV 02-08/26 Attachment 2: Subdivision and road naming plan

DEV 02-08/26 Confidential Attachment 3: Objecting submissions

10.3 Operations Reports

Nil

10.4 Community Services Reports

Nil

10.5 Office of the CEO Reports

Nil

10.6 Committee Reports

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

14. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

15. CLOSURE

There being no further business the Presiding Member closed the meeting at 5.12pm.



MINUTES

Audit, Risk & Improvement Committee Meeting

held on

Thursday 10 September 2026

in the

Shire of Irwin Council Chambers

11-13 Waldeck Street, Dongara

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AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING

held on

Thursday, 10 September 2026

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Mr Bailey (Chair) declared the Meeting open at 10.00am and confirmed that there were no visitors in attendance.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Mr B Bailey (Chair)	Shire of Dandaragan
Cr I Scott	Shire of Irwin
Cr A Gillam	Shire of Irwin

Staff

Mr S D Ivers	Chief Executive Officer
Ms S Mearns	Executive Assistant

Apologies

Ms P Machaka	Manager Finance
Cr P Summers	Shire of Irwin

Guests

Nil

3. CONFIRMATION OF MINUTES

3.1. Minutes of the Audit Committee Meeting held 5 May 2026

A copy of the minutes of the Audit Committee Meeting held 5 May 2026 have been provided to all Committee Members under separate cover.

COMMITTEE DECISION		010926
MOVED: Cr Scott		SECONDED: Cr Gillam
That the Minutes of the Audit Committee Meeting, held 5 May 2026, be confirmed as a true and accurate recording of that meeting.		
VOTING DETAILS:		CARRIED: 3/0
For:	Cr Gillam, Cr Scott, Mr Bailey	
Against:	Nil	

4. COMPLIANCE AUDIT RETURN (CAR) 2025

Members of the Audit, Risk and Improvement Committee (ARIC) have been provided with the Shire of Irwin's completed Compliance Audit Return (CAR) for the period 1 January to 31 December 2025 as an attachment. The ARIC is required to review the return and report the results of its review to Council before the return is presented to Council for adoption and subsequent submission to the Local Government Inspector.

The Compliance Audit Return (CAR) is an annual self-assessment required under regulation 14 of the Local Government (Audit) Regulations 1996. Every local government in Western Australia must complete a CAR for the period of 1 January to 31 December each year.

The deadline for submitting the Shire's Compliance Audit Return (CAR) for the period of 1 January to 31 December 2025 has been deferred until 30 September 2026.

With the introduction of the Local Government Inspectorate, there have been a number of changes to the statutory requirements for which a compliance audit is needed. These changes were outlined in regulation 13 of the *Local Government (Audit) Regulations 1996*, published on 1 January 2026.

The CAR ensures local governments review their compliance with key legislative requirements under the *Local Government Act 1995* and associated regulations. This process promotes accountability, transparency, and good governance across the sector.

The CAR must be completed by the local government administration, reviewed by the Audit, Risk and Improvement Committee (ARIC), and then adopted by the council before submission to the Local Government Inspector.

The 2025 Compliance Audit Return records nine No responses relating to seven underlying compliance matters. One matter, concerning publication of the tender register, has since been rectified. Corrective action is underway or scheduled for the remaining matters. Remedial action completed after the reporting period does not alter the historical CAR response but demonstrates the action taken to restore compliance. The Shire is committed to resolving these matters and strengthening its processes and controls to support ongoing compliance with its legislative requirements, as detailed 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		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.

MINUTES – Shire of Irwin Audit, Risk & Improvement Committee Meeting

10 September 2026

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.

Failure to prepare an accurate and complete CAR, obtain ARIC review and Council adoption, and submit the required documents by 30 September 2026 would expose the Shire to statutory and reputational risk. This risk is mitigated through evidence-based review of each response, documentation and monitoring of corrective actions, Council adoption and timely submission to the Local Government Inspector.

COMMITTEE DECISION		020926
MOVED: Cr Gillam		SECONDED: Cr Scott
That the Audit, Risk and Improvement Committee:		
1. having reviewed the Shire of Irwin Compliance Audit Return for the period 1 January to 31 December 2025, recommends that Council adopt the return; 2. notes the identified instances of non-compliance and the corrective actions and target completion dates recorded for each matter; and 3. recommends that Council authorise the Chief Executive Officer to submit the adopted return, Council resolution and supporting information to the Local Government Inspector by 30 September 2026.		
VOTING DETAILS:		CARRIED: 3/0
For: Cr Gillam, Cr Scott, Mr Bailey		
Against: Nil		

5. RISK MANAGEMENT SYSTEMS & PROCEDURES

The 2025 Compliance Audit Return identifies that the review required under regulation 17 of the Local Government (Audit) Regulations 1996 was not completed within the prescribed three-financial-year period. The review is scheduled for completion before 31 December 2026 and will be presented to the ARIC and Council following completion.

6. ORGANISATIONAL IMPROVEMENT MATTERS

Corrective actions arising from the 2025 Compliance Audit Return are detailed under item 4. Progress against these actions will be monitored administratively and reported to future ARIC meetings until completed.

7. GENERAL BUSINESS

Nil

MINUTES – Shire of Irwin Audit, Risk & Improvement Committee Meeting

10 September 2026

8. URGENT BUSINESS APPROVED BY CHAIR OR BY COMMITTEE DECISION

Nil

9. SETTING OF FUTURE MEETING DATES

TBC – as required

10. CLOSURE

There being no further business, the Chair closed the meeting at 10.04am.



Shire of Irwin Local Emergency
Management Committee (LEMC) Meeting
to be held in the Council Chambers
Tuesday, 4 August 2026
at 1.30pm
Minutes

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr Isabelle Scott declared the meeting open at 1.30pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Isabelle Scott	Shire President (Presiding Member)	Shire of Irwin
Shane Ivers	Chief Executive Officer	Shire of Irwin
Giulia Censi	Bushfire Risk Mitigation Coordinator (minute taker)	Shire of Irwin
Gillian Willis	Officer in Charge	WA Police Force
Tim Dalwood	District Officer Emergency Management	DFES
Ranelle Clarke	District Emergency Management Advisor	DFES
Mark Teale	Area Officer Midlands	DFES
Steve Boyd	Irwin Bush Fire Brigade Captain	Shire of Irwin
Andrew Gilliam	Deputy Chief Bush Fire Control Officer	Shire of Irwin
*Patrick Whitehouse	Network Operations Manager	Main Roads WA
*Ashleigh Thurn	Regional Coordinator - Goldfields	Department of Communities
*Freya Contos	Senior Stakeholder Relations Advisor	Mitsui/MEPAU
*Andrew Snell	Operations Manager	Water Corporation
*Trish Pavelka	Clinical Nurse	WA Country Health Service
*Sue Mearns	EA to CEO	Shire of Irwin

**via videolink*

Apologies:

Peter Summers	CBFCO	Shire of Irwin
Michael Antony	CESM	Shire of Irwin
AJ Geary	Regional Coordinator - Midwest	Department of Communities
Michael Hardwick	Community Paramedic Dongara relief	St Johns of God

Leave of Absence:

Nil

3 PRESENTATIONS

Nil

4 BUSINESS ARISING**4.1 Confirmation of previous meeting minutes**

COMMITTEE RECOMMENDATION:	
That the Minutes of the 12 May 2026 LEMC Meeting, as previously circulated, be adopted as true and accurate recording of that meeting.	
Moved: Tim Dalwood	Seconded: Shane Ivers
CARRIED	

4.2 Action Items from previous minutes

Nil

5 CORRESPONDENCE IN

Nil

6 CORRESPONDENCE OUT

Nil

7 AGENCY/MEMBER UPDATES – ROUND TABLE**7.1 WA POLICE**

Sgt Gillian Willis advised that it is business as usual for the Dongara Police. In addition, the following points were discussed:

- Sgt Willis reported that all WAPOL vehicles have now been fitted with Starlink, significantly improving connectivity.
- In addition to enhanced communication capabilities, the vehicles have been fitted with new emergency beacons.
- Current staff shortages are expected to be addressed in September.

Andrew Gillam asked whether the Starlink connectivity could be shared with other agencies in the field. Sgt Willis advised that it could not, as access by non-WAPOL personnel could create potential privacy risks.

7.2 SHIRE OF IRWIN

Shane Ivers reported that the Port Denison Sea Rescue boat ramp project has been completed, with the boat ramp now fully operational and open to the public.

The Shire of Irwin is also preparing for the upcoming bushfire season, with the hope that more residents will be better prepared following the March 2026 bushfire. In addition, the Shire is in the process of finalising the 'Fire Break and Fuel Hazard Reduction Notice' for residents and landowners, which will be distributed with the annual rates notices.

7.3 DEPARTMENT OF FIRE AND EMERGENCY SERVICES

The representatives from DFES provided an update for their area of competence as follows:

Mark Teale AO Midlands

Mark provided a written update as per below.

Dongara VFRS Change in DFES Manager

Following a review of the DFES Region's structures and work plans, the Dongara VFRS and Shire of Irwin will be managed by Area Officer Midlands Mark Teale & District Officer Brent Allen moving forward. Mark will be the primary contact and can be contacted via phone on 0437 245 987 and email mark.teale@dfes.wa.gov.au

Mitigation

The one-year Mitigation Activity Fund program for 2026/27 closed in April. Local governments are encouraged to ensure their Bushfire Risk Management Plan is updated and apply for funding for each round. For further information, please speak with the DFES representative after the meeting or contact Bushfire Mitigation Officer Matthew Dadd on 9956 6000.

DFES regional mitigation works are currently being planned for the Autumn Mitigation Burning period. These works will focus on high-priority areas in and around townsites, as well as on UCL/UMR land. Adjoining residents and local government offices will receive notifications of all prescribed burns throughout March-May.

Training

The DFES training season continues. Local governments and brigades have been provided with the training calendar, and we strongly encourage all members to apply for sessions relevant to their roles. Participation in these courses is vital to ensure our brigades remain prepared, skilled, and capable of responding effectively to incidents. Early registration is recommended to secure places in high-demand courses. If any additional training courses are required, please contact Mark to discuss.

A reminder that Rural Fire Awareness is also available online for both brigade members and the public/external stakeholders. Please access via the Volunteer hub or the public-facing link below.

<https://eacademy.dfes.wa.gov.au/?client=externaltenant>

The Bushfire Centre of Excellence has also developed a number of resources for Bushfire Brigade training, which are readily available on the DFES eAcademy.

Fire Weather Districts Review

A review has been completed regarding Fire Weather Districts. Key relevant outcomes below

Midwest Coast / Midwest Inland Split Removal

Modelling identified that there was no longer a requirement for the separate inland and coastal split. The realignment is expected to result in only an estimated 4 additional High or above Fire Danger Rating days over a three-year period.

The Shire of Northampton, City of Greater Geraldton, Shire of Chapman Valley, and parts of the Shire of Irwin will now be included within the Midwest Fire Weather District, improving alignment between Local Government boundaries and Fire Weather District boundaries.

The Shire of Irwin boundary will be split at Kailis Drive, resulting in the towns of Dongara and Port Denison being included within the Midwest Fire Weather District, while Beekeepers Nature Reserve will remain within the Lesueur Fire Weather District. This better reflects local fuel type grouping and aligns the Shire of Irwin with neighbouring areas, including the City of Greater Geraldton.

How to Order DFES Publications/Brochures

DFES has a range of publications dedicated to increasing public information about hazards such as bushfires, structure fires, floods, storms, and cyclones that can impact communities. Please visit <https://publications.dfes.wa.gov.au/order-publications> to order.

DFES Regional Duty Coordinator

The Midwest Gascoyne Regional Duty Coordinator is available 24x7 for support and advice. Please make contact on 1800 317 555

Ranelle Clark DEMA

- The District Emergency Management Committee (DEMC) meeting was held in July. Presentations were delivered by a Telstra representative and the DEMC Chair, Brett Chaloner.
- The pre-season tour has commenced. Ranelle has been working with local stakeholders to promote pre-season messaging focused on increasing public awareness of the Emergency WA app and general emergencies' preparedness messaging across social media platforms.
- Introduction to Emergency Management and Disaster Recovery training is being offered to interested stakeholders across the District. The next sessions will be held in Mingenew on 2–3 September 2026. Interested attendees are encouraged to contact Ranelle as soon as possible.
- AusAlert, the new national cell broadcast emergency warning system, was successfully tested on 27 July 2026 as planned, providing targeted emergency alerts to mobile devices. DFES has advised that it will not be using the system during this bushfire season.
- The Local Emergency Management Arrangements (LEMA) Improvement Templates have been endorsed, and funding has been allocated for the implementation phase. An email has been distributed to local governments with overdue LEMA plans, and implementation training will be provided in due course.
- Bird flu updates have continued to be distributed regularly.

Tim Dalwood DOEM

Tim advised that he is consulting with relevant stakeholders to establish and capture local capabilities to support ICC and IMTs during emergencies. The review is considering:

1. the suitability and availability of IT and communications infrastructure;
2. accommodation and facility requirements to host an ICC/IMT; and
3. options for establishing an ICC/IMT quickly and efficiently to reduce set-up time.

Tim will liaise with all participating local governments to ensure the document is accurately capturing all data for quick reference in case of future incidents.

A question was raised by Shane in relation to the changes in CESM contract. Shane asked if the changes in the contract will reflect a change in responsibilities. The answer was no, there is no change in responsibilities, only a change of local governments in the agreement (Shire of Coorow will join Shire of Dandaragan in the CESM program, with Shire of Irwin and Carnamah welcoming Shire of Mingenew in the existing agreement with Mick Antony).

Shane also sought clarification in relation to the future of Shire of Coorow's arrangements in terms of incident response. The answer provided by Tim and Mark confirmed that there is no change to response capabilities for Coorow, with an extra CESM position becoming available in the Region.

7.4 BUSHFIRE SERVICE

Andrew Gillam commented that there haven't been any major event since the May LEMC meeting. Andrew reported that Mick Antony (CESM) is going well in his role, and he is working collaboratively with Mick to ensure that essential training is delivered ahead of fire season.

7.5 ST JOHNS AMBULANCE (SJA)

Nil

7.6 DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS (DBCA)

Nil

7.7 DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT (DPRID)

Nil

7.8 DEPARTMENT OF COMMUNITIES

AJ was an apology for this meeting, however he sent a report via email (copied below).

**Emergency Relief and Support
LEMC REPORT FOR DISTRIBUTION**

1st Quarter 2026-2027

Regional Emergency Relief and Support contact	
Activation of Emergency Relief and Support (ERS) services is via Communities Emergency Operations Coordinator (EOC) M: 0418 943 835 and Email: emergencyservices@communities.wa.gov.au	
Regional Officer	Pam Roffey
Regional Coordinator	AJ Geary
Regional Manager	Erin Bond
Region specific update	
A request for an inland, centrally located, wind rated evacuation centre has been made by the Shire of Coorow at the Northern Country Zone meeting, after an increase of severe storms and cyclonic conditions in the Region. Communities (ERS) has provided letters of support for the last round of DRF funding, supporting Local Governments seeking additional resilience resourcing storage areas and contingency power supply.	
Emergency Relief and Support update	
Assessment of Evacuation Centres and local hazard risks	
Communities is seeking to confirm Local Government facilities included in the State register as part of a preparedness activity. Communities encourage local governments and LEMCs to review the community facilities identified as evacuation centres against local hazard risks.	

Why it Matters

Ensuring evacuation centres are properly assessed, approved, and aligned with local risk profiles strengthens community safety and readiness during emergencies. Accurate information in the State register reduces confusion during response, supports timely evacuation, and ensures only fit-for-purpose facilities are activated. This improves coordination with Hazard Management and Controlling agencies and helps ensure affected communities can be safely accommodated.

Key Dates

Local Emergency Management Committees meetings from July will be provided with a list of evacuation centres from the State register, for review and confirmation for inclusion for the 2026-27 year.

Please contact Communities - (AJ Geary) if a building identified as an Evacuation centre undergoes renovations, building works, cannot be accessed or is closed.

Emergency Relief and Support Training

As we move into the preparedness and capability development season, Communities will be rolling out updated training across local government, partner organisations, and our internal staff group. This 2.5-hour session (which can be adapted to suit local needs) is designed to support local government staff who may be allocated to open and facilitate the operation of an evacuation centre prior to Communities' arrival.

This practical based training builds knowledge of key processes, common challenges, and the adaptations required for different cohorts and scenarios. Multiple scenarios and exercises targeting local government preparedness are included.

Contact AJ Geary to arrange dates for this training

Exercising

Local governments are encouraged to include ERS early in all hazard emergency exercise planning to strengthen coordination across response and recovery.

At-Risk groups in emergencies

During the 25-26 high threat season, a number of events highlighted the importance of planning for people at risk / vulnerable groups in our communities during emergencies.

Communities has portfolio across a range of these at risk and vulnerable cohort groups, including people with a disability, those experiencing homelessness and family and domestic violence. ERS will continue to work across internal portfolios to strengthen service linkages and engagement opportunities ahead of the 26-27 high threat season. ERS is available to support and facilitate connections with relevant internal portfolios as

required (for local governments or agencies).

A key message for Service providers is to have a clear business continuity plan outlining safe alternative arrangements in the event of an emergency.

Response ERS activations

Between 1 July 2025 and 8 June 2026, Communities responded to 41 emergency events, opening 48 centres to support shelter and information to impacted people.

The State Support Plan – Emergency Relief and Support was activated on 26 March, as a result of Severe Tropical Cyclone Narelle with 5 evacuation centres opened and more than 180 people supported. Exmouth experienced widespread damage to homes and critical infrastructure, prolonged power and water disruptions, telecommunications outages and flooding, while Carnarvon experienced major flooding affecting homes and plantations.

Communities have continued coordinating welfare in the State Social Recovery Domain, in partnership with relevant government and non-government organisations. Key community needs identified include housing damage, increased costs and limited availability of essentials, requests for financial and wellbeing support, limited face-to-face services, and heightened environmental health concerns.

The AUSRECPAN — the Commonwealth plan that supports the repatriation of Australian citizens and approved foreign nationals following a critical incident overseas — was placed into ALERT phase in March as a result of the Middle East conflict.

Other updates

Monitoring H5 Bird Flu

Communities (ERS) is not an active participant in the operational response and is maintaining situational awareness through established emergency management arrangements.

Should the situation escalate and require broader whole-of-government coordination or support to impacted communities, ERS will work within existing emergency management frameworks to support recovery activities.

Monitoring Fuel supply and availability

Communities continues to oversee statewide fuel supply availability in response to District Emergency Coordinator requests. A structured weekly reporting process is now in place to support consistent monitoring and information sharing.

7.9 WESTERN POWER

Nil.

7.10 WATER CORPORATION

Andrew reported that the crew is working on Water Corporation assets in the area and around distribution lines. The works is progressing well.

Water Corporation conducts its own vegetation mitigation program, which is also underway.

7.11 WESTERN AUSTRALIAN COUNTRY HEALTH SERVICE (WACHS)

Trish advised that WA Country Health Service is on track for emergency planning processes to prepare in case of potential evacuations at Dongara Hospital. A bushfire desktop exercise has been completed, and a practical evacuation checklist has been developed based on lessons identified during the March 2026 Port Denison fire.

Trish also advised that an additional service is now operational, with a total of six services expected to be in place by the end of the year.

7.12 MAIN ROADS WA

Patrick advised that there have been six road fatalities within the jurisdiction over the past two months. Work is currently underway on the Incident Management Plan, with training scheduled to commence in late September. Preparations have also begun for the High Threat Period (HTP).

Isabelle asked whether any reasons had been identified for the recent increase in road crashes.

Patrick responded that the increase appears to be unusual for this time of year. Many of the crashes appear to be driver-related, although further analysis will be undertaken to identify any common contributing factors. Once these are understood, appropriate mitigation measures will be considered to help reduce the risk.

