



MINUTES

**Ordinary Council Meeting
22 September 2026**



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1 Declaration of Opening

Meeting Opened at 5.00 pm.

Shire President Scott - Before we move on into the formal business of the meeting. I would like to acknowledge a few changes within Council and the organisation.

Firstly, the Shire has received written resignation from Councillor Lesley Berecz, effective from the 21 September 2026. On behalf of Council, I thank Lesley for her service to the Shire of Irwin and for the contribution she has made during her time as an elected member. Serving on Council requires time, commitment and a willingness to contribute to local decision making and that service is appreciated. The resignation will be formally recorded, and the administration will progress the required statutory and administrative steps.

I would also like to acknowledge Sue Mearns and Patience Machaka, who are both finishing with the Shire this week. Sue has provided valued support to the CEO, Council, and the wider organisation, and Patience has made a significant contribution to the Shire financial management, budgeting and statutory reporting. On behalf of the council, I thank them both for this service and wish them every success into the future. Finally, I'd like to welcome Wendy, who is assisting the organisation during this transition period. We appreciate her support and welcome her aboard, as the Shire works through the handover and continuity of arrangements. Thank you all.

2 Attendance

2.1 Members

Councillor I Scott	Shire President
Councillor A J Gillam	Deputy Shire President
Councillor P Summers	
Councillor S Hansen	

2.2 Staff

Mr S D Ivers	Chief Executive Officer
Mr M Connell	Manager Development
Mr M Jones	Manager Operations
Miss P Machaka	Manager Finance
Ms F Boksmati	Manager Community Services
Mr M Antony	Community Emergency Services Manager
Ms S Mearns	Executive Assistant
Ms W Brookhouse	Acting Executive Assistant

2.3 Guests

NIL

2.4 Apologies

Councillor L Musulin

2.5 Approved Leave of Absence

Councillor J Melsom

2.6 Gallery

Annemarie Oostuizen

Jan Hughes

Ros Miller

Di Moriarty

Phil Clark

John Rossiter

Ian Maluish

3 Response to Previous Public Questions Taken on Notice

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: The variance relates to year-end accounting processes, including the allocation of employee costs between operating and capital activities, accruals, leave provisions and other employment-related adjustments. The final year-end position will be confirmed through the Shire's 2025/26 Annual Financial Statements and external audit process, undertaken by the OAG-appointed auditor, with the audit opinion issued through the Office of the Auditor General.

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: Not necessarily. The Shire is continuing to assess the required works and explore external funding opportunities, noting that the timing of grant programs does not always align with adoption of the annual budget. Once funding options and the preferred delivery approach are clearer, the matter will be progressed through the normal Council process. If a budget amendment is required, a report will be presented to Council for consideration.

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

What was the budget for the ERP and LGCSA?

Response: There is no separate ERP project budget or LGCSA budget allocation in the 2026/27 Budget. The Shire continues to meet routine annual software licence costs through normal operating budgets. There is currently no LGCSA member fee, payroll allocation or separate Shire contribution budgeted for LGCSA Inc.

4 Public Question Time

Question 1: Annamarie Oostuizen, 1 Brennand Road.

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

Response: Question taken on notice

Question 2: Annamarie Oostuizen, 1 Brennand Road.

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

Response: Question taken on notice

Question 3: Di Moriarty, 9 Brennand Road

Have the engineering designs been approved, and what measures have been taken to prevent stormwater impacts from the new road and its connection to Brennand Road?

Response: Engineering drawings were submitted to the Shire through the subdivision process and assessed by an independent third-party engineer. The Shire has approved those drawings.

Question 4: Phil Clark, 9 Brennand Road

Several objections and concerns were raised during consultation on the development. What has been done to address those concerns, rather than simply dismissing them?

Response: All matters raised were considered through the rezoning process. The submissions were provided to Council at the rezoning stage and were also provided to the Minister.

Question 5: Phil Clark, 9 Brennand Road

There are concerns about the lack of firebreaks on the western side of Lot 9000 in the Brennand Road subdivision. Who is responsible for addressing this issue and ensuring that the required fire safety measures are implemented?

Response: Council checks whether the required firebreaks are in place. However, installing and maintaining firebreaks is the property owner's responsibility.

This year's firebreak notice has been revised to align the requirements more closely with property size and risk. A program of property inspections across the Shire will commence on 15 October. Where non-compliance is identified, warnings will be issued and penalties may follow under section 33 of the Bush Fires Act. If the issue remains unresolved, the Shire may arrange for the required firebreak works to be undertaken and invoice the landowner for the cost.

The Shire takes bushfire risk seriously and will work to ensure that firebreaks comply with the section 33 notice. The Shire has also met with the developer to explain the firebreak requirements that apply during development of the land..

Question 6: Roslyn Miller, 116 Brennand Road.

The July 2021 subdivision approval for Lot 9000 included a condition requiring the developer to reach a satisfactory arrangement with the local government regarding the cost of upgrading the right of way on Lot 155. Has the Shire discussed construction of the road with the developer, including its design and how the costs would be shared? If so, what agreement or understanding has been reached?

Response: If you are referring to the July 2021 subdivision approval for Lot 9000, that subdivision did not proceed and the conditions attached to that approval do not apply. The developer is now progressing the current subdivision and must comply with the conditions attached to the current approval.

Question 7: Roslyn Miller, 116 Brennand Road.

At the agenda meeting, it was stated several times that the application to dedicate the accessway as a road was already with the Planning Commission as part of the original submission and was ready to be referred to the Minister. Does Council have the authority to approve or reject that application?

Response: Council's role in this matter is to request that the Minister dedicate the road.

Question 8: Jan Hughes, 14 Brennand Road.

Why did Council support access via Brennand Road rather than Northshore Drive? As access via Northshore Drive will be required at some point, would it be more practical to establish that connection now rather than go through another approval process later?

Response: The publicly advertised rezoning amendment included subdivision design principles identifying several connection points. The connections proposed by the developer have been assessed and approved by the WA Planning Commission. If the lot to the south is developed in the future, its proposed connection points will be assessed at that time. Ownership of that land may also change.

Question 9: John Rossiter, 181 Point Leander Drive

Why is the Shire paying the Dongara Hotel/Motel \$25,000 per year for shared use of its car park? Should the hotel be required to demonstrate that the car park is being used by people who are not hotel patrons?

Response: Council entered into the shared use agreement with the hotel to increase parking capacity for the main street. There is a section of the car park reserved for hotel patrons. We are also aware that members of the public use the car park to access nearby shops.

5 Declarations of Interest

Nil

6 Application for Leave of Absence

Nil

7 Petitions and Deputations

Nil

8 Confirmation of Minutes and Tabling of Agenda Forum Notes

8.1 Minutes of the Ordinary Council Meeting held on 25 August 2026.

RESOLUTION 0010922OCM

Moved: Councillor Peter Summers

Seconded: Councillor Andrew Gillam

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

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

ATTACHMENTS

1. Ordinary Council Meeting Minutes - 25 August 2026 Unconfirmed - *Under Separate Cover*

8.2 Minutes of the Audit, Risk & Improvement Committee Meeting held on 10 September 2026

RESOLUTION 0020922OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Sophie Hansen

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

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

ATTACHMENTS

1. Audit Risk and Improvement Committee Minutes - 10 September 2026 - *Under Separate Cover*

8.3 Minutes of the LEMC Meeting held on 4 August 2026

RESOLUTION 0030922OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

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

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

ATTACHMENTS

1. LEMC Minutes - 4 August 2026 - *Under Separate Cover*

8.4 Minutes Of The Special Council Meeting Held On 31 August 2026

RESOLUTION 0040922OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

That the Minutes of the Special Council Meeting held on 31 August 2026 be received and the recommendations therein be adopted.

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

ATTACHMENTS

1. Special Council Meeting Minutes - 31 August 2026 - *Under Separate Cover*

8.5 Agenda Forum Notes - 15 September 2026

RESOLUTION 0050922OCM

Moved: Councillor Sophie Hansen

Seconded: Councillor Peter Summers

That the notes from the Agenda Forum held on 15 September 2026 be received.