7.12.1 OTHER AGENCIES NOT LISTED ABOVE

Freya provided an update on the Mitsui project, advising that exploration permit activities are progressing on the Indian Ocean Drive and Brand Highway towards Port Denison. Seismic works are scheduled to commence in 2027. Prior to this, environmental surveys will be undertaken by service providers to assess vegetation, and applications will be submitted to Main Roads WA for approval of road crossings.

Freya also advised that gas field exploration drilling is expected to commence in early 2027, with exploration activities beginning in late 2026.

Freya acknowledged the recent emergency services collaboration with Mick (CESM). Through funding secured in 2025, Starlink units were installed on bushfire brigade units across the Shire of Coorow, with installations now being completed across the Shires of Carnamah and Irwin as well. The Starlink units will provide connectivity during communications blackouts, allowing frontline personnel within range to access systems such as FireMapper.

Freya advised that a meeting has recently been held with Mick, the Irwin & Dongara Bush Fire Brigades and local landowners. A key concern raised was the continuous operation of the gas flare. While the flare forms part of the site's safety systems to burn excess gas, concerns were expressed that it appears to operate more frequently during peak fire danger periods. Existing shutdown and evacuation procedures mean firefighters would not directly attack a fire at the facility, prompting discussions on how best to support crews managing surrounding bushfires. As a result of these discussions, key stakeholders collaborated to

identify practical initiatives to improve firefighting capability ahead of the coming fire season. Mick will now prepare cost estimates for the proposed initiatives.

Freya advised that the Waitsia Gas Project will donate three 32,000 lt water tanks, with locations currently being identified in consultation with local landholders. In addition, portable 12,500 lt collar tanks will be made available for deployment to firegrounds, where they can be accessed by both firefighting vehicles and helicopters.

A new FireMapper licence, together with additional personal protective equipment (PPE) and firefighting equipment will also be part of the donation to improve firefighter safety, situational awareness and operational capability.

Freya concluded by expressing appreciation for the strong collaboration between Mitsui and stakeholders, noting the high level of enthusiasm and the number of practical ideas generated through the discussions.

8 OASG/ISG Activations

Nil

9 SETTING OF FUTURE MEETING DATES

The next LEMC meeting will be held on Tuesday, 3rd November 2026 at 10am at Shire of Irwin Council Chambers.

10 CLOSURE

The presiding person declared the meeting closed at 1:59pm.



MINUTES

Special Council Meeting

Monday 31 August 2026

in the

Shire of Irwin Council Chambers

11-13 Waldeck Street, Dongara

***The purpose of this meeting is for Council to adopt the
2026/2027 Annual Budget***

Disclaimer

The Shire of Irwin:

- advises that the purpose of a Special Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely on 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 from 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 meeting 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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Unconfirmed

MINUTES

SPECIAL COUNCIL MEETING

Monday 31 August 2026

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5.00pm and welcomed Councillors, Staff and Visitors.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor I Scott
Councillor A J Gillam
Councillor P Summers
Councillor J Melsom (via Teams)
Councillor L Berecz
Councillor L Musulin

Shire President
Deputy Shire President

Staff

Mr S D Ivers
Mr M Connell
Mr M Jones
Mr M Antony
Ms F Boksmati
Ms S Mearns (via Teams)

Chief Executive Officer
Manager Development
Manager Operations
Community Emergency Services Manager
Manager Community Services
Executive Assistant

Guests

Nil

Apologies

Councillor S Hansen
Miss P Machaka

Manager Finance

Approved Leave of Absence

Nil

Gallery

Beverley Sharp
Ian Maluish

PO Box 475, Dongara
5 Abbot Terrace, Port Denison

3. DECLARATION OF PURPOSE OF MEETING

The purpose of the meeting is for Council to adopt the 2026/2027 Annual Budget.

4. DECLARATIONS OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Question 1: Mr Ian Maluish, 5 Abbott Terrace, Port Denison

Page 4 of the August 2026 Attachment Booklet, relating to the 2026/27 Annual Budget, records employee expenses of \$4,184,296 against an actual amount of \$4,960,058 for 2025/26. What accounts for this variance of \$775,762?

Response: Question taken on notice.

Question 2: Mr Ian Maluish, 5 Abbott Terrace, Port Denison

The 2026/27 Capital Works Program does not include an allocation for the rehabilitation of Grannies Beach. Does this mean that the rehabilitation works will not proceed during the next 12 months?

Response: Question taken on notice.

Question 3: Mr Ian Maluish, 5 Abbott Terrace, Port Denison

What was the budget for the ERP and LGCSA?

Response: Question taken on notice.

MINUTES – Shire of Irwin Special Council Meeting

31 August 2026

6. REPORTS

FIN 03-08/26 2026/27 Annual Budget	
Author:	J Wadhawan, Finance Consultant
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.0200
Council Role:	Executive
Voting Requirements:	Absolute Majority

Report Purpose:

For Council to consider and adopt the Shire of Irwin Annual Budget for the 2026/27 financial year, together with supporting schedules, including the imposition of approved differential general rates and minimum payments, adoption of fees and charges, setting of elected member fees and allowances, and related budget matters.

The report also addresses the proposed inclusion of the Gross Rental Value (GRV) Transient Workforce Accommodation/Other differential rating category and estimated yield in the 2026/27 Annual Budget for the purpose of supporting a further application for Ministerial approval under section 6.33(3) of the Local Government Act 1995.

COUNCIL DECISION		080826
MOVED: Cr Gillam		SECONDED: Cr Summers
<u>PART A – MUNICIPAL FUND BUDGET FOR 2026/27</u>		
That Council, by Absolute Majority and pursuant to section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, adopts the Shire of Irwin 2026/27 Annual Budget, as presented in Attachment Booklet – 2026/27 Annual Budget – August 2026, noting that any budgeted revenue associated with the proposed GRV Transient Workforce Accommodation/Other differential rating category is conditional upon Ministerial approval being obtained under section 6.33(3) of the Local Government Act 1995.		
VOTING DETAILS:		CARRIED: 6/0
For:	Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Musulin	
Against:	Nil	

COUNCIL DECISION		090826
MOVED: Cr Summers		SECONDED: Cr Gillam
<u>PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS</u>		
That Council, by Absolute Majority;		
1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, and pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, imposes the following differential general rates and minimum payments on Gross Rental and Unimproved Values (UV).		
Rating Category	Rate in the dollar	Minimum payment
GRV General	10.847 cents	\$1,100
UV Rural	0.8796 cents	\$1,100
UV Mining	23.552 cents	\$1,100

Page | 6

2. Notes that Ministerial approval was granted on 24 August 2026 to impose the UV Mining differential general rate of 23.552 cents in the dollar for the 2026/27 financial year.
3. Notes that Ministerial approval was not granted on 24 August 2026 for the proposed GRV Transient Workforce Accommodation/Other differential general rate of 23.552 cents in the dollar, as the Department assessed the category as containing no current rateable properties and generating no revenue.
4. Endorses the inclusion of the proposed GRV Transient Workforce Accommodation/Other differential rating category in the 2026/27 Annual Budget, with a proposed rate in the dollar of 23.552 cents and a minimum payment of \$1,100, for the purpose of supporting a further application to the Minister for Local Government under section 6.33(3) of the Local Government Act 1995.
5. Notes that the proposed GRV Transient Workforce Accommodation/Other differential rate will not be levied, applied to any assessment, or included on rate notices unless and until Ministerial approval is obtained under section 6.33(3) of the Local Government Act 1995.
6. Authorises the Chief Executive Officer to submit a further application to the Minister for Local Government seeking approval to impose the GRV Transient Workforce Accommodation/Other differential general rate of 23.552 cents in the dollar for the 2026/27 financial year.
7. Notes that if Ministerial approval is not obtained, any affected assessment will be rated in accordance with the applicable approved rating category, and any required budget adjustment will be reported back to Council.
8. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, nominates the following due dates for payment in full or by instalments:

Issue Date:

7 September 2026

Option 1 – Pay in full

Pay in full by due date:

12 October 2026

Option 2 – Two instalments

First instalment due date:

12 October 2026

Second instalment due date:

14 December 2026

Option 3 – Four instalments

First instalment due date:

12 October 2026

Second instalment due date:

14 December 2026

Third instalment due date:

15 February 2027

Fourth instalment due date:

19 April 2027

9. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid (i.e. 3 x instalments = \$15.00).
10. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
11. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996,

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adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.

VOTING DETAILS:**CARRIED: 6/0**

For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Musulin

Against: Nil

COUNCIL DECISION**100826****MOVED:** Cr Musulin**SECONDED:** Cr Berecz**PART C – FEES AND CHARGES FOR 2026/27**

That Council, by Absolute Majority and pursuant to Section 6.16 of the Local Government Act 1995, adopts the Schedule of Fees and Charges as provided in the Shire of Irwin 2026/27 Annual Budget, presented in Attachment Booklet – 2026/27 Annual Budget – August 2026.

VOTING DETAILS:**CARRIED: 6/0**

For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Musulin

Against: Nil

COUNCIL DECISION**110826****MOVED:** Cr Musulin**SECONDED:** Cr Summers**PART D – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2026/27**

1. Pursuant to Section 5.99 of the Local Government Act 1995 and Regulation 34 of the Local Government (Administration) Regulations 1996, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Shire President \$10,000

Councillors \$ 8,615

2. Pursuant to Section 5.98(5) of the Local Government Act 1995 and Regulation 33 of the Local Government (Administration) Regulations 1996, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Shire President \$20,000

3. Pursuant to Section 5.98A of the Local Government Act 1995 and Regulation 33A of the Local Government (Administration) Regulations 1996, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy Shire President \$5,317.50

VOTING DETAILS:**CARRIED: 6/0**

For: Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Musulin

Against: Nil

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COUNCIL DECISION		120826
MOVED: Cr Gillam		SECONDED: Cr Musulin
<u>PART E – MATERIAL VARIANCE REPORTING FOR 2026/27</u>		
That Council, by Absolute Majority and in accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, adopts the level to be used in statements of financial activity in 2026/27 for reporting material variances to be 10% or \$10,000, whichever is greater.		
VOTING DETAILS:		CARRIED: 6/0
For:	Cr Gillam, Cr Scott, Cr Summers, Cr Melsom, Cr Berecz, Cr Musulin	
Against:	Nil	

Background:

The Shire of Irwin 2026/27 Budget has been compiled based on the principles contained in the Strategic Community Plan 2021/2031 and the Shire of Irwin Long Term Financial Plan. The 2026/27 budget is in alignment with the Council budget workshops held with elected members on 9 June 2026 and 28 July 2026.

The proposed differential general rates were approved by Council on 16 June 2026 and advertised for public comment from 19 June 2026 to 10 July 2026. At the close of the advertising period, three submissions were received.

As the proposed UV Mining differential general rate of 23.552 cents in the dollar is more than twice the proposed UV Rural differential general rate of 0.8796 cents in the dollar, Ministerial approval is required under section 6.33(3) of the Local Government Act 1995.

Council resolved at the Special Council Meeting held 21 July 2026, Council Decision 030726, to apply to the Minister for Local Government for approval to impose the UV Mining and GRV Transient Workforce Accommodation/Other differential general rates for the 2026/27 financial year.

On 24 August 2026, the Director General, as delegate of the Minister for Local Government, approved the Shire's application to impose the UV Mining differential general rate of 23.552 cents in the dollar for the 2026/27 financial year. Approval was not granted for the GRV Transient Workforce Accommodation/Other differential general rate. The Department advised that the GRV category was assessed as containing no current rateable properties and generating no revenue, and that the financial impact and relative treatment compared with other rateable properties could not yet be assessed.

In response, the 2026/27 Annual Budget identifies the proposed GRV Transient Workforce Accommodation/Other category and estimated yield for the purpose of supporting a further application to the Minister for Local Government under section 6.33(3). The proposed GRV Transient Workforce Accommodation/Other rate will not be levied, applied to any assessment, or included on rate notices unless and until Ministerial approval is obtained.

Officer's Comment:

The Budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Balancing the budget while delivering improved services to the community is an ongoing challenge for the Shire.

The Net Current Assets opening position at 1 July 2026 is an estimated deficit of \$30,553. The 2026/27 Net Current Assets closing position at 30 June 2027, after the imposition of general rates, is an estimated surplus of \$400,465. It is worth noting that this is subject to the timely delivery of the

Milo Crossing Upgrade and Foreshore Precinct projects, which together represent the majority of the 2026/27 capital works program and are substantially grant and loan funded.

The main features of the 2026/27 Budget include:

- An increase in the GRV General rate in the dollar from 10.2520 cents in 2025/26 to 10.847 cents in 2026/27, an increase of approximately 5.8%.
- An approved UV Mining rate in the dollar of 23.552 cents for 2026/27. Ministerial approval for this rate was granted on 24 August 2026.
- A decrease in the UV Rural rate in the dollar from 0.9713 cents in 2025/26 to 0.8796 cents in 2026/27, a decrease of approximately 9.4%.
- Minimum payments retained at \$1,100 across the approved differential rating categories, consistent with 2025/26.
- Inclusion of the proposed GRV Transient Workforce Accommodation/Other differential rating category and estimated yield for the purpose of supporting a further Ministerial approval application. The proposed rate for that category is 23.552 cents in the dollar, with a minimum payment of \$1,100. The rate will not be levied or applied unless and until Ministerial approval is obtained.
- Total budgeted rates revenue of \$8,048,170, comprising \$7,382,670 in general rates and \$665,500 in minimum payments, raised across 2,745 rateable properties. The proposed GRV Transient Workforce Accommodation/Other category has been included in the budget for the purpose of supporting a further Ministerial approval application. The category-level yield will be provided in that application and remains conditional upon Ministerial approval.
- Penalty interest is set at 7% and instalment interest at 5.5%, the same as the prior financial year. An instalment plan administration charge of \$5 applies to each instalment after the first is paid.
- Rates are due in full, or by the first instalment, on 12 October 2026, with subsequent instalments due 14 December 2026, 15 February 2027 and 19 April 2027 for ratepayers electing the four-instalment option.
- The operating budget includes total operating revenue of \$11,715,499 and total operating expenditure of \$14,291,992, inclusive of depreciation of \$4,953,491. This represents an operating deficit before non-operating grants, contributions and other budget adjustments. The net result for the 2026/27 Budget is \$8,185,430.
- A capital works program totalling \$13.20M for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Significant projects include:
 - \$5.98M Milo Crossing Upgrade
 - \$4.45M Foreshore Precinct
 - \$403K Roads to Recovery (R2R) Road Sealing Program
 - \$360K Ludlow Road (SLK 0.00 to 2.96km)
 - \$300K Town Park Carpark
 - \$290K RRG - Mount Horner West Road (SLK 14.84 to 19.84)
 - \$290K RRG - Mount Horner West Road (SLK 9.84 to 14.84)
 - \$231K Drive In Projector
 - \$145K Boat Ramp
 - \$90K Surf Beach Stabilisation
 - \$90K CCTV
 - \$57K Fish Cleaning Facility
 - \$25K Springfield Fire Exit

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- The capital works program is funded by capital grants, subsidies and contributions of \$10,761,923, new borrowings of \$1,500,000, with the balance of approximately \$1,012,139 funded from municipal funds and reserves.
- Budgeted transfers to Reserves of \$678,589 which includes:
 - \$669,935 to the Asset Management Reserve
 - \$5,855 to the Leave Reserve
 - \$1,317 to the Strategic Planning Reserve
 - \$1,039 to the Tourism and Promotion Reserve
 - \$390 to the Plant Replacement Reserve
 - \$53 to the Sanitation Reserve
- Budgeted transfers from Reserves include:
 - \$5,000 from the Strategic Planning Reserve
- Total budgeted capital grants, subsidies and contributions for 2026/27 are \$10,761,923, with the majority of this funding directed towards the Milo Crossing Upgrade and Foreshore Precinct projects, together with Regional Road Group (RRG) and Roads to Recovery (R2R) funded road renewal works.
- New borrowings for 2026/27 amount to \$1.66M and will fund the Foreshore Precinct capital works project (\$1.5M, 10-year WATC loan) and a self-supporting loan of \$160K to the Dongara Golf Club (4-year WATC loan).

Consultation:

Internal consultation occurred with Shire officers and departments during preparation of the draft budget. Budget workshops with elected members were held on 9 June 2026 and 28 July 2026.

Public consultation on the proposed 2026/27 differential general rates and minimum payments occurred from 19 June 2026 to 10 July 2026, and submissions were considered by Council at the Special Council Meeting held 21 July 2026.

Statutory Environment:

Local Government Act 1995

- Section 5.98 – Fees etc. for council members
- Section 5.98A – Allowance for deputy mayor or deputy president
- Section 5.99 – Annual fee for council members in lieu of fees for attending meetings
- Section 6.2 – Local government to prepare annual budget
- Section 6.12 – Power to defer, grant discounts, waive or write off debts
- Section 6.16 – Imposition of fees and charges
- Section 6.32 – Rates and service charges
- Section 6.33 – Differential general rates
- Section 6.34 – Limit on revenue or income from general rates
- Section 6.35 – Minimum payments
- Section 6.45 – Options for payment of rates or service charges
- Section 6.50 – Rates or service charges due and payable
- Section 6.51 – Accrual of interest on overdue rates or service charges

Local Government (Administration) Regulations 1996

- Regulation 33 – Annual local government allowance for mayors or presidents
- Regulation 33A – Annual local government allowance for deputy mayors or deputy presidents
- Regulation 34 – Meeting attendance fees or annual fees for council members

Local Government (Financial Management) Regulations 1996

- Part 3 – Annual budget

- Regulation 34(5) – Material variance reporting threshold
- Regulation 64 – Instalment payment arrangements
- Regulation 67 – Instalment administration charge
- Regulation 68 – Maximum interest component for instalment payments
- Regulation 70 – Maximum rate of interest on overdue rates and service charges

Policy Implications:

Strategic Community Plan 'Our Brilliant Future' 2021-2031
Shire of Irwin Strategic Resource Plan 2022-2037

Financial/Resource Implications:

Specific financial implications are outlined in the Officer's Comment section of this report and are itemised in the Shire of Irwin 2026/27 Budget presented to Council for adoption. The Budget includes the proposed GRV Transient Workforce Accommodation/Other differential rating category and estimated yield for the purpose of supporting a further Ministerial approval application under section 6.33(3) of the Local Government Act 1995. This revenue remains conditional and will not be levied, applied to any assessment, or included on rate notices unless Ministerial approval is obtained. If approval is not obtained, any required budget amendment will be presented to Council.

Strategic Implications:

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:

Attachment Booklet – 2026/27
FIN 03-08/26 Attachment 1: Shire of Irwin 2026/27 Annual Budget

7. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

8. CLOSURE

There being no further business, the Presiding Member closed the meeting at 5.15pm.

Unconfirmed



AGENDA FORUM NOTES

Tuesday 15 September 2026



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AGENDA FORUM NOTES

15 September 2026

1 DECLARATION OF OPENING

The Presiding Member welcomed Councillors and Staff then declared the Agenda Forum open at 5.00pm.

2 ATTENDANCE**2.1 MEMBERS**

Councillor I Scott (Via Teams)

Shire President

Councillor A J Gillam

Deputy Shire President

Councillor P Summers

Councillor S Hansen

Councillor L Berecz

Councillor L Musulin

2.2 STAFF

Mr S D Ivers

Chief Executive Officer

Mr M Connell

Manager Development

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

Nil

2.4 APOLOGIES

Mr M Jones

Manager Operations

2.5 APPROVED LEAVE OF ABSENCE

Councillor J Melsom

2.6 GALLERY

Nicolaas Oosthuizen

1 Brennand Road, Dongara

Annamaria Oosthuizen

1 Brennand Road, Dongara

Janet Ross

4 Nairn Court, Port Denison

Jan Hughes

41 Brennand Road, Dongara

Di Moriarty

9 Brennand Road, Dongara

Phil Clark

9 Brennand Road, Dongara

Roslyn Miller

16 Brennand Road, Dongara

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

AGENDA FORUM NOTES

15 September 2026

4 PUBLIC QUESTION TIME**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 proposal. Has the Shire obtained legal advice as to the legality of the proposed road dedication?

Response: Question taken on notice.