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

ATTACHMENTS

1. Agenda Forum Notes - 15 September 2026 - *Under Separate Cover*

9 Announcements by the Person Presiding without Discussion

27 August	Shire President and CEO attended a Public Hearing on an Inquiry into Local Government Funding at the invitation of the House Standing Committee on Regional Development, Infrastructure and Transport
28 August	Shire President and CEO attended the official opening of the Port Denison Boat Ramp
	Shire President and the CEO met with the Midwest Development Commission
28 August	Shire President and CEO met with MWDC
31 August	CEO attended a Strategic Resource Planning Workshop conducted by Moore Australia
02 September	Shire President and CEO attended a site tour of the Arrowsmith Power Plant conducted by Strike Energy
03 September	CEO met with representatives from the Department Planning LH in relation to Yandanooka West Road, Milo
08 September	CEO met MRWA on-site at Milo Crossing
10 September	Shire President and CEO attended Shire of Irwin ARIC Meeting
14 September	Shire President met with representatives from NOPSEMA to discuss the Cliff Head Facility
16-18 September	Shire President and CEO attended 2026 WALGA Convention
	Shire President conducted an interview with the Guardian in relation to Hancock Mining Road Funding (17 September)
18 September	CEO met with Western Power representative
21 September	Shire President conducted an interview with the Guardian in relation to Bellissima Project Road use and contacted by Hancock Energy

10 Reports of Officers and Committees**10.1 Finance Reports****10.1.1 Accounts for Payment - August 2026****FILE NUMBER:** 2.0057**AUTHOR(S):** Stephanie Clarkson, Senior Finance Officer**RESPONSIBLE OFFICER:** Shane Ivers, Chief Executive Officer

COUNCIL'S ROLE **Executive** - The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

VOTING REQUIREMENTS Simple Majority**REPORT PURPOSE**

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

RESOLUTION 0060922OCM**Moved:** Councillor Andrew Gillam**Seconded:** Councillor Peter Summers

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

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

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

BACKGROUND

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

OFFICER'S COMMENT

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

(1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared*

- (a) *the payee's name;*
- (b) *the amount of the payment;*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*

(3) *A list prepared under sub-regulation (1) or (2) is to be —*

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

POLICY IMPLICATIONS

Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Goal 4.2 Effective governance, management and prudent financial responsibility

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

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

ATTACHMENTS

1. Accounts for Payment - August 2026 - *Under Separate Cover*
2. Credit Card Statement - August 2026 - *Under Separate Cover*

10.1.2 Monthly Financial Statements - July 2026

FILE NUMBER:	2.0057
AUTHOR(S):	Patience Machaka, Manager Finance
RESPONSIBLE OFFICER:	Shane Ivers, Chief Executive Officer
COUNCIL'S ROLE	Executive - The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
VOTING REQUIREMENTS	Simple Majority

REPORT PURPOSE

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

RESOLUTION 0070922OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

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

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers, Sophie Hansen

Against: Nil

BACKGROUND

The Monthly Financial Statements to 31 July 2026 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

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

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

OFFICER'S COMMENT

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

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

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

(1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -*

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- (b) *budget estimates to the end of the month to which the statement relates;*
- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing -*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- (b) *an explanation of each of the material variances referred to in sub-regulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity must be shown according to the nature classification.*

(4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*

- (a) *presented to the council - at an ordinary meeting of the council within 2 months after the end of month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*

POLICY IMPLICATIONS

Nil

FINANCIAL/RESOURCE IMPLICATIONS

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month or at budget review.

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Goal 4.2 Effective governance, management and prudent financial responsibility

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

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

ATTACHMENTS

1. Monthly Financial Statements - July 2026 - *Under Separate Cover*

10.2 Development Reports

10.2.1 August 2026 Development Delegated and Authorised Authority Report

FILE NUMBER: 3.00125

AUTHOR(S): Murray Connell, Manager Development

RESPONSIBLE OFFICER: Shane Ivers, Chief Executive Officer

COUNCIL'S ROLE **Executive** - The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

VOTING REQUIREMENTS Simple Majority

REPORT PURPOSE

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

RESOLUTION 0080922OCM

Moved: Councillor Sophie Hansen

Seconded: Councillor Andrew Gillam

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

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

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 August 2026, with 16 building permits/certificates, 6 single house applications and 2 development approvals having been issued.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL/RESOURCE IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Goal 4.2 Effective governance, management and prudent financial responsibility

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

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

ATTACHMENTS

1. August Delegated Authority Report - *Under Separate Cover*

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

FILE NUMBER:	WAPC202782
AUTHOR(S):	Murray Connell, Manager Development
RESPONSIBLE OFFICER:	Shane Ivers, Chief Executive Officer
COUNCIL'S ROLE	Legislative - Includes adopting local laws, town planning schemes and policies.
VOTING REQUIREMENTS	Simple Majority