Question 2: Nicolaas Oosthuizen

1 Brennand Road, Dongara

Why was the potential legal invalidity of the proposal not highlighted in the officers' report to Council?

Response: Question taken on notice.

Question 3: Annemarie Oosthuizen

1 Brennand Road, Dongara

Was any traffic impact assessment undertaken to ascertain the impact of the increased traffic flow that will stem from the road dedication in question?

Response: Question taken on notice.

Question 4: Annemarie Oosthuizen

1 Brennand Road, Dongara

Were any alternative access routes to the Lot 9000 development, other than the Hidden Valley Close access and connection to Brennand Road via the Right of Way, seriously contemplated?

Response: Question taken on notice.

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

10 REPORTS OF OFFICERS AND COMMITTEES**10.1 FINANCE REPORTS****10.1.1 Accounts for Payment - August 2026****REPORT PURPOSE**

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

QUESTIONS

Nil

10.1.2 Monthly Financial Statements - July 2026**REPORT PURPOSE**

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

QUESTIONS

Nil

AGENDA FORUM NOTES

15 September 2026

10.2 DEVELOPMENT REPORTS**10.2.1 August 2026 Development Delegated and Authorised Authority Report****REPORT PURPOSE**

For Council to receive the August 2026 Development Delegated and Authorised Authority Report.

QUESTIONS

Nil

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

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

QUESTIONS

Cr Scott asked whether final approval for the road dedication rests with the Minister for Planning.

The Manager Development confirmed that the Shire of Irwin simply *requests* the Minister to dedicate the road, however the final decision to dedicate the road ultimately rests with the Minister for Lands.

Cr Scott further asked whether an injunction was made – would it be against the Shire of Irwin.

Manager Development advised (qualifying that this was not legal advice to Council) that it was his understanding that any injunction would be against the decision to dedicate the road, which is made by the Department of Planning and Minister for Lands.

Cr Hansen questioned why, if the decision doesn't rest with Council, the matter was actually before Council.

The Manager Development advised that the procedure for road dedications is as prescribed by the *Land Administration Act 1997* and Council has been requested via the developer to action the road dedication as per the Act.

AGENDA FORUM NOTES

15 September 2026

**10.2.3 Land Acquisition and Road Dedication - Portion of Lot 713
Midlands Road, Yardarino****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.

QUESTIONS

Council discussed whether an alternative location for the informal parking bays could be provided as the current parking area will be removed.

Officers advised that MRWA can be requested to consider an alternative location for a replacement vehicle parking area and suggested this form part of the Council resolution.

10.3 COMMUNITY DEVELOPMENT

Nil

10.4 OPERATIONS

Nil

10.5 OFFICE OF THE CEO**10.5.1 Compliance Audit Return 2025****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.

QUESTIONS

Nil

10.6 COMMITTEES

Nil

AGENDA FORUM NOTES

15 September 2026

Items 11 - 15 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 CLOSURE**

There being no further business, the Presiding Member closed the Agenda Forum at 5.22pm.

Shire of Irwin

List of Accounts paid August 2026 for presentation to the
Council Meeting 22 September 2026

MUNICIPAL/(TRUST) PAYMENTS				
EFT/CHQ #	DATE	PAYEE	DESCRIPTION	PAYMEN'
X000028/1	05/08/2026	ATOM	MATERIALS	444.
X000028/2	05/08/2026	AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY	LICENCE	240.
X000028/3	05/08/2026	AVON WASTE	WASTE	20,827.
X000028/4	05/08/2026	BADGELINK	NAME BADGES	63.
X000028/5	05/08/2026	BLACKTOP MATERIALS ENGINEERING	MATERIAL REPORTING AND TESTING	8,728.
X000028/6	05/08/2026	BLACKWOODS	WORKSHOP SUPPLIES	865.
X000028/7	05/08/2026	BEFORE YOU DIG AUSTRALIA LTD	MEMBERSHIP & REFERRAL FEES	1,278.
X000028/8	05/08/2026	CJDJ COMMUNICATIONS	EQUIPMENT	48,767.
X000028/9	05/08/2026	CLEANPAK TOTAL SOLUTIONS	CLEANING SUPPLIES	1,033.
X000028/10	05/08/2026	LANDGATE - WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY	INTERIM SCHEDULE/S	79.
X000028/11	05/08/2026	TYREPOWER DONGARA	PARTS & REPAIRS	643.
X000028/12	05/08/2026	DONGARA MIDWEST WASTE	WASTE	1,550.
X000028/13	05/08/2026	FIRST HEALTH SERVICES	PRACTICE MANAGEMENT	14,162.
X000028/14	05/08/2026	GERALDTON MOWER & REPAIR	PARTS	170.
X000028/15	05/08/2026	CITY OF GREATER GERALDTON	WASTE	20,497.
X000028/16	05/08/2026	REFUEL AUSTRALIA	FUEL	34,760.
X000028/17	05/08/2026	THINK WATER MID WEST	CONSUMABLES	709.
X000028/18	05/08/2026	GREAT NORTHERN RURAL SERVICES	CONSUMABLES	5,098.
X000028/19	05/08/2026	INTEGRITY MANAGEMENT SOLUTIONS PTY LTD	SUBSCRIPTION	7,150.
X000028/20	05/08/2026	RENTOKIL INITIAL PTY LTD	SANITARY DISPOSAL	8,080.
X000028/21	05/08/2026	IQTECH SOLUTIONS	PRINTER CHARGES	1,043.
X000028/22	05/08/2026	IRWIN SHIRE - RATES	PAYROLL DEDUCTIONS	1,210.
X000028/23	05/08/2026	JB HI-FI GROUP PTY LTD	EQUIPMENT	1,078.
X000028/24	05/08/2026	JCI LOCKSMITHS	MAINTENANCE	893.
X000028/25	05/08/2026	LOCAL GOVERNMENT PROFESSIONALS WA	SUBSCRIPTION	2,640.
X000028/26	05/08/2026	M2 ON HOLD (A DIVISION OF M2 TECHNOLOGY GROUP PTY LTD)	ON HOLD MESSAGES	462.
X000028/27	05/08/2026	MCLEODS BARRISTERS & SOLICITORS	LEGAL	3,317.
X000028/28	05/08/2026	MEX MAINTENANCE SOFTWARE	TRAINING	1,980.
X000028/29	05/08/2026	MIDWEST FIRE PROTECTION & SAFETY SERVICES	SERVICING	176.
X000028/30	05/08/2026	MIDWEST POWER SOLUTIONS	ELECTRICAL	429.
X000028/31	05/08/2026	MIDWEST SOLAR AND WATER	PLUMBING	2,497.
X000028/32	05/08/2026	OFFICEWORKS	CONSUMABLES	275.
X000028/33	05/08/2026	ONSHORE CABINETS AND FURNITURE	BUILDING MAINTENANCE	270.
X000028/34	05/08/2026	PLUNKETT HOMES	REFUND	1,000.
X000028/35	05/08/2026	PURELY FILTRATION	EQUIPMENT MAINTENANCE	363.
X000028/36	05/08/2026	SUNSET TAKEAWAY DINER	CATERING	280.
X000028/37	05/08/2026	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	33.
X000028/38	05/08/2026	T-QUIP	PARTS	278.
X000028/39	05/08/2026	AFGRI EQUIPMENT PTY LTD	PARTS	3,045.
X000028/40	05/08/2026	WA LOCAL GOVERNMENT ASSOCIATION - WALGA	MEMBERSHIP & SUBSCRIPTION	29,593.
X000028/41	05/08/2026	SYNERGY	ELECTRICITY CHARGES	416.
X000028/42	05/08/2026	ZETTAGRID PTY LTD	SUBSCRIPTION	3,184.
X000028/43	05/08/2026	WINC AUSTRALIA PTY LTD	PRINTER CHARGES	519.
X000028/44	05/08/2026	PORT DENISON BUILDERS	REFUND	1,000.
X000028/45	05/08/2026	JETTY AND MARINE CONSTRUCTIONS PTY LTD	PROGRESS CLAIM - BOATING FACILITY	159,512.
X000028/46	05/08/2026	MACH 1 AUTO ONE	PARTS	333.
X000028/47	05/08/2026	DONGARA PUMPS AND POWER	ELECTRICAL	1,857.
X000028/48	05/08/2026	D BURGER	REFUND	1,000.
X000028/49	05/08/2026	C & C DELANEY	REFUND	1,000.
X000028/50	05/08/2026	EXPAND GROUP PTY LTD	REFUND	1,000.
X000028/51	05/08/2026	G HUNT	REFUND	60.
X000028/52	05/08/2026	D CULLEN	REFUND	60.
X000028/53	05/08/2026	G & A WINTERS	REFUND	1,000.
X000028/54	05/08/2026	EVOKE LIVING HOMES	REFUND	1,000.
X000029/1	17/08/2026	DFES DIRECT BRIGADE ALARM MONITORING	ANNUAL MONITORING	1,881.
X000029/2	17/08/2026	ATOM	FREIGHT CHARGES	220.
X000029/3	17/08/2026	AUSTRALIA POST	POSTAGE	244.
X000029/4	17/08/2026	AUSTRALASIAN PERFORMING RIGHT ASSOCIATION - ONEMUSIC AUSTRALIA	LICENCE	85.
X000029/5	17/08/2026	BLACKWOODS	WORKSHOP SUPPLIES	266.
X000029/6	17/08/2026	DEPARTMENT OF LOCAL GOVERNMENT, INDUSTRY REGULATION AND SAFETY	BUILDING SERVICES LEVY	2,701.
X000029/7	17/08/2026	BUNNINGS BUILDING SUPPLIES	EQUIPMENT	448.
X000029/8	17/08/2026	CLEANPAK TOTAL SOLUTIONS	CLEANING SUPPLIES	1,431.
X000029/9	17/08/2026	LANDGATE - WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY	INTERIM SCHEDULE/S	49.
X000029/10	17/08/2026	DONGARA FENCING	FENCING	2,750.
X000029/11	17/08/2026	TYREPOWER DONGARA	PARTS & REPAIRS	170.
X000029/12	17/08/2026	DONGARA LOCAL RAG	ADVERTISING	411.
X000029/13	17/08/2026	GERALDTON MOWER & REPAIR	PARTS	266.
X000029/14	17/08/2026	REFUEL AUSTRALIA	FUEL	2,416.
X000029/15	17/08/2026	GHD PTY LTD	DETAILED DESIGN	37,636.
X000029/16	17/08/2026	INCITE SECURITY	MAINTENANCE	4,711.
X000029/17	17/08/2026	IRWIN SHIRE - RATES	PAYROLL DEDUCTIONS	3,733.
X000029/18	17/08/2026	LUNDY DEVELOPMENTS	REFUND	3,983.
X000029/19	17/08/2026	LG BEST PRACTICES PTY LTD	PAYROLL SERVICES	4,851.
X000029/20	17/08/2026	LOCK, STOCK & FARRELL	CONSUMABLES	429.
X000029/21	17/08/2026	LOCALISE PTY LTD	CONSULTANT SERVICES - STRATEGIC REVIEW	5,650.
X000029/22	17/08/2026	SHIRE OF IRWIN - LOTTO FUND	PAYROLL DEDUCTIONS	203.
X000029/23	17/08/2026	MCLEODS BARRISTERS & SOLICITORS	LEGAL	1,358.
X000029/24	17/08/2026	MIDWEST MOWERS & SMALL ENGINES	PARTS	180.
X000029/25	17/08/2026	MIDWEST SOLAR AND WATER	PLUMBING	1,740.
X000029/26	17/08/2026	OMNICOM MEDIA GROUP AUSTRALIA PTY LTD	ADVERTISING	877.
X000029/27	17/08/2026	ORACLE CORPORATION AUSTRALIA PTY LIMITED	LICENCE FEES	4,546.

Shire of Irwin

List of Accounts paid August 2026 for presentation to the
Council Meeting 22 September 2026

MUNICIPAL/(TRUST) PAYMENTS				
EFT/CHQ #	DATE	PAYEE	DESCRIPTION	PAYMENT
X0000029/28	17/08/2026	PITCHER PARTNERS	AUDIT ENGAGEMENTS	990.
X0000029/29	17/08/2026	DONGARA IGA	CONSUMABLES	1,074.
X0000029/30	17/08/2026	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	42.
X0000029/31	17/08/2026	T-QUIP	PARTS	525.
X0000029/32	17/08/2026	WA LOCAL GOVERNMENT ASSOCIATION - WALGA	SUBSCRIPTION	2,200.
X0000029/33	17/08/2026	WA CONTRACT RANGER SERVICES PTY LTD	RANGER SERVICES	4,070.
X0000029/34	17/08/2026	WOODLANDS DISTRIBUTORS AND AGENCIES PTY LTD	MATERIALS	1,706.
X0000029/35	17/08/2026	ZETTAGRID PTY LTD	SUBSCRIPTION	2,787.
X0000029/36	17/08/2026	LG COMMUNITY PARTNERS PTY LTD	CONSULTANT SERVICES - FINANCE	8,140.
X0000029/37	17/08/2026	STAMPS N STUFF	PUBLICATIONS	191.
X0000029/38	17/08/2026	DONGARA PUMPS AND POWER	ELECTRICAL	1,315.
3AS - July 2026	21/08/2026	AUSTRALIAN TAXATION OFFICE - BAS	BAS RECONCILIATION	73,213.
32275	11/08/2026	WATER CORPORATION	WATER CHARGES	41,903.
32276	28/08/2026	DEPARTMENT OF TRANSPORT	SHIRE OF IRWIN NUMBER PLATES	675.
3D 03082026	03/08/2026	TELSTRA AUSTRALIA	SATELLITE PHONE CHARGES	110.
3D 10082026	10/08/2026	TELSTRA AUSTRALIA	TELSTRA INTEGRATED MESSAGING	1,365.
3D 24082026	24/08/2026	TELSTRA AUSTRALIA	FREE WIFI DATA CHARGES	90.
3D 31082026	31/08/2026	TELSTRA AUSTRALIA	PHONE & DATA CHARGES	1,997.
3D 07082026	07/08/2026	WA TREASURY CORPORATION	LOAN REPAYMENT	20,727.
3C 03082026	03/08/2026	NAB BUSINESS VISA	NAB BUSINESS VISA TRANSACTIONS	22,398.
3D 18082026	18/08/2026	N-ABLE PTY LTD	MONTHLY IT CHARGES	2,724.
3D 03082026-1	03/08/2026	AUSTRALIAN PHONE COMPANY PTY LTD	PHONE CHARGES	225.
3D 17082026	17/08/2026	TELAIR PTY LTD	INTERNET CHARGES	1,234.
3D 17082026-1	17/08/2026	TELAIR PTY LTD	MOBILE & DATA CHARGES	1,533.
3D 19082026	19/08/2026	HELLO TEAMS PTY LTD	PHONE CHARGES	799.
3D 13082026	13/08/2026	SITEDOCS SAFETY ULC	SUBSCRIPTION	12,705.
3D 10082026-1	10/08/2026	CLEARMATCH ORIGINATE PTY LTD	INSURANCE PREMIUM REPAYMENT	96,490.
3D 31082026-2	31/08/2026	CLEARMATCH ORIGINATE PTY LTD	INSURANCE PREMIUM REPAYMENT	48,120.
3D 27082026	27/08/2026	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BOND	600.
3D 27082026-1	27/08/2026	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BOND	800.
3D 13082026-1	13/08/2026	PRECISION CHOICE	SUPERANNUATION	29,671.
3D 31082026-1	31/08/2026	PRECISION CHOICE	SUPERANNUATION	30,309.
				<u>891,941.</u>

Sundry Creditors as at 31/08/2026 423,946.1

The Payments included in the above list of Accounts Paid, have been authorised by the Chief Executive Officer under delegation from Council.

11/09/2026
DATE


Shane Ivers
Chief Executive Officer

Shire of Irwin

Fuel Card Transactions

June 2026

Date	Supplier	Registration	Description	Amount
01/06/2026	Refuel	510IR	Fuel	\$ 75.67
05/06/2026	Refuel	523IR	Fuel	\$ 144.38
05/06/2026	Refuel	1IGD339	Fuel	\$ 22.57
07/06/2026	Refuel	511IR	Fuel	\$ 117.45
07/06/2026	Refuel	1GGG514	Fuel	\$ 37.00
07/06/2026	Refuel	510IR	Fuel	\$ 132.80
08/06/2026	Refuel	510IR	Fuel	\$ 100.90
10/06/2026	Refuel	510IR	Fuel	\$ 92.00
10/06/2026	Refuel	510IR	Fuel	\$ 99.56
11/06/2026	Refuel	505IR	Fuel	\$ 108.07
11/06/2026	Refuel	1IGD339	Fuel	\$ 52.75
12/06/2026	Refuel	1IXG228	Fuel	\$ 106.32
14/06/2026	Refuel	1IXG228	Fuel	\$ 112.85
14/06/2026	Refuel	510IR	Fuel	\$ 116.98
16/06/2026	Refuel	510IR	Fuel	\$ 56.63
17/06/2026	Refuel	523IR	Fuel	\$ 114.54
17/06/2026	Refuel	510IR	Fuel	\$ 105.46
18/06/2026	Refuel	506IR	Fuel	\$ 66.05
19/06/2026	Refuel	505IR	Fuel	\$ 78.40
19/06/2026	Refuel	1IXG228	Fuel	\$ 137.47
19/06/2026	Refuel	1IGD339	Fuel	\$ 46.55
20/06/2026	Refuel	511IR	Fuel	\$ 85.70
20/06/2026	Refuel	1DPM958	Fuel	\$ 85.50
21/06/2026	Refuel	500IR	Fuel	\$ 106.00
21/06/2026	Refuel	510IR	Fuel	\$ 68.88
24/06/2026	Refuel	1IXG228	Fuel	\$ 129.37
24/06/2026	Refuel	510IR	Fuel	\$ 95.56
25/06/2026	Refuel	1IGD339	Fuel	\$ 19.01
27/06/2026	Refuel	1IXG228	Fuel	\$ 145.95
27/06/2026	Refuel	1IGD339	Fuel	\$ 34.39
28/06/2026	Refuel	505IR	Fuel	\$ 72.44
28/06/2026	Refuel	510IR	Fuel	\$ 56.04
30/06/2026	Refuel	506IR	Fuel	\$ 100.34
TOTAL PAYMENT FOR FUEL CARD TRANSACTIONS				2,923.58

Shire of Irwin

Corporate Credit Card Expenditure - Payment Reference CR020926

S.IVERS CREDIT CARD EXPENSES

Date	Payee	Description	Amount
29/07/2026	CrocoBlock	Subscription	\$ 63.62
03/08/2026	Google Cloud	Subscription	\$ 284.11
05/08/2026	Garmin	Subscription	\$ 50.00
07/08/2026	Starlink	Subscription	\$ 85.00
07/08/2026	Davis Instruments	Subscription	\$ 645.49
07/08/2026	Booking.Com	Accommodation	\$ 370.00
07/08/2026	JAMF Software	Subscription	\$ 340.35
10/08/2026	Spotify	Subscription	\$ 15.99
17/08/2026	Remarkable	Subscription	\$ 6.68
17/08/2026	Apple	Subscription	\$ 1.49
18/08/2026	Links Modular	Subscription	\$ 297.15
19/08/2026	Booking.Com	Accommodation	\$ 7,362.08
19/08/2026	Open AI	Subscription	\$ 327.52
24/08/2026	UBIQUITI	Subscription	\$ 49.00
24/08/2026	Grammarly	Subscription	\$ 86.99
28/08/2026	NAB	Card Fee	\$ 9.00
			<u>\$ 9,994.47</u>

P.MACHAKA CREDIT CARD EXPENSES

Date	Payee	Description	Amount
29/07/2026	Upwork	ERP Consultant	\$ 2,352.64
29/07/2026	Microsoft	Subscription	\$ 154.04
31/07/2026	Ink Station	Consumables	\$ 72.16
03/08/2026	SSL.Com	Subscription	\$ 51.56
03/08/2026	Amazon Web Services	Subscription	\$ 831.04
05/08/2026	Zoom.com	Subscription	\$ 1,700.72
10/08/2026	Microsoft	Subscription	\$ 98.53
11/08/2026	Microsoft	Subscription	\$ 159.40
12/08/2026	Microsoft	Subscription	\$ 13.20
13/08/2026	Upwork	ERP Consultant	\$ 1,588.81
17/08/2026	Microsoft	Subscription	\$ 29.57
18/08/2026	Keyko	Subscription	\$ 96.33
18/08/2026	Open AI	Subscription	\$ 140.30
20/08/2026	Microsoft	Subscription	\$ 51.87
21/08/2026	Go Fax	Subscription	\$ 40.00
26/08/2026	Open AI	Subscription	\$ 138.59
28/08/2026	NAB	Card Fee	\$ 9.00
			<u>\$ 7,527.76</u>

F.BOKSMATI CREDIT CARD EXPENSES

Date	Payee	Description	Amount
17/08/2026	Officeworks	Consumables	\$ 247.00
17/08/2026	Officeworks	Refund - Consumables	-\$ 110.00
20/08/2026	Dongara Hotel Motel	Accommodation	\$ 340.00
25/08/2026	Spotlight	Materials	\$ 106.00
28/08/2026	NAB	Card Fee	\$ 9.00
			<u>\$ 592.00</u>

M.ANTONY CREDIT CARD EXPENSES

Date	Payee	Description	Amount
10/08/2026	Sunset Takeaway Diner	Catering	\$ 450.00
27/08/2026	WALGA	Registration	\$ 75.00
28/08/2026	NAB	Card Fee	\$ 9.00
			<u>\$ 534.00</u>

TOTAL PAYMENT TO CORPORATE CREDIT CARD ACCOUNT

\$ 18,648.23

**SHIRE OF IRWIN****MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 31 July 2026****LOCAL GOVERNMENT ACT 1995****LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996****TABLE OF CONTENTS**

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SHIRE OF IRWIN

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 31 July 2026

NATURE DESCRIPTIONS

REVENUE

RATES

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears and service charges.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

FEES AND CHARGEES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of

goods and materials, legal expenses, consultancy,

maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

SHIRE OF IRWIN
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 July 2026

	Adopted Annual Budget	Revised Annual Budget	YTD Budget	YTD Actual	Variance*	Variance*
	(a)		(b)	(c)	(c) - (b)	((c) - (b))/(b)
	\$	\$	\$	\$	\$	%
OPERATING ACTIVITIES						
Revenue from operating activities						
General rates	8,054,884	0	5,426	5,088	(338)	(6%) ▼
Grants, subsidies and contributions	600,819	0	39,735	18,426	(21,309)	(54%) ▼
Fees and charges	2,904,089	0	242,004	124,470	(117,534)	(49%) ▼
Interest revenue	229,093	0	19,091	17,314	(1,777)	(9%) ▼
Other revenue	325,820	0	27,068	23,903	(3,165)	(12%) ▼
Profit on asset disposals	0	0	0	0	0	
	12,114,705	0	333,324	189,201	144,124	
Expenditure from operating activities						
Employee costs	(4,020,554)	0	(335,046)	(380,688)	(45,641)	14% ▲
Materials and contracts	(3,973,161)	0	(319,976)	(208,807)	111,169	(35%) ▼
Utility charges	(617,901)	0	(51,483)	(45,663)	5,820	(11%) ▼
Depreciation	(4,953,491)	0	(412,791)	0	412,791	(100%) ▼
Finance costs	(213,634)	0	(17,182)	(33,541)	(16,359)	95% ▲
Insurance	(305,343)	0	(25,445)	0	25,445	(100%) ▼
Other expenditure	(182,908)	0	(15,076)	(0)	15,075	(100%) ▼
Loss on asset disposals	0	0	0	0	0	
	(14,266,992)	0	(1,176,999)	(668,699)	508,300	
Non cash amounts excluded from operating activities	4,959,346	0	412,791	0	0	
Amount attributable to operating activities	2,807,059	0	(430,884)	(479,499)	652,424	
INVESTING ACTIVITIES						
Inflows from investing activities						
Proceeds from capital grants, subsidies and contributions	10,761,923	0	386,668	0	(386,668)	(100%) ▼
Proceeds from disposal of assets	0	0	0	0	0	
Proceeds from financial assets	92,715	0	0	0	0	
Acquisition of property, plant and equipment	(388,701)	0	(115,500)	(44,759)	70,741	(61%) ▼
Acquisition of infrastructure	(12,810,361)	0	0	(181,114)	(181,114)	
Payments for financial assets at amortised cost - self supporting	(160,000)	0	0	0	0	
Amount attributable to investing activities	(2,504,424)	0	271,168	(225,873)	(497,041)	
FINANCING ACTIVITIES						
Inflows from financing activities						
Proceeds from new borrowings	1,660,000	0	0	0	0	
Transfer from reserves	5,000	0	0	0	0	
Payments for principal portion of lease liabilities	(34,402)	0	(6,150)	(6,150)	0	0%
Repayment of borrowings	(839,079)	0	(141,702)	(141,702)	0	0%
Transfer to reserves	(678,589)	0	0	0	0	
Transfer from restricted cash (other)	15,454	0	0	0	0	
Amount attributable to financing activities	128,384	0	(147,852)	(147,852)	0	
MOVEMENT IN SURPLUS OR DEFICIT						
Surplus or deficit at the start of the financial year	(30,553)	0	(30,553)	(30,553)	0	
Amount attributable to operating activities	2,807,059	0	(430,884)	(479,499)		(48,615)
Amount attributable to investing activities	(2,504,424)	0	271,168	(225,873)		(497,041)
Amount attributable to financing activities	128,384	0	(147,852)	(147,852)		0
Surplus or deficit after imposition of general rates	400,466	0	(338,121)	(883,777)	(545,656)	

SHIRE OF IRWIN
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 July 2026

	30-Jun-26	31-Jul-26
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	2,400,079	4,371,084
Trade and other receivables	3,402,845	412,322
Other financial assets	9,035	847
Inventories	25,560	25,560
Contract assets	202,709	202,709
Other assets		
Assets classified as held for sale	0	0
TOTAL CURRENT ASSETS	6,040,228	5,012,522
NON-CURRENT ASSETS		
Trade and other receivables	62,814	62,814
Other financial assets	284,560	284,560
Inventories	0	0
Investment in associate	0	0
Property, plant and equipment	40,981,130	41,025,890
Infrastructure	63,167,175	63,348,289
Right-of-use assets	52,442	52,442
Investment property	0	0
Intangible assets	0	0
TOTAL NON-CURRENT ASSETS	104,548,122	104,773,995
TOTAL ASSETS	110,588,350	109,786,517
CURRENT LIABILITIES		
Trade and other payables	1,187,896	971,639
Other liabilities	3,644,751	3,712,130
Lease liabilities	6,150	0
Borrowings	766,160	624,458
Employee related provisions	782,938	782,938
Other provisions	0	0
TOTAL CURRENT LIABILITIES	6,387,894	6,091,164
NON-CURRENT LIABILITIES		
Other liabilities	0	0
Lease liabilities	34,401.80	34,401.80
Borrowings	4,501,780.43	3,889,258.43
Employee related provisions	65,308.26	65,308.26
Other provisions	0	0
TOTAL NON-CURRENT LIABILITIES	4,601,490	3,988,968
TOTAL LIABILITIES	10,989,385	10,080,133
NET ASSETS	99,598,966	99,706,385
EQUITY		
Retained surplus	35,568,311	35,084,953
Reserve accounts	977,085	980,944
Revaluation surplus	63,640,487	63,640,487
TOTAL EQUITY	100,185,883	99,706,384

SHIRE OF IRWIN

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 July 2026

OPERATING ACTIVITIES

NOTE 1

ADJUSTED NET CURRENT ASSETS

	Last Years Closing 30/06/2026	This Time Last Year 31/07/2025	Year to Date Actual 31/07/2026
Adjusted Net Current Assets	\$	\$	\$
Current Assets			
Cash Unrestricted	785,540	439,385	2,463,892
Cash Restricted - Reserves	977,085	1,032,526	980,944
Cash Restricted - General	373,935	373,935	373,935
Cash Restricted - Bonds & Deposits	263,518	246,570	552,312
Receivables - Rates	487,983	(47,320)	162,767
Receivables - Other	2,977,676	331,151	249,555
Inventories	25,560	29,087	25,560
Contract Assets	202,709	235,572	202,709
	6,094,007	2,640,906	5,011,675
Less: Current Liabilities			
Payables	(1,554,911)	(309,492)	(940,308)
Contract Liabilities	(3,417,657)	(1,052,684)	(3,712,130)
Financial Liabilities	(31,331)	(31,331)	(31,331)
Bonds & Deposits	(260,458)	(246,570)	(552,312)
Loan and Lease Liability	(6,150)	(772,955)	(624,558)
Provisions	(782,938)	(782,938)	(782,938)
	(6,053,445)	(3,195,970)	(6,643,577)
Less: Cash Reserves	(977,085)	(1,032,526)	(980,944)
Add Back: Component of Leave Liability not Required to be funded	161,119	155,774	161,119
Add Back: Loan and Lease Liability	(6,150)	772,955	624,558
Less : Loan Receivable - clubs/institutions	(10,728)	(55,612)	(847)
Less : Restricted Cash General	(373,935)	(373,935)	(373,935)
Net Current Funding Position	(1,166,218)	(1,088,408)	(2,201,951)

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Statement of Financial Activity

SHIRE OF IRWIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 July 2026

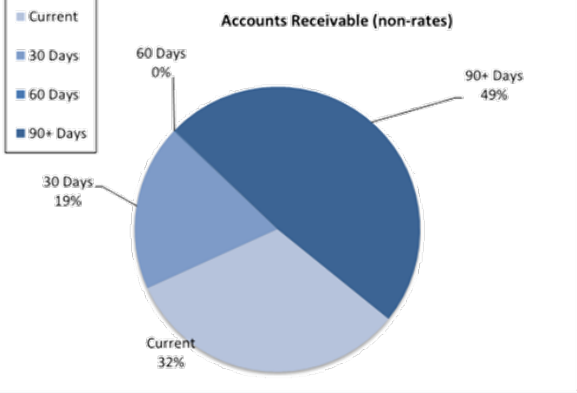
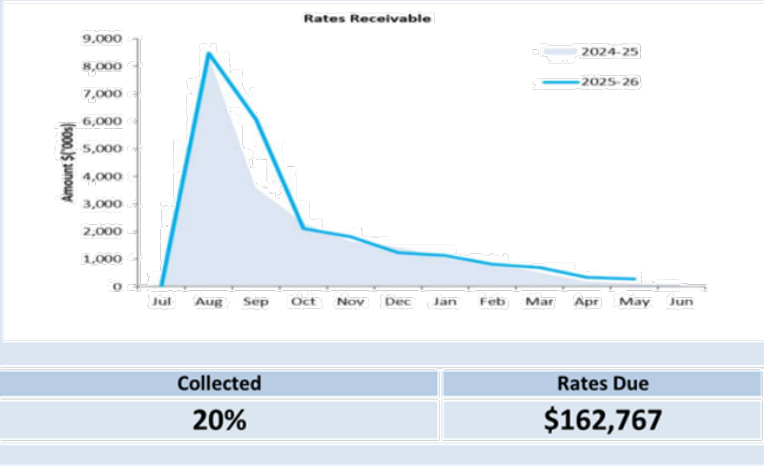
OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

Receivables - Rates & Rubbish	30 June 2026	31 Jul 26
	\$	\$
Opening Arrears Previous Years	57,846	204,487
Levied this year	8,235,503	0
Less Collections to date	(8,088,862)	(41,720)
Equals Current Outstanding	204,487	162,767
Net Rates Collectable	204,487	162,767
% Collected	97.53%	20.40%

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
Receivables - General	80,774	47,039	340	121,403	249,555
Percentage	32%	19%	0%	49%	
Balance per Trial Balance					
Sundry Debtors					
Receivables - Other					
Total Receivables General Outstanding					249,555

KEY INFORMATION
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

SIGNIFICANT ACCOUNTING POLICIES
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Debtors Due
\$249,555
Over 30 Days
68%
Over 90 Days
49%

SHIRE OF IRWIN

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 July 2026

OPERATING ACTIVITIES

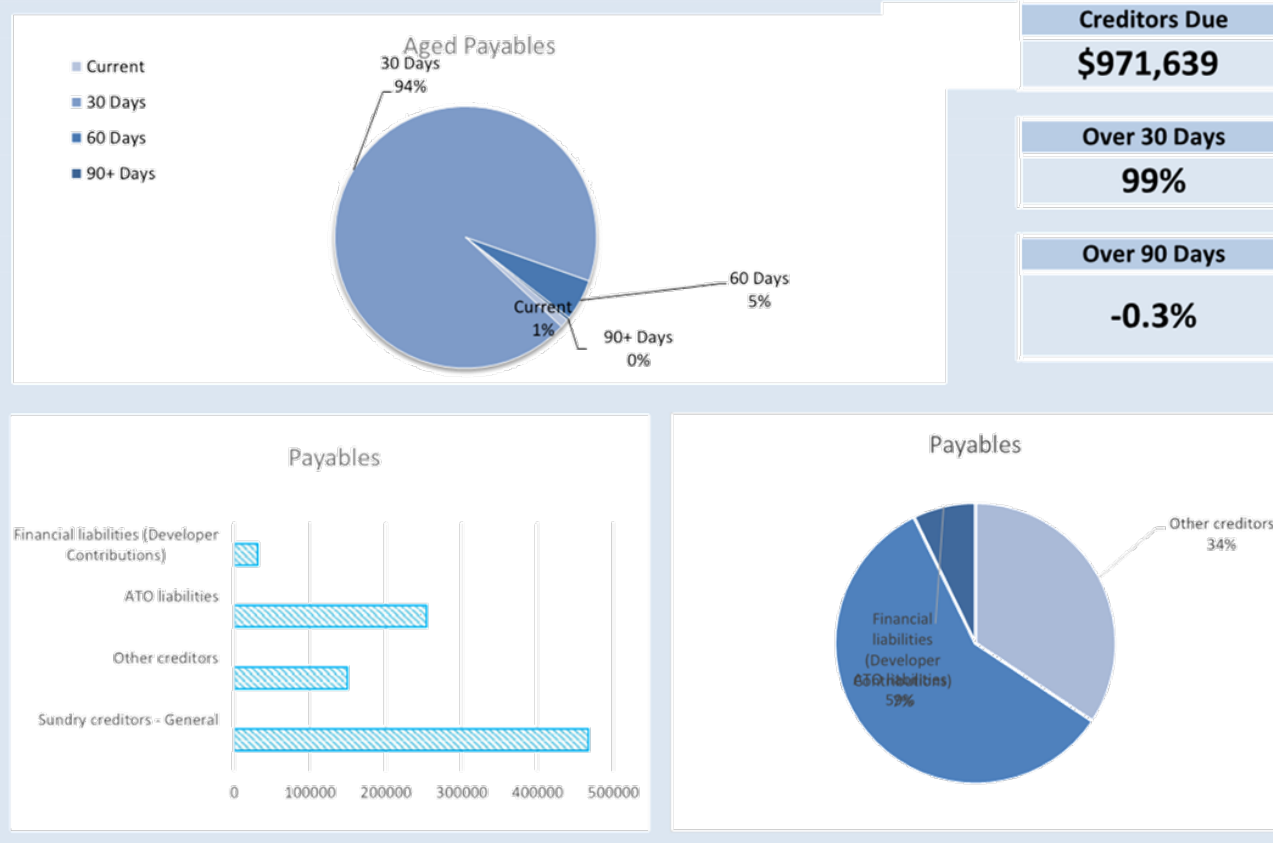
NOTE 5

Payables

Payables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
Payables (Sundry Creditors) - General	5,314	439,528	23,949	(1,522)	467269.03
Percentage	1.1%	94.1%	5.1%	-0.3%	
Balance per Trial Balance					
Sundry creditors - General					467269.03
Other creditors					149295
ATO liabilities					254097
Financial liabilities (Developer Contributions)					31331
Other accruals/payables					69647
Total Payables General Outstanding					971,639
Amounts shown above include GST (where applicable)					

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.



SHIRE OF IRWIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 June 2026

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

		Adopted		Amended	Total YTD	Variance (Under)/Over
Assets		Annual Budget	Annual Budget	YTD Budget		
		\$	\$	\$	\$	\$
Buildings						
Governance						
Total - Governance		0	0	0	0	0
Other Health						
1.00	DONGARA MEDICAL CENTRE	(10,000)	0	0	0	0
1.00		0	0	0	0	0
1.00		0	0	0	0	0
Total - Other Health		(10,000)	0	0	0	0
Education & Welfare						
Total - Education & Welfare		0	0	0	0	0
Housing						
1.00	BUILDING - THE VILLAGE - RENEWAL	(20,000)	0	0	0	0
1.00	4B KENNEDY HEIGHTS	0	0	0	0	0
Total - Housing		(20,000)	0	0	0	0
1.00	Total - Buildings	(30,000)	0	0	0	0
Plant & Equipment						
Fire Prevention						
1.00	CCTV	(89,701)	0	0	(44,334)	44,334
1.00	CESM STORAGE	0	0	0	0	0
Total - Fire Prevention		(89,701)	0	0	(44,334)	44,334
Recreation & Culture						
1.00	DRIVE IN PROJECTOR	(231,000)	0	(115,000)		0
Total - Other Property & Services		0	0	0	0.000	0
1.00	Total - Plant & Equipment	(320,701)	0	(115,000)	(44,334)	44,334
Furniture & Equipment						
Other Property & Services						
1.00	INFORMATION TECHNOLOGY HARDWARE >\$5K	(6,000)	0	0	(425)	425
1.00	Electrica Reach Pallet Stacker	(11,000)	0	0	0	0
1.00	CLEANING EQUIPMENT	0	0	0	0	0
1.00	REC CENTRE GYM MASTER	(21,000)	0	0	0	0
Total - Other Property & Services		(38,000)	0	0	(425)	425
1.00	Total - Furniture & Equipment	(38,000)	0	0	(425)	425
Roads						
Transport						
1.00	Ellery Road	(360,000)	0	0	0	0
1.00	MOUNT ADAMS INTERSECTION	(252,000)	0	0	0	0
1.00	R2R Urban Sealing Program	(403,104)	0	0	0	0
1.00	Mount Horner west road	(580,000)	0	0	0	0
1.00	RRG- WARRADONG SPRING SLK 0.46 - SLK 5.24 4.78KM	0	0	0	(23,706)	23,706
Total - Transport		(1,595,104)	0	0	(23,706)	23,706
1.00	Total - Roads	(1,595,104)	0	0	(23,706)	23,706
Infrastructure - Other						
Housing						
1.00	THE VILLAGE - SOAKWELLS & DOWNPIPES	0	0	0	0	0
1.00	TWO HENRY ROAD - LANDSCAPING	(5,000)	0	0	0	0
Total - Housing		(5,000)	0	0	0	20,000
Recreation And Culture						
1.00	BOAT RAMP	(145,011)	0	0	(149,473)	149,473
1.00	Fishing Platform	(150,000)	0	0	0	0
1.00	SHADE SAILS - PARKS	(10,000)	0	0	0	0
1.00	Fish Cleaning Facility	(56,840)	0	0	0	0
1.00	Foreshore Car Park	(300,000)	0	0	0	0
1.00	Bridge Compliance Works	(7,000)	0	0	0	0
1.00	FORESHORE - PRECINCT	(4,446,131)	0	0	0	0
Total - Recreation And Culture		(5,114,982)	0	0	(149,473)	149,473
Transport						
1.00	Spring Field Fire	(25,000)	0	0	0	0
1.00	TECHNICAL STUDIES - INFRASTRUCTURE RENEWAL	0	0	0	0	0
1.00	MILO CROSSING UPGRADE	(5,980,275)	0	0	(7,935)	7,935
Total - Transport		(6,005,275)	0	0	(7,935)	7,935
1.00	Total - Infrastructure - Other	(11,125,257)	0	0	(157,408)	177,408
1.00	Grand Total	(13,109,062)	0	(115,000)	(225,873)	245,873