REPORT PURPOSE

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

SUSPENSION OF MEETING PROCEDURES**RESOLUTION 0090922OCM**

Moved: Councillor Andrew Gillam

Seconded: Councillor Sophie Hansen

A motion was moved that Council suspends the meeting as per Clause 17.1 of the Shire of Irwin Meeting Procedures Law 2016 at 5.30 pm

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

RESUMPTION OF MEETING PROCEDURES**RESOLUTION 0100922OCM**

Moved: Councillor Andrew Gillam

Seconded: Councillor Sophie Hansen

A motion was moved that Council reconvenes the meeting as per Clause 17.1 of the Shire of Irwin Meeting Procedures Law 2016 resume standing orders at 5.37 pm

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

MOTION

RESOLUTION 0110922OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

That Council moves the motion that the meeting proceeds to the next business as per clause 11.5 of the Shire of the Irwin Meeting Procedures Local Law 2016..

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

OFFICER RECOMMENDATION

That Council by Simple Majority request the Minister for Lands to dedicate the Right-of-Way Reserve 54384, indicated on the plan contained in DEV 02-09/26 Attachment 1, as road.

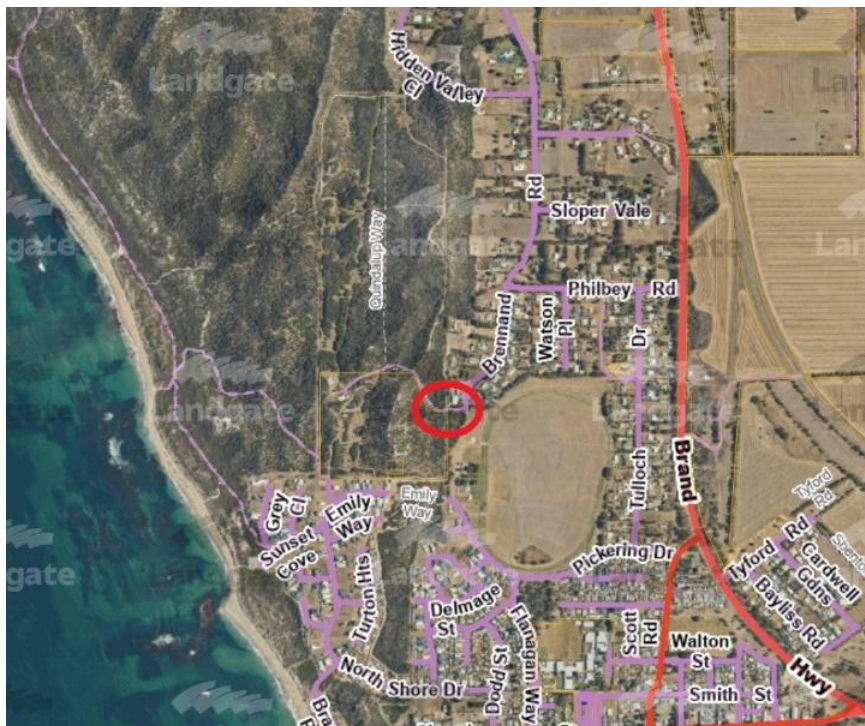
BACKGROUND

The Shire has received a request from the developer of Lot 9000 Brennand Road, Dongara to dedicate the ROW Reserve 54384 as a road (as per the plan contained in DEV 02-09/26 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 (WAPC) granted subdivisional approval for 38 rural residential lots. Council at its meeting held on 23 June 2026 approved the (alternate) road name 'Quindalup Way'.

A copy of the subdivision and road naming plan is contained in DEV 02-09/26 Attachment 2.

Location Plan



OFFICER'S COMMENT

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

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

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

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

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

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

CONSULTATION

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

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

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

In response to the advertising a total of 15 submissions were received (4 from government / service agencies with no objections and 11 from the public with objections). A copy of the objecting submissions is contained in DEV 02-09/26 Confidential Attachment 3.