SHIRE OF IRWIN

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 July 2026

NOTE 15

EXPLANATION OF SIGNIFICANT VARIANCES

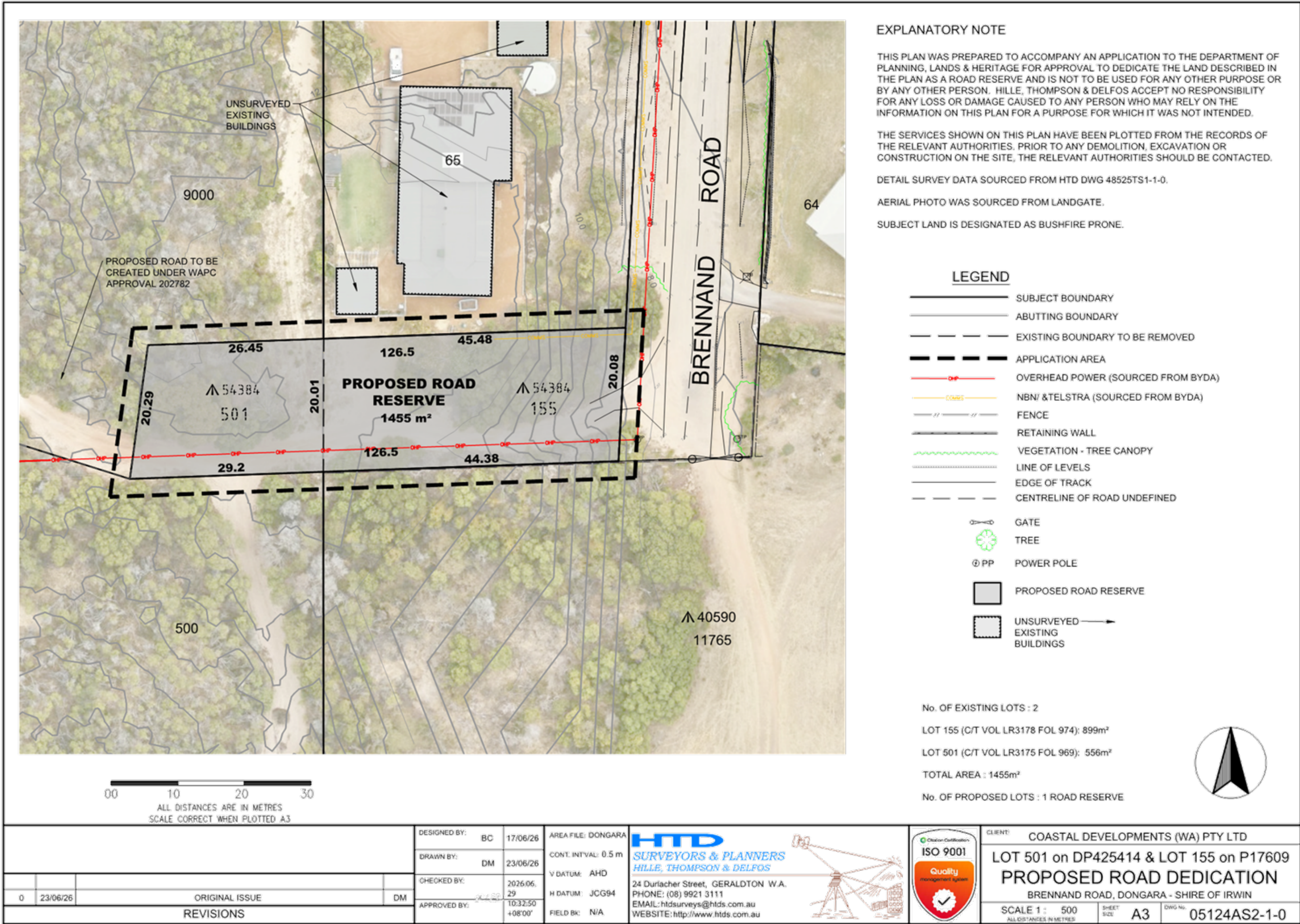
The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

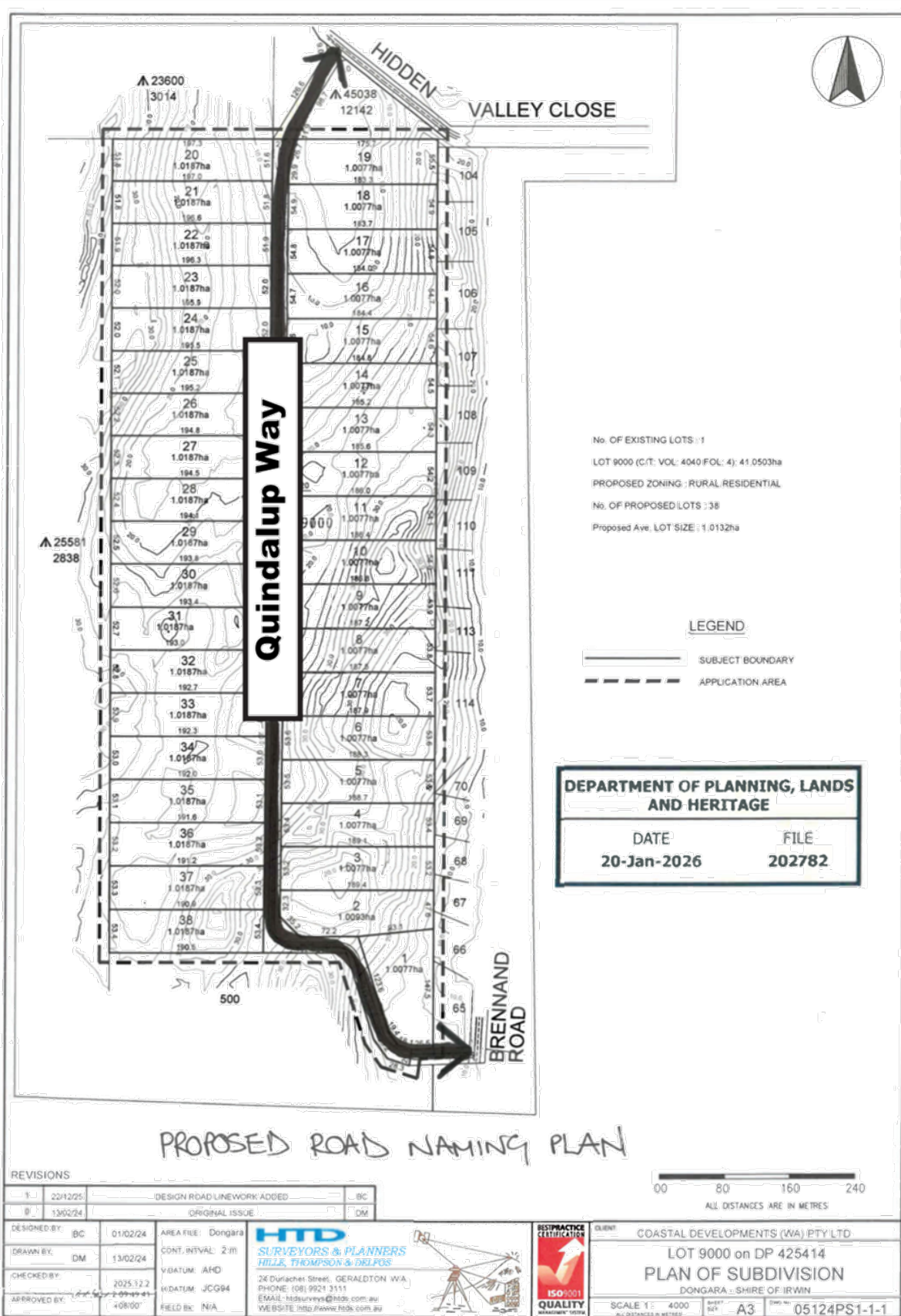
	Var. \$	Var. %	Var. ▲▼	Significant Var. \$	Timing/ Permanent	Explanation of Variance
Revenue from operating activities						
Grants, subsidies and contributions	(21,309)	(54%)	▼	\$	Timing	This is a timing issue as some grants are yet to be recognised.
Fees and charges	(117,534)	(49%)	▼	\$	Timing	Budget not yet adopted
Interest revenue	(1,777)	(9%)	▼	\$	Timing	Interest Earnings are less than ytd budget partly due to reduction in interest rates.
Other revenue	(3,165)	(12%)	▼	\$	Timing	This is a timing variance which is expected to reduce as the year progresses.
Employee costs	(45,641)	14%	▲	\$	Timing	This is a timing variance which is expected to reduce as the year progresses.
Materials and contracts	111,169	(35%)	▼	\$	Timing	This is a timing variance which is expected to reduce as the year progresses.
Utility charges	5,820	(11%)	▼	\$	Timing	This is a timing variance which is expected to reduce as the year progresses.
Depreciation	412,791	(100%)	▼	\$	Timing	Depreciation not recorded
Finance costs	(16,359)	95%	▲	\$	Timing	This is a timing variance which is expected to reduce as the year progresses.
Insurance	25,445	(100%)	▼	\$	Timing	This is a timing variance which is expected to reduce as the year progresses.
Other expenditure	15,075	(100%)	▼	\$	Timing	This is a timing variance which is expected to reduce as the year progresses.
Proceeds from capital grants, subsidi	(386,668)	(100%)	▼	\$	Timing	This is a timing variance which is expected to reduce as the year progresses
Acquisition of property, plant and ec	70,741	(61%)	▼	\$	Timing	Variance is due timing of purchases.

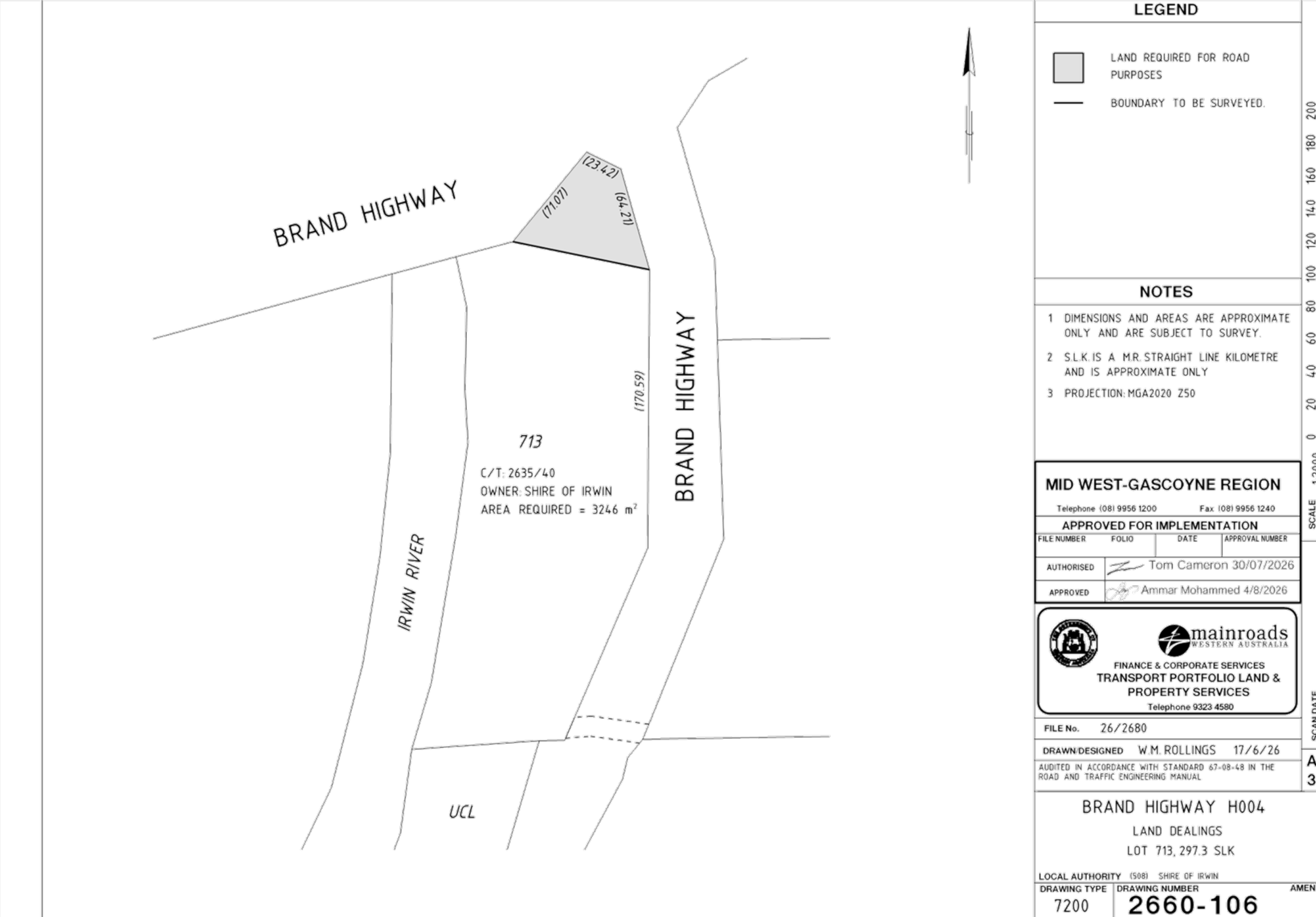


August 2026 Development Delegated and Authorised Authority Report
(Records of exercise of delegated and authorised powers or duties)

Function	Officer	Date of decision	Decision	Description	Address
Building Permit / Certificate	EHO / Building Surveyor	4 August 2026	Granted	Multiple Dwelling	Lot 40 (No. 20) Point Leander Drive, Port Denison
		10 August 2026	Granted	Dwelling	Lot 317 (No. 21) Carnarvon Street, Port Denison
		10 August 2026	Granted	Shed	Lot 40 Rowland Avenue, Irwin
		11 August 2026	Granted	Solar Light Poles	Lots 16 & 17 (No. 7) Criddle Road, Dongara
		11 August 2026	Granted	Solar Light Poles	Lot 118 (No. 11) Flanagan Way, Dongara
		12 August 2026	Granted	Shed	Lot 141 Summer Wattle Drive, Bookara
		12 August 2026	Granted	Dwelling	Lot 736 (No. 44) Premier Circle, Dongara
		12 August 2026	Granted	Dwelling	Lot 137 Summer Wattle Drive, Bookara
		12 August 2026	Granted	Dwelling Addition	Lot 13 (No. 142) Point Leander Drive, Port Denison
		18 August 2026	Granted	Dwelling	Lot 752 (No. 128) North Shore Drive, Dongara
		24 August 2026	Granted	Dwelling	Lot 249 (No. 11) Tyford Road, Dongara
		25 August 2026	Granted	Shed	Lot 571 (No. 16) Bartlett Place, Port Denison
		25 August 2026	Granted	Shed	Lot 77 (No. 14) Sheoak Road, Springfield
		27 August 2026	Granted	Dwelling	Lot 214 (No. 23) Mason Crescent, Port Denison
		31 August 2026	Granted	Roof	Lot 36 (No. 227) St Dominics Road, Springfield
		31 August 2026	Granted	Dwelling & Shed	Lot 204 (No. 3) Mason Crescent, Port Denison
Single House Application	Manager Development	11 August 2026	Granted	Single House Additions	Lot 13 (No. 142) Point Leander Drive, Port Denison
		18 August 2026	Granted	Water Tanks	Lot 137 Summer Wattle Drive, Bookara
		18 August 2026	Granted	Outbuilding	Lot 77 (No. 14) Sheoak Road, Springfield
		19 August 2026	Granted	Outbuilding & Water Tank	Lot 217 (No. 7) Chivers Concourse, Dongara
		25 August 2026	Granted	Ancillary Dwelling Additions	Lot 36 (No. 227) St Dominics Road, Springfield
		26 August 2026	Granted	Outbuilding	Lot 204 (No. 3) Mason Crescent, Port Denison
Development Approval	Manager Development	11 August 2026	Granted	Motor Vehicle Repair	Lot 20 / Strata Lots 1 & 2 (No. 30) Moore Road, Dongara
		18 August 2026	Granted	Warehouse (Storage Shed)	Lot 20 / Strata Lots 3 (No. 30C) Moore Road, Dongara









Is GST payable?

Compensation payments made as a result of formal property taking do not attract GST

Is interest payable?

Where property is taken, or entered for road construction purposes before compensation is paid, interest is payable at the current rate set by the Supreme Court from the date of entry or date of receipt of the claim whichever happens first.

What if we can't agree on a purchase price?

A valuation report is an expression of opinion only. Assumptions are often made and differences between assessments can occur even between skilled professionals. In such circumstances, it cannot be said that either assessment is right or wrong. Where discussion and negotiation cannot reconcile these differences, options exist for arbitration or settlement by legal action through the Courts. In most cases this is not necessary.

FURTHER INFORMATION?

For further information on the land acquisition process, please contact one of Main Roads' Land Acquisition Managers on (08) 9323 4346, (08) 9323 4454, (08) 9323 4463, (08) 9323 4627 or (08) 9323 4183 between 8.30am and 4.30pm, Monday to Friday.



LAND ACQUISITION PROCESS

Land requirements are determined through route planning processes

Land acquisition process commences about two (2) years prior to construction.



Main Roads acquisition/project people contact landowners and other stakeholders and provide plans of the project and discuss accommodation works.



Main Roads arrange:

- Survey by a licensed surveyor
- Assessment by a licensed valuer



The Main Roads Land Acquisition Manager will contact owners and make an offer based on the valuation assessment. This may include other items apart from land value.



Agreement reached?

No

Negotiations continue

Yes

Contract of Sale or Transfer document is prepared by the State Solicitor's Office as necessary for execution by land owner or lessee etc.



If the land has been Taken (formally resumed) then settlement would be by Discharge or Partial Discharge of Claim.

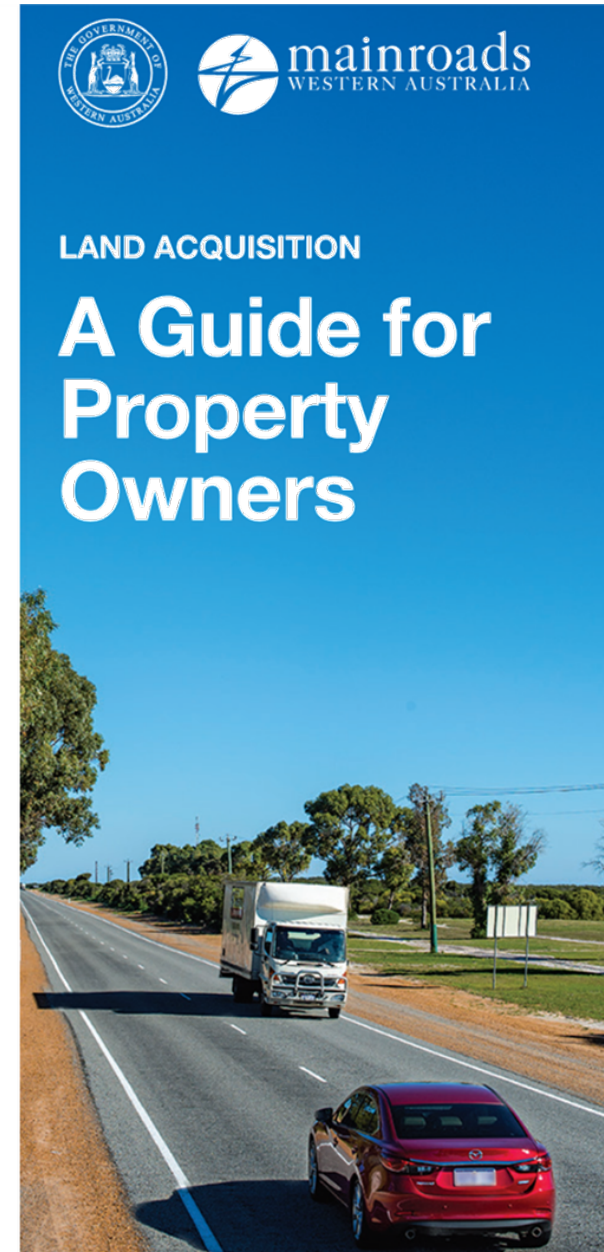


When documents have been executed, settlement proceeds and payment made. If necessary, a caveat is lodged on the title to protect Main Roads' interests.



When survey is complete, a Taking Order is registered at Landgate and the Certificate of Title amended. The caveat is lifted.

www.mainroads.wa.gov.au



July 2015

Why property is needed

As part of the State's infrastructure we sometimes need land to improve existing roads or to provide new transport corridors. Land reserved for roads is also used for surface water drainage and to accommodate a wide range of public utility services including water, sewerage, electricity, gas and telecommunications.

Metropolitan Region Scheme (MRS)

In the metropolitan area, most of our long term projects are incorporated in the Metropolitan Region Scheme (MRS) which was adopted by the State Government in 1963. The MRS can be inspected at either the Department of Planning or at your local council office. There is also information available on the Department of Planning's website.

Owners of properties required for long term projects in the MRS, and who are experiencing hardship, should write to the Department for Planning (agents for the Western Australian Planning Commission) at Gordon Stephenson House, 140 William Street Perth.

Planning Control Area (PCA)

In some situations property owners may be affected by a Planning Control Area (PCA) which is an area being considered for inclusion in the MRS and protected from development in the short term by a gazettal notice under the *Planning and Development Act 2005*. PCA's apply only for a limited period – usually five years from the date of gazettal.

When will the land be required?

We will discuss our requirements with land owners and occupiers as early as possible prior to project construction. This is generally about two years prior to needing the land, but may vary due to project demands or the availability of funding. We will work with property owners to find ways to make the purchase of land as easy as possible.

Sometimes land owners and occupiers may be asked for their views on a project during the planning phase, even though construction is many years off. This is only a preliminary stage and has no legal status.

How will the land requirement be negotiated?

Land is acquired by negotiation or formal taking action under the powers contained in the *Land Administration Act 1997*.

Where road works are planned and programmed for a future date, we will initiate land purchases by voluntary negotiations when funding is available. In some cases, where construction is imminent, acquisition may take place by formal taking action. This does not affect your rights to compensation.

What is formal taking?

When land cannot be obtained through voluntary negotiation we can use the formal processes and provisions of the *Land Administration Act 1997*. However, before proceeding with a formal taking action, we will personally contact each property owner to advise them of the process, details of the project and its effect on their property.

Can I object?

If a Notice of Intention to Take has been lodged in accordance with the *Land Administration Act 1997*, property owners or other persons with an interest in the land will be given the opportunity to lodge a formal objection to the Minister for Transport. (Disagreement on the amount of compensation to be paid is not a valid grounds for objection.)

The Minister will consider the objection and decide whether the objection should be upheld or dismissed or the Notice of Intention to Take varied or cancelled.

Will I be paid compensation?

The *Land Administration Act 1997* provides that where property is being acquired by negotiation or taken under the provisions of the *Land Administration Act 1997*, every person entitled will be compensated. Usually this compensation will be paid to the land owners although lessees may also be entitled to compensation in certain circumstances.

How do I claim compensation?

A claim form will be sent to all land owners and lessees when the Taking Order has been registered at Landgate. Owners and lessees will then have six (6) months from the date of registration of the Taking Order to lodge a claim for compensation.

How is compensation assessed?

Main Roads uses assessments provided by independent licenced valuers to help determine the amount of the offer made to owners. You may accept an offer made on these valuations or obtain your own independent valuation advice.

The principles upon which the valuation is made are set out in the *Land Administration Act 1997* and have been interpreted at various times by Courts and Arbitration bodies. Compensation includes considering the value of the land to be taken and any improvements, and where appropriate, allowances for severance, injurious affection, business disturbance and other incidental expenses the owner or occupier may incur as a result of the proposed taking.

In certain cases we may also assist with the reasonable cost of obtaining independent valuation advice. This is subject to the valuation being conducted by a licensed valuer and obtaining two quotes. These quotes should be submitted to us. Written approval is required from us prior to engaging the valuation consultant. We will also need to be provided with a copy of the valuation report and you will have to be prepared to use the report as a basis for negotiations. We do not pay any negotiating fees and the valuer of the property cannot act as an advocate in property negotiations.

An allowance of up to 10 per cent for compulsory acquisition (solatium) may also be paid in certain circumstances.

STATEMENT OF PROCEDURES

Under Parts 9 and 10 of the *Land Administration Act 1997*

This is a statement of the procedures under Parts 9 and 10 of the *Land Administration Act 1997* for the taking, or compulsory acquisition, of land, the taking of interests in land, compensation, rights of appeal and rights as to the future disposition of interests in land taken.

DISCLAIMER

This statement does not override the *Land Administration Act 1997*. You may wish to obtain a copy of the Act from the State Law Publisher of Western Australia or from www.slp.wa.gov.au.

This statement should not be relied upon in determining your rights under Parts 9 and 10 of the *Land Administration Act 1997*, as it is a general summary only.

Parts 9 and 10 of the *Land Administration Act 1997* are complex. You should seek independent legal, valuation and other expert advice as to your rights and liabilities in relation to a taking of land or interests in land and related compensation rights.

1. GLOSSARY

Where the terms listed below are used in this document, they have the following meanings, unless the context indicates otherwise:

- “acquiring authority” means the Minister for Lands and any other Minister of the State or State instrumentality which has the power to take, or compulsorily acquire, land in accordance with Parts 9 & 10 of the LAA;
- “claimant” means a person who is entitled to claim compensation under Part 10 of the LAA;
- “holding authority” applies where land has been taken and designated for the purpose of a public work, and means:
 - (i) the management body, if the land is Crown land that is subject to a management order; or
 - (ii) the holder of the land, in any other case;
- “Interest Holder” includes the owner of the freehold land or holder of certain interests in land, as detailed in the relevant provision of the LAA;
- “LAA” means the *Land Administration Act 1997* (WA);
- “land” includes interests in land, such as leases, easements and mortgages as well as native title rights and interests in land;
- “Minister” means the Minister for Lands, which is a body corporate under the LAA;
- “NOITT” means a notice of intention to take, which is the notice that is required to be issued to initiate a taking except in a few exceptional cases;
- “NTA” means the *Native Title Act 1993* (Cth);
- “occupier” means a person who, in exercise of a right of possession, is in actual occupation of the land, but does not include anyone who is in occupation merely as a member of the family or household of that person;

- “Private Property Rights Charter” means Premier’s Circular 2014/04 issued by the Western Australian State Government on 27th November 2014 as may be amended and/or replaced from time to time;
- “public work” means:
 - (i) a public work as defined in the *Public Works Act 1902* (WA), for example roads, water supply, schools; or
 - (ii) taking land for the grant of an interest in land to a person where the Minister has formed the opinion that the use or development of the land confers an economic or social benefit on the State of Western Australia or the relevant region or locality.

2. INTRODUCTION

The LAA 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.

The LAA also allows an acquiring authority to authorise a person to enter onto land to do certain things before, or as part of, carrying out a public work. Depending on the circumstances, the land can be entered before or after the taking process has commenced.

The LAA requires that where an acquiring authority is either:

- (i) directly negotiating for the acquisition of land for a public work or seeking to obtain the Interest Holder’s consent to the taking of its land;
- (ii) exercising its power to compulsorily take land; or
- (iii) authorising a person to enter onto land to do certain things before or as part of carrying out a public work

certain Interest Holders in the land must be informed of procedures for:

- the taking of that land;
- payment of purchase monies or compensation for the land taken;
- rights of appeal or review; and
- rights as to the future disposition of land taken by agreement or compulsorily taken.

This document is the statement required to be given to certain Interest Holders in any of these cases.

However, it does not apply where it relates to land that is required for:

- (i) the Dampier to Bunbury Natural Gas Pipeline (DNBGP) Corridor: or
- (ii) a planning scheme under the *Planning and Development Act 2005*

as there is a separate Statement of Procedures to be given in each of those cases.

3. **AGREEMENT TO PURCHASE OR CONSENT TO TAKE**

As mentioned, the LAA (section 168) authorises an acquiring authority, on behalf of the State, in relation to all or part of any land that is required for a public work:

- (i) to enter into an agreement to purchase that land; or
- (ii) to obtain the Interest Holder's consent to the taking of its land.

In line with the Private Property Rights Charter acquisition by agreement should be attempted before privately owned land is compulsorily acquired, where this will not unduly compromise the advancement of the relevant community benefit or public interest.

Agreement to purchase or taking by agreement

An agreement to purchase or taking by agreement can have a number of advantages to both the acquiring authority and the Interest Holder.

From the perspective of the acquiring authority, reaching agreement could mean that, if a notice of intention to take has not yet been registered (which starts the process of compulsory taking), it is not necessary to do so, and the process for compiling land required for the public work can proceed more quickly and be a more cost effective use of public funds.

From the perspective of the Interest Holder, reaching agreement could mean the compensation is determined (if applicable) and paid much sooner. This would enable the Interest Holder to begin making plans to either move, if the extent of the land needed for the public work requires it, or otherwise deal with the forthcoming presence of the proposed work on part of the land.

If the land acquisition is going to necessitate relocating to a home or business premises elsewhere, the agreement may deal with the timing for provision of vacant possession to help in the relocation process in an orderly way.

Interest Holders should take legal advice on how such an agreement can be negotiated to meet their circumstances.

Where no agreement on price or compensation, but the Interest Holder consents to a taking

If no agreement is reached with the Interest Holder on the purchase price or other consideration, the amount of compensation will be determined by the State Administrative Tribunal or a court of competent jurisdiction, generally the Supreme Court of Western Australia (Supreme Court).

The other consideration may include the grant of an interest in Crown land in lieu of or together with a cash payment.

Compensation is determined in the manner set out below in clauses 6 – 8, which reflects the process and principles to be followed in the case of a compulsory taking.

Where no agreement on purchase or consent to taking

If agreement between the acquiring authority and the Interest Holder cannot be reached on any of these matters, and the acquiring authority still requires the land for the public work, acquisition of the land or the relevant interest in the land may proceed by a compulsory taking, subject to the procedures in clause 4 being followed. The land may also be entered before the compulsory taking is completed in the circumstances described in clause 5 below.

4. TAKING OF INTERESTS IN LAND

4.1. Notice of Intention to Take (NOITT)

The process to compulsorily take land is started by the acquiring authority issuing a "notice of intention to take" (NOITT).

The purpose of a NOITT is to make the Interest Holder aware that the land is subject to a proposed compulsory taking of land and to give the Interest Holder the right to formally object to the proposed taking.

Where any land is required for a public work and an agreement to purchase that land or provide other consideration for the taking of that land is entered into or that land is taken with the consent of the Interest Holder (discussed above in clause 3) the acquiring authority may or may not issue a NOITT.

If the taking is to occur without the consent of Interest Holder, a NOITT must be issued by the acquiring authority and registered on the certificate of title for that land, except in the 2 cases referred to in paragraph 4.3 below.

The NOITT is registered with the Registrar of Titles at the Western Australian Land Information Authority (Landgate).

As soon as possible after the registration of the NOITT, the persons referred to in section 170(5)(b) of the LAA (listed at paragraph 4.2 below) are served with a copy of the NOITT and a copy is published in a newspaper with Statewide circulation. This is usually published in the West Australian newspaper.

For native title holders, if Part 2, Division 3, Subdivision P of the NTA applies to the proposed acquisition of native title rights and interests, the giving of notice in accordance with the NTA satisfies the requirements of section 170(5)(b) of the LAA in relation to native title holders.

For native title holders, if there is no approved determination of native title and Part 2, Division 3, Subdivision P of the NTA does not apply to the proposed acquisition of native title rights and interests, the giving of notice in accordance with section 24MD(7) of the NTA satisfies the requirements of section 170(5)(b) of the LAA in relation to native title holders.

No transactions affecting the land the subject of a NOITT can be entered into without the prior written consent of the Minister. There are certain exceptions listed in section 172(7) of the LAA. A transaction that has been entered into without the prior written consent of the Minister is void.

Further, the land must not be built on or improved in any way without the Minister first giving written approval.

A NOITT remains current for twelve (12) months from the date it is registered on the certificate of title. The Minister can extend a NOITT by giving notice to the Interest Holders. A NOITT can be extended more than once.

The Minister may also cancel or amend a NOITT, or cancel a NOITT and substitute another NOITT, by a further notice, which must be served, registered and published in a similar way as the original NOITT.

In certain circumstances, the freehold proprietor, lessee of Crown land or native title holders may require the acquiring authority to take a small portion of land that will be left after the proposed taking, in addition to the land proposed to be taken.

4.2. Right to object under the LAA

If a NOITT is issued:

- the principal proprietor of land affected by the NOITT;
- any occupier of land affected by the NOITT;
- the holder of any mining, petroleum or geothermal energy rights in land affected by the NOITT; or
- any management body whose management order will be affected by the proposal,

may, alone or jointly with any other person or body so qualified, serve and lodge with the Minister an objection to the taking of the land.

If section 24MD(6A) of the NTA applies to a proposed acquisition of native title rights and interests, the native title holders also have a right to object under the LAA.

The objection must be in writing and:

- specify the full name and address of the objector;
- identify the land;
- specify the nature of the objector's interest in the land; and
- set out the grounds for objection.

The objection must be lodged within 60 days after the registration of the NOITT or such further time as the Minister may allow, which will be set out in the NOITT. A further extension can be requested from the Minister.

Issues relating to compensation are not a valid ground for objection. Compensation issues are dealt with after the taking of the land.

The Minister must consider the objections and any other representations made by objectors. Having considered them, the Minister will determine whether the NOITT will stand unchanged, be amended or cancelled, or cancelled and substituted by a new NOITT. Objectors will be notified of the Minister's decision.

4.3. Taking order

The Minister may make a taking order that is consistent with the NOITT if the

Minister is satisfied that a NOITT has been registered in relation to the land and either:

- no objections have been received within the required timeframe; or
- any objections received do not warrant the cancellation, amendment or cancellation and substitution of the NOITT; or
- every objector has consented in writing to the purchase or taking of the objector's interest.

Where a special Act has been passed authorising the construction of a railway, the Minister may also make a taking order consistent with that Act. No NOITT will be issued prior to the taking.

If the Minister is satisfied that it is necessary to use any land for a proposed public work and because of the urgency of the work or the difficulty in tracing the proprietors of the land, it is unreasonable or impractical to delay entry onto the land until the land has been taken, the Minister must determine the interests in land to be

taken. The Minister may then make a taking order, whether or not a NOITT has been issued.

4.4. When a taking order has been made

A taking order comes into effect upon registration of that order with the Registrar of Titles at Landgate.

As soon as possible after the registration of the taking order, the Minister must advertise an extract of the order in a daily newspaper with Statewide circulation.

A copy of the taking order and forms for claiming compensation under Part 10 of the LAA will be forwarded to each Interest Holder.

If section 24MD(6A) of the NTA applies, the native title holders will be notified in the same way.

A taking order may, at any time within 90 days after its registration at Landgate, be annulled or amended by the registration of an order to that effect. As soon as possible after it is registered, a copy of the order must be published in a daily newspaper with Statewide circulation.

In addition, a copy of the order annulling or amending the taking order together with forms for claiming compensation under Part 10 of the LAA must be served on the same persons who were served with the taking order.

When a taking order or an amended taking order, is annulled or amended, any person who would otherwise have been entitled to compensation is entitled to compensation for reasonable costs incurred, in relation to the taking, up to and including the date of taking, and for any actual damage caused by any entry onto the land.

A claim for either of these types of compensation must be made to the acquiring authority within 60 days after the date of registration of the annulling or amending order, or within such longer period as the Minister may allow.

If the parties fail to agree on the amount of the compensation in either of these cases, the amount may be determined in accordance with the compensation provisions of Part 10 of the LAA, in the manner set out below in clauses 6 - 8.

4.5. Effect of a taking order on interests in land taken

When a taking order is made and registered it has the effect of extinguishing all interests (including freehold) in the land taken, except for any interests that are specifically saved, or 'preserved' in the taking order.

The person(s) who formerly held interests in the land that has been taken have their interests converted into a right to claim compensation under Part 10 of the LAA. Details of how a claim for compensation is to be made and determined is set out below in clauses 6 –8.

5. ENTRY ONTO LAND

The Minister may authorise persons to go on to land before the land is taken, to allow certain things to be done in relation to a proposed public work. This is commonly referred to as 'early entry'. In some cases, early entry may be before a NOITT is issued. In other cases, a NOITT or a taking order may never be issued.

5.1. Land required for railway

Where there is a special Act of Parliament authorising the construction of a railway, the Minister for Lands may authorise a person to enter on the land within

the corridor described in the special Act (referred to as the 'authorised limits of deviation') to do anything authorised by the special Act or the *Public Works Act 1902* (WA) to construct the railway and any ancillary public works.

In these circumstances, the principal proprietor, the occupier and the holders of native title rights and interests must be given at least 7 days written notice of early entry before the land is entered. The notice must give a description of the area of land to be entered upon, a description of what is proposed to be done and the time that it is expected to take. Further, those persons must also be advised of the effect of section 183 of the LAA and the procedures under Parts 9 and 10 of the LAA (this document), unless they have already been given that advice.

5.2. Entry onto land before a taking order in certain circumstances

If the Minister is satisfied that:

- (i) it is necessary for land to be used for a proposed public work;
- (ii) the Minister is authorised to take interests in land for that work; and
- (iii) because of the urgency of the work or the difficulty in tracing the proprietors of the land, it is unreasonable or impractical to delay entry onto the land until the land has been taken in accordance with the procedures in the LAA,

the Minister may authorise a person to:

- enter on the land;
- study the feasibility of the proposed public work;
- do anything necessary as preliminary or ancillary to starting construction of, or constructing or providing, the public work; and
- carry out the public work.

The power of the Minister to authorise commencement of work without a taking order in these limited circumstances applies whether or not:

- (a) a NOITT has been issued; or
- (b) the land has been entered under any other section of the LAA.

The Minister or an authorised person must, as far as is practicable, before entering the land give to the principal proprietor, the occupier and the holders of native title rights and interests at least seven (7) days written notice of early entry before the land is entered. The notice must give a description of the area of land to be entered upon, a description of what is proposed to be done and the time that it is expected to take.

Further, those persons must also be advised of the effect of section 186 of the LAA and the procedures under Parts 9 and 10 of the LAA (this document), unless they have already been given that advice.

As soon as practicable after any land has been entered, the Minister must determine the interests in the land to be taken for the public work and may make an appropriate taking order as if this determination were a NOITT.

6. COMPENSATION FOR LAND TAKEN

6.1. Persons entitled to compensation and making the claim for compensation

Every person whose land is taken under Part 9 of the LAA can claim compensation. Any person who has an interest in or who lawfully occupies land,

and who suffers damage under entry powers or for material that is removed and the land is not then subsequently taken, is entitled to compensation.

Compensation is payable by the acquiring authority for the land or interest taken, or the damage suffered. In the case of damage caused by entry, a person having an interest in the land must, during the period of the entry, give notice to the acquiring authority that the person will require compensation for such damage.

Claims for compensation are made under Part 10 of the LAA. Approved forms for compensation claims are available from the acquiring authority or from the Minister. The forms are also available on the Department of Planning, Lands and Heritage website: [http://www.lands.wa.gov.au/Publications/Pages/Forms-\(LAA-Approved\).aspx](http://www.lands.wa.gov.au/Publications/Pages/Forms-(LAA-Approved).aspx).

These forms will be provided at the same time as a copy of the taking order is given to each Interest Holder.

If a taking order includes land the subject of a management order on which a management body (not being a government body) has erected structures or improvements, the management body can claim compensation under Part 10 of the LAA for the depreciated value of those structures and improvements but is not otherwise entitled to compensation.