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

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

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

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

01. 07 May 2008 – Ministerial Gazettal of Local Planning Scheme No. 5 that zoned the land to Residential R12.5.
02. 05 July 2021 – WA Planning Commission subdivision approval for 81 (4,000m²) lots, which also created a road connection to Brennand Road.
03. 25 February 2025 – Council initiation of Scheme Amendment No. 22 to rezone the land to 'rural residential' (item DEV 04-02/25). The report clearly articulated the design principles for the future subdivision of the land notably a road connection to Brennand Road and Hidden Valley Close.

04. 02 April 2025 – Environmental Protection Authority determination that no assessment of Amendment No. 22 was required under Part IV of the *Environment Protection Act 1986*.
05. 22 July 2025 – Council approval of Amendment No. 22 having considered submissions received (item DEV 02-07/25).
06. 14 January 2026 – Ministerial approval of Amendment No. 22.
07. 05 February 2026 – Ministerial approval of the Local Planning Strategy showing the land as 'rural residential'.
08. 20 April 2026 – WA Planning Commission subdivision approval for 38 (1 hectare) lots.
09. 23 June 2026 – Council approval of new road name (item DEV 03-06/26).
10. 25 August 2025 – Council approval of the road dedication of Reserve 45038, Hidden Valley Close (item DEV 02-08/26).

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

STATUTORY ENVIRONMENT

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

56. Dedication of land as road

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

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

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

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

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL/RESOURCE IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

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

Strategy 1.1.3 Support appropriate community transport options

ATTACHMENTS

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

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

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

REPORT PURPOSE

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

RESOLUTION 0120922OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

That Council by Simple Majority:

- 1. Consents to the acquisition of a 3,246m² portion of Lot 713 on Deposited Plan 231555 subject to the installation of new fences along the new property boundary lines at no cost to the Shire.**
- 2. Consents to Main Roads Western Australia and its contractors entering onto Lot 713 to carry out any construction works and relocation of existing services that may commence prior to the acquisition being completed.**
- 3. Request the Minister for Lands to dedicate as road the portion of Lot 713 Midlands Road, Yardarino indicated on Main Roads Drawing Number 2660-106 as contained in DEV 03-09/26 Attachment 1.**

CARRIED 4/0

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

BACKGROUND

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

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

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

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

Location

Plan



OFFICER'S COMMENT

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

The process for the Project will require MRWA to:

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

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

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

CONSULTATION

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

STATUTORY ENVIRONMENT

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

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

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

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

56. Dedication of land as road

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

- (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

POLICY IMPLICATIONS

Nil

FINANCIAL/RESOURCE IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

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

Strategy 1.1.3 Support appropriate community transport options

ATTACHMENTS

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

10.3 Community Development Reports

Nil

10.4 Operations Reports

Nil

10.5 Office of the CEO Reports

10.5.1 Compliance Audit Return 2025

FILE NUMBER: 3.0198

AUTHOR(S): Sue Mearns, Executive Assistant

RESPONSIBLE OFFICER: Shane Ivers, Chief Executive Officer

COUNCIL'S ROLE **Executive** - The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

VOTING REQUIREMENTS Absolute Majority

REPORT PURPOSE

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

RESOLUTION 0130922OCM

Moved: Councillor Andrew Gillam

Seconded: Councillor Peter Summers

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

CARRIED 4/0 BY ABSOLUTE MAJORITY

For: Crs Isabelle Scott, Andrew Gillam, Peter Summers and Sophie Hansen

Against: Nil

BACKGROUND

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

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

OFFICER'S COMMENT

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

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

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

CONSULTATION

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

STATUTORY ENVIRONMENT

Local Government Act 1995

- Section 7.13 – Regulations as to audits

Local Government (Audit) Regulations

- Regulation 14 - Compliance audits by local governments

POLICY IMPLICATIONS

Nil

FINANCIAL/RESOURCE IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Brilliant Future – Strategic Community Plan 2021 - 2031

Goal 4.2 Effective governance, management and prudent financial responsibility

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

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Promote workplace health, safety and well-being

ATTACHMENTS

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

10.6 Committees Reports

Nil

11 Motions of Which Previous Notice Has Been Given

Nil

12 Questions by Members of which due Notice has been given

Nil

13 Urgent Business Approved by the Person Presiding or by Decision

Nil

14 Matters for which Meeting was Closed to the Public

Nil

15 Decisions made while Meeting was Closed to the Public**16 Closure**

There being no further business the Presiding Member closed the meeting at 5.41pm.