If an interest in land taken is held under any Act relating to the use of land for mining purposes, the holder of the interest is only entitled to claim compensation under Part 10 of the LAA for actual loss sustained by reason of the taking through damage to a mine on the land or the works connected with a mine.

6.2. Time limit for making claim for compensation

All claims for compensation must be served on the acquiring authority within six (6) months from:

- (a) the date of registration of the taking order; or
- (b) in the case of a claim for damage arising by reason of any entry on or occupation of the land or the removal of any material from the land and the land is not then subsequently taken, the date of the damage or removal of the material from the land.

The right to claim compensation **expires** at the end of **six (6) months** unless an extension of time to lodge a claim has been granted.

If a claimant requires a longer period of time in which to make a claim, an application for extension of time can be made to the Minister. If the Minister is satisfied that the application is reasonable and has been made in good faith, the Minister may extend the time.

When the time limit or the time limit as extended has expired, no action or proceeding can be taken against the acquiring authority for compensation.

6.3. Particulars of the compensation claim

A claim for compensation must be made in the approved form and must state:

- the full name and address for service of the claimant;
- a full description of the land the subject of the claim;
- the nature and particulars of the claimant's interest in the land;
- particulars of any lesser interests or encumbrances in respect of the land (e.g. such as a charge, lease or easement); and

- each matter on account of which compensation is claimed with full particulars of the nature and extent of the claim.

The claim for compensation must be served on the acquiring authority and accompanied by all deeds and documents necessary to establish the claimant's title to the interest or the land the subject of the claim which are in the claimant's custody, possession or power and an abstract or certified copy of all such deeds or documents as are not in the claimant's custody, possession or power.

If the claimant does not give full particulars of any matter mentioned above in his or her claim the acquiring authority may, by written notice, require the claimant to give the particulars within thirty (30) days of receipt of the written notice.

If these particulars are not given within sixty (60) days of receipt of the written notice or such extended time as a judicial member of the State Administrative Tribunal may allow, the claim is absolutely barred. ***In other words, compensation can no longer be claimed.***

6.4. Claimant may request compensation to be paid in land, goods or services

A claimant may request that the claim be satisfied in whole or part by compensation in a form other than money (e.g. by land exchange or the provision of goods or services).

If such a request is made, the acquiring authority must consider the request and negotiate in good faith with the claimant.

The Minister may also offer non-monetary consideration – refer to clauses 6.7, 8.13 and 8.15.

6.5. Where a claimant's title to the land is disputed

If the acquiring authority disputes a claimant's title to the land, or to some part of the land, it must serve on the claimant a notice in the approved form within 60 days after the service of the claim or, if further particulars were demanded, within 60 days after the further particulars were given.

If the acquiring authority disputes the claimant's title, the claimant may, upon giving eight (8) days written notice to the acquiring authority, apply to a Judge of the Supreme Court for an order:

- for a trial of any factual issues necessary to determine the question of title; and
- that any question of law arising from the dispute as to the claimant's title be argued to obtain the opinion of the court.

If the acquiring authority does not dispute the claimant's title within sixty (60) days of receiving the compensation claim, or within sixty (60) days after the receipt of further particulars, the acquiring authority is deemed to have admitted the claimant's title.

6.6. Where a claimant's title is not disputed, is only partially disputed or is confirmed by the Supreme Court

If the claimant's title to the land:

- (a) is not disputed (as to whole or part) the acquiring authority must examine the claim within ninety (90) days after the service of the claim on the acquiring authority or within ninety (90) days after any particulars requested by the acquiring authority have been supplied by the claimant; or

- (b) if the Supreme Court confirms (in whole or in part) a claimant's title to the land under dispute, the acquiring authority must examine the claim within ninety (90) days after the judgement of the Supreme Court.

When the claim has been examined the acquiring authority must prepare a report as to the value of the interest claimed over which there is no dispute and as to the damage sustained by the claimant by reason of the taking.

6.7. Offer of Compensation

As soon as possible after receipt of a report, the acquiring authority must serve on the claimant in the approved form, an offer of compensation with respect to the land or the interest in the land or the part of the interest in question (Offer of Compensation).

The Minister may offer interests in Crown land as part or as the whole of the compensation – refer to clauses 8.13 and 8.15.

6.8. Claim and Offer of Compensation may be amended

At any time before the claim for compensation is fully settled between the parties, and provided proceedings for determination of the amount of compensation have not been commenced in the Supreme Court or before the State Administrative Tribunal (Tribunal):

- the claimant can amend the claim, but only as to the amount of compensation claimed; and
- the acquiring authority can amend the Offer of Compensation.

Each of the claimant and the acquiring authority is required to give notice to the other of the amendment.

6.9. Rejecting an Offer of Compensation

If the claimant wishes to reject the Offer of Compensation or any amended Offer of Compensation made by the acquiring authority, the claimant must give the acquiring authority written notice in an approved form rejecting it within 60 days after service of the Offer of Compensation or the amended Offer of Compensation. ***If this is not done, then the Offer of Compensation or any amended Offer of Compensation is deemed to have been accepted.***

6.10. Method of determining compensation when Offer of Compensation is rejected or is not made by the acquiring authority within time

If the claimant serves the acquiring authority with a written notice rejecting the Offer of Compensation or amended Offer of Compensation, the compensation payable to the claimant may be determined by any one of the following methods:

- agreement between the acquiring authority and the claimant;
- a legal action in the Supreme Court for compensation by the claimant against the acquiring authority under Part 10 of the LAA; or
- referring the claim to the Tribunal under Part 10 of the LAA.

If a claimant rejects the acquiring authority's Offer of Compensation or amended Offer of Compensation, and fails to take legal action in the Supreme Court or refer the claim to the Tribunal within six (6) months after service of the notice of rejection on the acquiring authority, the acquiring authority may apply to the Tribunal for a direction.

Before an acquiring authority applies to the Tribunal for a direction, the acquiring authority must give thirty (30) days' notice to the claimant of its intention to do so.

If an acquiring authority has not made an Offer of Compensation to the claimant within 120 days of:

- (i) if acquiring authority does not dispute the claimant's claim by the latest of:
 - (a) the day of service of the claimant's claim;
 - (b) the day of service of any amendment to the claim; or
 - (c) the day of compliance with any requirement for further particulars;
 or
- (ii) if the title of the claimant was disputed and the Supreme Court upheld the claimant's title in whole or in part – the day of the Supreme Court judgement,

the claimant may, on giving 30 days' notice of its intention to do so either:

- commence legal action in the Supreme Court for compensation against the acquiring authority; or
- refer the claim for the compensation to the Tribunal.

7. THE COURT AND THE STATE ADMINISTRATIVE TRIBUNAL

7.1. Notice of intention to commence Legal Action must be given

A claimant may not commence legal action in a court for compensation unless the acquiring authority has been given 30 days' written notice of those proceedings. The Supreme Court will determine the amount of compensation payable in respect of the taking of the land in such circumstances.

7.2. Referral of claim to Tribunal

A claimant who wishes to refer his or her claim to the Tribunal has two options with regard to the composition of the Tribunal:

- (i) if the claimant and the acquiring authority agree, the Tribunal may be constituted solely by a judicial member or a senior member who is legally qualified person;
- (ii) if either the claimant or the acquiring authority does not agree, the claimant must serve on the acquiring authority notice, in an approved form, of the appointment of an assessor together with copies of the assessor's consent to act and declaration.

This applies whether the claimant rejected the Offer of Compensation or no Offer of Compensation has been made.

Within thirty (30) days of being served with a notice of appointment of an assessor, the acquiring authority must:

- appoint an assessor and serve on the claimant a copy of the appointment in the approved form; or
- serve on the claimant an Offer of Compensation, or, if an Offer of Compensation has already been made, an amendment to the offer increasing the amount of compensation offered.

If the acquiring authority does not comply with the above, the claimant may request the President of the Tribunal to choose an assessor for the acquiring authority.

7.3. Composition of Tribunal

When the Tribunal is dealing with a claim for compensation, the Tribunal will consist of a judicial member or a senior member who is a qualified person, and two assessors, one appointed by the claimant and one by the acquiring authority; or if the claimant and the acquiring authority agree in writing, the Tribunal may be constituted solely by a judicial member or a senior member who is a qualified person.

8. ASSESSING COMPENSATION

The law and principles of compensation, and the procedures for dealing with a claim for compensation by a court or the Tribunal are complex. Claimants are strongly recommended to obtain expert legal advice as to how that law and principles apply to and affect the claim for compensation, and the procedures required to be followed.

8.1. Date from which compensation is assessed

Where land is taken by agreement, compensation is assessed as at the date of execution of that agreement, or such other date as agreed by the parties.

Where land is taken by way of a taking order, compensation is assessed at the date of registration of the taking order on the certificate of title of the land at Landgate, unless the taking order specifies the date of actual occupation of the land as the date of taking.

Where land is taken for a railway or other work authorised by a special Act of Parliament, compensation is assessed as at the first day of the session of Parliament in which the Act was introduced.

8.2. How compensation is assessed

In determining compensation for the land taken, regard is to be had to the value of the land with any improvements or the interest of the claimant in the land at the date from which compensation is assessed, and discounting any increase or decrease in value attributable to the proposed public work.

In addition, regard is to be had to the loss or damage, if any, sustained by the claimant by reason of:

- (a) removal expenses;
- (b) disruption and reinstatement of a business;
- (c) the stopping of building works in progress at the date when the land is taken and the consequential termination of building contracts;
- (d) architect's or quantity surveyor's fees actually incurred in respect of proposed buildings or improvements which cannot be commenced or continued as a consequence of the taking of the land; or
- (e) any other facts which the acquiring authority, the Supreme Court or the Tribunal considers it just to take into account in the circumstances of the case.

If freehold land is taken from a person who is also the owner of adjoining freehold land, regard is to be had to the amount of any damages suffered by the claimant:

- (a) due to the severing of the land taken from that adjoining land; or
- (b) due to a reduction of the value of that adjoining land,

if the value of any freehold land owned by the claimant is increased by the carrying out or proposed carrying out of the public work for which the land was taken, then the increase in the value of the freehold land will be set off against the amount of compensation that would otherwise have been payable to the claimant for a reduction in the value of any adjoining land above.

8.3. Transactions affecting the land

Where between the date of registration of a NOITT and the date at which compensation is to be assessed, a transaction relating to the land has affected the value of the land, regard is to be had to the value of the land at the date from which compensation is assessed and discounting the effect of the transaction.

As discussed above at clause 4.1, a transaction affecting land the subject of a NOITT cannot be entered into without the prior written consent of the Minister.

8.4. Improvements on the land

Where any improvements are made on the land after the registration of a NOITT and the consent of the Minister was not obtained, no compensation will be paid for such improvements.

In the case of a railway or other work authorised by a special Act of Parliament, the value of any improvements made after the first day of the session of Parliament in which the Act was introduced but before the registration of the taking order are allowed, not exceeding their actual cost.

If a NOITT was registered, the value of any such improvements will only be allowed if the Minister consented to the improvements.

8.5. Additional compensation for taking land without agreement

If land is taken without agreement, the Supreme Court or Tribunal, or an Offer of Compensation by the acquiring authority can include an additional amount of compensation. This may not be more than 10% of the amount of compensation awarded or offered, unless exceptional circumstances justify a higher amount. This is often referred to as 'solatium'.

8.6. Interest on compensation payments

- (1) If the land taken produces rent or profits, then at the option of the acquiring authority, either:
 - (a) the amount of the rent or profits received by the acquiring authority, less the reasonable costs of collection, for the period from the date of registration of the taking order to the date of payment of compensation or the date of the award of compensation by the Supreme Court or Tribunal, whichever is the earlier, is to be added to the compensation payable; or
 - (b) interest is to be paid on the amount of compensation for the same period referred to in a) above at the rate of 6% per annum or such higher rate as the acquiring authority, the Supreme Court or the Tribunal considers adequate having regard to the circumstances of the case.

If the land ceases to produce any rent or profits after the taking, interest is to be paid in accordance with paragraph (b).

- (2) If the land taken does not produce any rents or profits, interest is to be paid at the rate prescribed under section 8(1) of the *Civil Judgments Enforcement Act 2004* as at the date of early entry for construction or

carrying of the public work or the date of registration of the taking order, whichever is the earlier. The interest is payable from:

- (a) the date of service of the claim for compensation on the acquiring authority; or
- (b) the date of early entry for the construction or carrying of the public work,

whichever is earlier, to the date:

- (c) when the Offer of Compensation was served on the claimant, if the compensation was awarded by the Tribunal or the Supreme Court is not more than the amount offered by the acquiring authority; or
- (d) of settlement of the claim for compensation, in any other case.

(3) Subject to (1) & (2) above;

- (a) when any amount representing an advance payment of compensation is paid to a claimant, interest on the total amount of compensation is payable only to the date of the first payment, and interest is then only payable on the balance outstanding from time to time; and
- (b) when any amount is offered by the acquiring authority as an advance payment of compensation pending settlement of the claim and the offer is not accepted by the claimant within 30 days of the date of service of the offer of advance payment, no interest is payable from then on in respect of the amount offered by way of advance payment.

(4) If an Offer of Compensation or an offer of advance payment is made and the acquiring authority publishes in a daily newspaper with Statewide circulation a notice that the acquiring authority intends to make the payment and within 3 months after the publication of the notice, no person has been able or being able, has not agreed, to accept that payment or any portion of that payment, the acquiring authority may cause the moneys to be paid into the Supreme Court and dealt with under s249 of the LAA and thereafter no further interest is payable on the moneys.

8.7. Apportionment of rates and taxes

If land affected by a taking order:

- (a) is unoccupied on the date of taking, all rates and taxes which are a charge on the land and are payable or paid by the claimant, are to be apportioned between the claimant and the acquiring authority as at that date; or
- (b) is occupied on the date of taking, the rates and taxes referred to in paragraph (a) above are to be apportioned between the claimant and the acquiring authority as at the date when the claimant gave up possession to the acquiring authority or when, by agreement with the acquiring authority, the claimant ceased to be responsible for the payment of rates and taxes.

On the apportionment of rates and taxes above, the aggregate amount, if any;

- (a) due by the claimant is to be deducted from the amount of compensation paid to the claimant; or

- (b) paid by the claimant in respect of any period subsequent to the date on which rates and taxes are to be apportioned, is required to be added to the amount of compensation paid to the claimant.

8.8. Lessening the suitability of the land

If the Tribunal or Supreme Court considers that the claimant has, after registration of the NOITT, or, if no NOITT was issued, after the date of taking, done anything to the land which has the effect of making the land less suitable for the purpose of the public work, the Tribunal or Supreme Court is to take this into account and may deduct such amount from the compensation amount.

If the Tribunal or the Supreme Court considers that the action taken on the land by the claimant has increased the cost of the public work so that the increase in cost is greater than the value of the land taken, the Tribunal or the Supreme Court may order that the claimant pays to the acquiring authority the difference and the costs of the inquiry.

8.9. Advance payment of compensation or purchase money

Where a claim for compensation has been made, the acquiring authority may offer to the claimant an advance payment pending settlement of the claim or, whether or not an advance payment is offered, the acquiring authority may offer to rectify any damage caused to the claimant's land for which the claimant is entitled to claim compensation, pending settlement of the claim.

If the acquiring authority has made an Offer of Compensation and the claimant has not accepted an offer of rectification, the claimant may require the acquiring authority to pay an amount of not more than 90% of the Offer of Compensation as an advance payment, pending settlement of the claim.

In the case where the land or an interest in land is acquired by negotiation and agreement, payment of the purchase price for that land of interest in land will be paid at settlement.

Where an acquiring authority has offered the claimant an amount as an advance payment of compensation and this is not accepted by the claimant within thirty (30) days of that offer, no interest is payable to the claimant from the date of that offer on the amount offered.

8.10. Compensation for mortgaged land

If land, the subject of a claim for compensation, is mortgaged, then, on the application of the mortgagee, the compensation, or so much of it as is required for the purpose, will be paid to the mortgagee in discharge of the mortgage debt, up to the total of the compensation payable.

For this purpose, 'mortgage debt' includes the interest payable on the mortgage for a period of up to 6 months after the date of the taking.

8.11. Land being sold on payment by instalments

If land, the subject of a claim for compensation, was being purchased by the claimant at the date of taking by instalments, then, on application of the seller of the land, the compensation or so much of it as is required for the purpose, will be paid firstly in discharge of the balance of the purchase price then owing and, if any interest is owing in respect of the purchase price, secondly in payment of interest that has accrued on the purchase price during the 12 month period after the date of taking.

8.12. Land subject to rent-charge or annuity

If land, the subject of a claim for compensation, is subject to any rent-charge or annuity, the Tribunal or Supreme Court hearing a claim for compensation is to determine:

- (a) if the interest in land is part only of the interest subject to the rent-charge or annuity – what proportion of the rent-charge or annuity is to be redeemed so that the remaining interest constitutes as good a security for the remaining rent-charge or annuity as the whole of the interest constituted for the whole of the charge or annuity; and
- (b) what part of the compensation is to be paid to the party entitled in redemption of the rent-charge or annuity.

8.13. Minister may agree to grant easements etc. in lieu of compensation or purchase money

If the amount of compensation or purchase money to be paid to any person is determined by agreement, the Minister may agree to grant to the person any easement, right of way, right of occupation, or any other interest, or any right, privilege or concession in relation to the land designated for the public work, or any part of it, in satisfaction in whole or in part of the compensation claimed.

8.14. Court/Tribunal may award easement etc. in lieu of compensation

If the amount of compensation to be paid to any person is determined by the Tribunal or Supreme Court:

- (a) the acquiring authority may offer and the Tribunal or Supreme Court may award to the claimant, any easement, right of way, right of occupation, or any other interest, or any right, privilege or concession in relation to the land designated for the public work, or any part of it, in whole or in part satisfaction of the compensation claimed; and
- (b) the Tribunal or the Supreme Court may declare which (if any) of the easements, interests, rights, privileges or concessions so offered are to be granted to the claimant in satisfaction in whole or in part or in mitigation of the compensation claim.

8.15. Minister may grant surplus interests inland in lieu of compensation

The Minister, may, with the consent of the claimant, grant to the person or persons from whom the land has been taken or purchased, any interest in Crown land available to be granted or disposed of, in whole or in part satisfaction for any land taken or purchased.

The value of the interest, together with any money compensation, must not exceed the amount which it appears to the Minister would probably have to be paid if compensation were made wholly in money in the usual way.

8.16. Costs of the compensation claim

The costs of an action for compensation in the Supreme Court are at the discretion of the court. The costs of an action for compensation in the Tribunal will be in accordance with Division 5 of Part 4 of the *State Administrative Tribunal Act 2004*.

9. RIGHTS AS TO THE FUTURE DISPOSITION OF INTERESTS IN LAND

In certain circumstances former Interest Holders in land may have rights in respect of that land if, in the future, the land is no longer needed in whole or in part for the proposed public work.

9.1. Land taken for a public work used for another public work or the designation for the public work can be cancelled

Where any land is taken for a public work, there must be a designation on the certificate of title or certificate of Crown land title that the land has been taken for the specific public work.

Where any land is no longer required for the designated public work or is not exclusively required for the public work, the Minister may by order:

- (a) designate the land or a part of it, for another public work; or
- (b) cancel the designation, and it will be removed from the certificate of title or certificate of Crown land title.

In cases where paragraphs 9.2 or 9.3 apply, the Minister cannot exercise this power to designate the land or a part of it, for another public work or to cancel the designation until the requirements in that paragraph has been complied with and all persons entitled to exercise an option to purchase the land have declined to do so.

9.2. Option to purchase if interest less than freehold not required for public work

If an interest in land less than the freehold has been taken and designated for a public work, and the Minister is satisfied that the interest is not required for the public work, the holding authority must notify the holder of the freehold and grant the holder an option to purchase the interest.

The purchase price under the option will be the current market value of the interest as determined by the holding authority on the advice of the Valuer General.

9.3. Option to purchase freehold land, no longer required for public work

In certain cases outlined below, the holding authority must grant the former land owner or the legal representative of the former land owner's deceased estate (qualified person) an option to purchase the freehold land that was taken for a public work.

A grant of an offer to purchase such land is to be made where:

- (a) the freehold land was taken without agreement under the LAA or any other Act and either:
 - the taking or resumption was done less than 10 years ago; or
 - the land has not been used for any public work;
- (b) the Minister proposes to:
 - cancel the designation of the public work for which the freehold land was taken; or
 - change the designation for a public work that is not ancillary or incidental to the purpose for which the land was originally taken;
- (c) the land is not a small portion of land that was taken at the request of the former land owner;
- (d) the land has not been substantially improved since the taking; and
- (e) either -

- the land as a separate lot complies with the requirements of the *Planning and Development Act 2005*; or
- the land can be amalgamated with adjoining land, that is owned in freehold by a qualified person in such a way that the land when amalgamated is a separate lots(s) that complies with the *Planning and Development Act 2005*.

In all of the above cases, the holding authority must –

- publish once in a daily newspaper with Statewide circulation a notice to the effect that the land is no longer required for the public purpose for which it was taken; and
- serve a copy of that notice on each person who appears to be a qualified person.

A qualified person who wishes to apply for an option to purchase the freehold must apply in writing to the holding authority within 30 days, or such extended period approved by the Minister (Period), after the publication of the notice.

The holding authority must grant an option to purchase the freehold land to any applicant that the authority is satisfied is qualified, and notify any applicant of its decision within 60 days after the end of the Period.

The purchase price for the grant of the option will be the current market value of the freehold land as determined by the holding authority on the advice of the Valuer General.

If there is more than one applicant, the holding authority must satisfy itself as to which of the applicants is qualified and may determine such order or priority for the exercise of options granted as it thinks reasonable.

An option is to be granted on such terms and conditions as the holding authority considers reasonable and may include a condition prohibiting assignment of the option.

If any person is aggrieved with the decision of the holding authority in:

- not being granted an option to purchase;
- the priorities of the options being granted;
- the purchase price; or
- the other terms and conditions of the option,

that person may, within 21 days of receipt of notice of the decision or longer if approved by the Minister, lodge an appeal with the Minister for Lands for a review by the Governor under Part 3 of the LAA.

9.4. Request for determination

Where any freehold land has been designated for the purpose of a public work and is not being used for that work, a person who would have been qualified, if the requirements in paragraph 9.2 were to apply, may by notice in writing to the Minister, require the Minister to determine whether the land is required for the purpose of the public work or not.

A person who obtains a determination is not entitled to require another determination in respect of the interest for a period of 12 months after being notified of the determination.

If the Minister determines that the land is not required for the public work, the Minister must notify the holding authority of the decision and the holding authority must proceed with the offering of an option to purchase to such qualified applicants in accordance with paragraphs 9.2 or 9.3 above, as appropriate.

10. USE OF APPROVED FORMS

Many of the forms for claiming compensation (and for other purposes) must be in a form approved pursuant to the LAA. Interested parties are advised to ensure that they are using the correct forms. Copies of the approved forms can be obtained from the acquiring authority or from the website of the Department of Planning, Lands and Heritage:

[http://www.lands.wa.gov.au/Publications/Pages/Forms-\(LAA-Approved\).aspx](http://www.lands.wa.gov.au/Publications/Pages/Forms-(LAA-Approved).aspx).

11. TAKING UNDER OTHER ACTS

Land may also be taken under legislation other than the LAA. That legislation may adopt Parts 9 and 10 of the LAA either in whole or in part with modifications. Persons with interest(s) in land taken under other legislation are advised to consult the relevant Act.



**Local Government
Inspector**

2025 Compliance Audit Return

Local Government Authority: The Shire of Irwin

Local Government Act 1995

s. 2.29

Has every person elected or appointed to a mayor, president, deputy, or councillor role made the required declaration in the prescribed form before a prescribed person, prior to acting in the office?

Response: Yes

s. 3.16

Has the local government reviewed local laws, which have not been reviewed in the previous 8 years, to ensure compliance with Schedule 9.3, Clause 65?

Response: No

Comments: The Shire of Irwin will commence planning for a comprehensive review of its Local Laws during the remainder of the 2026 calendar year, with the review anticipated to be completed in early 2028. This planned approach will ensure the Shire's Local Laws are systematically reviewed to confirm they remain current, relevant and aligned with applicable legislative requirements.

s.3.57

Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?

Response: Yes

s. 3.58(3)

Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?

Response: N/A

Comments: The Shire did not undertake any major trading undertaking, major land transaction or preparatory land transaction during 2025.

s. 3.58(4)

Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?

Response: N/A

Comments: The Shire did not undertake any major trading undertaking, major land transaction or preparatory land transaction during 2025.

s. 3.59(2)(a)

Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2025?

Response: N/A

Comments: The Shire did not undertake any major trading undertaking, major land transaction or preparatory land transaction during 2025.

s. 3.59(2)(b)

Has the local government prepared a business plan for each major land transaction that was not exempt in 2025?

Response: N/A

Comments: The Shire did not undertake any major trading undertaking, major land transaction or preparatory land transaction during 2025.

s. 3.59(2)(c)

Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2025?

Response: N/A

Comments: The Shire did not undertake any major trading undertaking, major land transaction or preparatory land transaction during 2025.

s. 3.59(4)

Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2024?

Response: N/A

Comments: The Shire did not undertake any major trading undertaking, major land transaction or preparatory land transaction during 2025.

s. 3.59(5)

During 2025, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?

Response: N/A

Comments: The Shire did not undertake any major trading undertaking, major land transaction or preparatory land transaction during 2025.

s. 5.16 (1)

Were all delegations to committees resolved by absolute majority?

Response: N/A

Comments: No Committees have delegations

s. 5.16 (2)

Were all delegations to committees in writing?

Response: N/A

Comments: No Committees have delegations

s. 5.17

Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?

Response: N/A

Comments: No Committees have delegations

s. 5.18

Were all delegations to committees recorded in a register of delegations?

Response: N/A

Comments: No Committees have delegations

s. 5.36(4) and s. 5.37(3)

Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?

Response: N/A

Comments: No CEO or Senior Employee vacancies were advertised during the period

s. 5.37(2)

Did the CEO inform council of each proposal to employ or dismiss senior employee?

Response: N/A

Comments: No senior employee was employed or dismissed during 2025.

Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?

Response: N/A

Comments: No senior employee was employed or dismissed during 2025.

s. 5.39B

Has the local government adopted and maintained model standards that incorporate the prescribed model standards within required timeframes (including amendments), ensured adoption by absolute majority, published an up-to-date version on its official website, and avoided including any inconsistent additional provisions?

Response: Yes

Comments: The Shire of Irwin adopted CEO Standards in October 2021. These Standards are now due for review.

s. 5.42

Were all delegations to the CEO resolved by an absolute majority?

Response: Yes

Were all delegations to the CEO in writing?

Response: Yes

s. 5.43

Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?

Response: Yes

s. 5.44(2)

Were all employees delegated authority by the CEO under Section 5.44(1), issued with a written instrument of delegation?

Response: Yes

s. 5.45(1)(b)

Were all decisions by the Council to amend or revoke a delegation made by absolute majority?

Response: N/A

Comments: No delegations were amended or revoked during 2025

s. 5.46

Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?

Response: Yes

Comments: The register of delegations is maintained in Attain, which records exercises of delegated authority

Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2024/2025 financial year?

Response: Yes

Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?

Response: Yes

s. 5.50

If the local government paid a finishing employee an amount in addition to their entitlement, did the local government follow a policy it had adopted and published on its website outlining the circumstances in relation to payments made to terminated employees?

Response: N/A

If the local government made a payment to a finishing employee that is more than the amount set out in the policy, was local public notice given?

Response: N/A

s. 5.51A

Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government?

Response: No

Comments: The CEO has prepared and implemented an Employee Code of Conduct; however, the published 2020 version does not incorporate all current regulatory requirements and therefore was not fully up to date during 2025. The code will be reviewed, updated and published by 30 June 2027

s. 5.67

Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?

Response: Yes

s. 5.68(2)

Were all decisions regarding participation approval in relation to Section 5.68(2), including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?

Response: Yes

Comments: Two declarations of interest were recorded during 2025. Any participation approvals and the extent of permitted participation were recorded in the relevant minutes.

s. 5.69(5)

Were all decisions regarding participation approval in relation to Section 5.69(5), including the extent of participation allowed recorded in the minutes of the relevant council or committee meeting?

Response: Yes

s. 5.70

Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?

Response: N/A

Comments: No employees disclosed an interest during any Committee or Council Meetings.

s. 5.71B(5) and (7)

Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?

Response: N/A

Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?

Response: N/A

s. 5.73

Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?

Response: Yes

s. 5.75

Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?

Response: Yes

s. 5.76

Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2025?

Response: Yes

s. 5.77

On receipt of a primary or annual return, did the CEO, or the Mayor/President, as the case may be, give written acknowledgment of having received the return?

Response: Yes

s. 5.88

Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?

Response: Yes

Comments: The Shire records and tracks all primary and annual returns in Attain.

Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?

Response: Yes

After a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?

Response: Yes

Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?

Response: Yes

s. 5.89A

Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?

Response: Yes

Comments: Noting that no gifts were received.

Did the CEO publish an up-to-date version of the gift register on the local government's website?

Response: Yes

s. 5.90A

Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?

Response: Yes

s. 5.94

Does the local government have information available for members of the public to inspect, free of charge as prescribed under section 5.94 and Admin Reg 29, except where restricted under this section?

Response: Yes

s. 5.96

Where a person is entitled to inspect information under this Division, can the local government confirm that copies are available and that the price at which it sells copies does not exceed the cost of providing them, (unless prescribed otherwise)?

Response: Yes

s. 5.96A

Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?

Response: Yes

s. 5.104

Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?

Response: Yes

Did the local government adopt additional requirements in addition to the model code of conduct?

Response: Yes

Does it comply with section 5.104(3) and (4) of the Local Government Act 1995?

Response: Yes

Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?

Response: Yes

s. 5.128

Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?

Response: Yes

Comments: Although this did not occur in 2025 - the Policy was updated and adopted in 2024 and is currently displayed on the Shire's website

s. 7.12A(3), (4) and (5)

Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?

Response: Yes

Comments: The 2024/25 auditor's report identified no significant matters. The Final Management Letter identified one minor finding relating to excessive leave balances. Management had implemented leave-reduction plans, and the finding and agreed action were considered by the Audit Committee on 13 January 2026 and Council on 27 January 2026. Sections 7.12A(4) and (5) were not triggered because no significant matter was identified.

Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?

Response: N/A

Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?

Response: Yes

Local Government (Administration) Regulations 1996

r. 18F

Were the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?

Response: N/A

Comments: The position of CEO was not advertised or recruited to in 2025.

r. 19AB

Does the code of conduct contain the requirement that a local government employee (not including the CEO) must not accept a prohibited gift from an associated person?

Response: No

Comments: The published 2020 Employee Code contains a prohibition on accepting certain gifts but reflects the former regulatory provisions, including the former six-month aggregation period, rather than the current requirements. The code will be updated and implemented by 30 June 2027.

r. 19AC

Does the local government's code of conduct include requirements for the recording, storing, disclosure, and use of information relating to gifts accepted by local government employees (excluding the CEO) from associated persons, in accordance with regulatory requirements?

Response: No

Comments: The 2020 Employee Code contains gift notification and register provisions but does not address all current requirements concerning the recording, storage, disclosure and use of information relating to gifts. The code will be updated and implemented by 30 June 2027.

r. 19AE

Does the local government's code of conduct include requirements addressing employee behaviour in the performance of duties, interactions with others, use and disclosure of information, use of local government resources and finances, the keeping of records, and the reporting and management of suspected breaches and misconduct, in accordance with regulatory requirements?

Response: Yes

r. 19B

Did the local government include in its annual report all information required under section 5.53(2)(g) and (i) and regulation 3A(2), including number of employee's in salary bands over \$130,000, remuneration and allowances paid, ordered payments, CEO remuneration, council member meeting attendance, available demographic information about council members, and details of any modifications to the strategic community plan or significant modifications to the corporate business plan?

Response: Yes

r. 19C

Has the local government adopted by absolute majority a strategic community plan?

Response: No

Comments: Council adopted the Strategic Community Plan 2021–2031 on 26 October 2021. The review required under regulation 19C(4) was not completed during the reporting period. The review is underway and is scheduled for Council consideration before 31 December 2026

r. 19DA

Has the local government reviewed its corporate business plan in accordance with Admin Regulation 19DA(4)?

Response: No

Comments: The Corporate Business Plan was not reviewed during 2025 as required by regulation 19DA(4). A replacement Corporate Business Plan is being prepared in conjunction with the Strategic Community Plan review and is scheduled for Council consideration by 30 June 2027.

Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?

Response: N/A

r. 22

No response required. This is covered by s5.75.

r. 23

No response required. This is covered by s5.76.

r. 28

No response required. This is covered by s5.88(1).

r. 28A

No response required. This is covered by s5.89A(1).

r. 29

No response required. This is covered by s5.94.

r. 29C

Does the local government publish all prescribed information on its official website— including up-to-date policies, required details of council member and employee returns, council member fees and allowances, and relevant public notices—within the specified timeframes and in accordance with legislative requirements?

Response: Yes

r. 35

Has every local government council member completed and passed the Council Member Essentials course, consisting of the five required modules and delivered by an approved provider, within 12 months of being elected?

Response: No

Comments: The Shire will monitor completion and retain evidence of completion

r. 36

Does the local government appropriately identify and document council members who are exempt from the training requirements under section 5.126(1), including verifying that the member:

- has completed an approved course within the specified 5-year period prior to election, or
- completed the LGASS00002 Elected Member Skill Set before 1 July 2019 within the relevant timeframe, or
- qualifies for the transitional exemption applicable to council members in office at the commencement of the 2019 regulatory amendments?

Response: Yes

Local Government (Audit) Regulations 1996

r. 10

Was the auditor's report for the financial year ending 30 June 2025 received by the local government within 30 days of completion of the audit?

Response: Yes

r. 17

Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2025?

Response: No

Comments: The regulation 17 review was not completed within the applicable three-financial-year period ending 31 December 2025. The review is scheduled to be completed before 31 December 2026.

Local Government (Constitution) Regulations 1998

r. 11FA

Did the CEO provide the Minister a report as to the result of the election within 14 days of the declaration and in the form of Form 20 of the Local Government (Elections) Regulations 1997, modified as necessary?

Response: Yes

r. 13

Were all required oaths, affirmations and declarations under section 2.42 (in relation to Commissioners) made in the correct form (Form 8), before the appropriate authorised person?

Response: N/A

Comments: The Shire of Irwin was not administered by Commissioners during 2025

Local Government (Elections) Regulations 1997

r. 30G

Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?

Response: Yes

Comments: Noting that no declarations were made in relation to electoral gifts received during the October 2025 Election process.

Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?

Response: N/A

Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?

Response: Yes

Local Government (Financial Management) Regulations 1996

r. 5

Has the CEO ensured efficient systems and procedures are established under provisions set out in Financial Management Regulations 5(1)(a) to (g)?

Response: Yes

r. 6

Has the local government ensured that any employee delegated responsibility for day-to-day accounting or financial management operations is not also delegated the responsibility for conducting internal audits, reviewing their own duties, or for managing, directing or supervising someone who carries out these functions?

Response: Yes

Comments: Our Internal Audits are conducted by external financial accounting services.

r. 7

Did the local government ensure it has regard to the needs of the inhabitants of the district as a whole and not keep separate ward accounts or determine expenditure on the basis of revenue from a ward?

Response: N/A

Comments: The Shire of Irwin does not have a Ward structure.

r. 8

Does the local government maintain separate accounts with a bank or other financial institution for money to be held in the municipal fund, trust fund and for reserve account purposes?

Response: Yes

r. 9

Did the local government keep separate financial records for each trading undertaking and each major land transaction?

Response: N/A

Comments: No major land transactions were undertaken in 2025

r. 11

Has the local government developed procedures for the authorisation of, and the payment of, accounts in accordance with Local Government (Financial Management) Regulations 11(1), (2) and (3)?

Response: Yes

r. 12

Were payments made from the municipal fund or trust fund made by the CEO under a delegated authority or authorised, in accordance with regulation 13(2), in advance by a council resolution?

Response: Yes

r. 13

Can the local government confirm that, where the CEO has been delegated authority to make payments from the municipal or trust fund, the CEO prepared accurate monthly lists that are presented at the next ordinary council meeting and recorded in the minutes?

- includes the payee's name, payment amount, payment date, and sufficient information to identify each transaction where payments have already been made; or
- includes the payee's name, payment amount, sufficient information to identify each transaction, and the date of the council meeting (to which the list will be presented) for accounts requiring council approval.

Response: Yes

r. 13A

Did the local government prepare a list each month of all payments made using employee-authorised credit, debit or other purchasing cards, and include the payee's name, the amount of the payment, the date of the payment, sufficient information to identify the payment, and present the list at the next ordinary council meeting (and record in the minutes)?

Response: Yes

r. 19

Has the local government established and documented internal control procedures to enable identification of the nature and location of all investments and any related transactions?

Response: Yes

r. 19C

Has the local government ensured that all investments made under section 6.14(1) comply with statutory restrictions set out in Financial Management Reg. 19C?

Response: Yes

Local Government (Functions and General) Regulations 1996

r. 7

No response required. This is covered by s3.59(2).

r. 9

No response required. This is covered by s3.59(2).

r. 10

No response required. This is covered by s3.59(2).

r. 11A

Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?

Response: Yes

r. 11

No response required. This is covered by s3.57.

r. 12

Did the local government consider the implications of Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?

Response: N/A

r. 14(1), (3) and (5)

If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?

Response: N/A

Comments: RFT 01-2025 – Port Denison Boating Facility Upgrade- Stage 1 was not varied.

r. 15

Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?

Response: Yes

Comments: One tender was invited during 2025: RFT 01-2025 – Port Denison Boating Facility Upgrade – Stage 1. The tender opened on 17 July 2025 and closed through Tenderlink at 2.00pm on 7 August 2025. The evaluation report was signed on 29 August 2025, and tenderers were notified of the outcome on 22 October 2025

r. 16

No response required. This is covered by r. 15.

r. 17

Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?

Response: No

Comments: One tender was advertised during 2025, being RFT 01-2025 – Port Denison Boating Facility Upgrade – Stage 1. While the Tender Register information was available for public inspection at the Shire Administration Office, it was identified that the relevant information had not also been displayed on the Shire's website. This has since been addressed, with the appropriate Tender Register information now published on the Shire's website to ensure ease of public access and ongoing compliance with requirements.

r. 18(1) and (4)

Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?

Response: Yes

Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?

Response: Yes

r. 19

Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?

Response: Yes

r. 21

Does the local government's advertising and expression of interest processes for limiting who can tender comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?

Response: N/A

r. 22

No response required. This is covered by r. 21.

r. 23

Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?

Response: N/A

Comments: The Shire did not conduct an expression-of-interest process under regulations 21–24 during 2025

Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?

Response: N/A

r. 24

Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?

Response: N/A

r. 24AD(2), (4) and (6)

Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?

Response: N/A

If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?

Response: N/A

r. 24AE

No response required. This is covered by r. 24AD(2), (4) and (6).

r. 24AF

No response required. This is covered by r. 24AD(2), (4) and (6).

r. 24AG

Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?

Response: N/A

Comments: Note: The Shire of Irwin utilises the services of WALGA pre-qualified suppliers.

r. 24AH(1) and (3)

Did the local government reject any applications to join a panel of prequalified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?

Response: N/A

Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?

Response: N/A

r. 24Ai

Did the CEO send each applicant written notice advising them of the outcome of their application?

Response: N/A

Comments: The Shire did not establish or invite applications for its own panel of prequalified suppliers during 2025. Use of WALGA preferred-supplier panels does not constitute establishment of a Shire panel

r. 24E

Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?

Response: N/A

Comments: The Shire did not apply a regional price preference during 2025.

r. 24F

No response required. This is covered by r. 24E.

I certify this is a true and accurate copy of the 2025 Compliance Audit Return, as adopted by Council at the meeting of _____ 2026.

CEO

Date

Mayor or President

Date