



MINUTES

of the

**Ordinary Council Meeting**

held

**Tuesday 24 September 2019**

in the

**Council Chambers**  
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 24 September 2019

*Signed:* .....  
Presiding Elected Member

*Date:* .....

## Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin 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 Council or Committee Meetings.

A handwritten signature in black ink, appearing to read 'Shane Ivers', is positioned above the printed name and title.

Shane Ivers  
**CHIEF EXECUTIVE OFFICER**

# Table of Contents

	Minute #
1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4. PUBLIC QUESTION TIME .....	4
5. APPLICATIONS FOR LEAVE OF ABSENCE .....	6
6. PETITIONS AND DEPUTATIONS.....	6
7. CONFIRMATION OF MINUTES.....	7
7.1. Minutes of the Ordinary Council Meeting held 27 August 2019 .....	7 010919
8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	7
9. REPORTS.....	8
9.1. Officer Reports.....	8
CC01-09/19 Accounts for Payment .....	8 020919
CC02-09/19 Shire of Irwin 2019/20 Budget.....	10 030919- 070919
CC03-09/19 Monthly Financial Report for the Period Ended 31 July 2019.....	15 080919
IO01-09/19 Container Deposit Scheme – Operational Model .....	18 090919
RS01-09/19 Seaspray Caravan Park Local Development Plan .....	21 100919
CEO01-09/19 Report on Petition Regarding the Fishermen’s Hall .....	28 110919
9.2. Committee Reports .....	32
9.2.1. Irwin Bushfire Advisory Committee AGM held 20 June 2019.....	32 120919- 130919
9.2.2. Sustainable Environment Committee Meeting held 28 August 2019 .....	33 140919
9.2.3. Sustainable Environment Committee Meeting held 13 September 2019.....	33 150919- 170919
9.2.4. Local Emergency Management Committee Meeting held 4 September 2019.....	34 180919
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	34
10.1. Notice of Motion - Cr West.....	34 190919
11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	35
12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION .....	35
13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC .....	35
14. CLOSURE.....	35

# ORDINARY COUNCIL MEETING

held

**Tuesday 24 September 2019**

at 6.00pm

## **MINUTES**

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Councillors, Staff and Guests and opened the meeting at 6.00pm. The Shire President reminded all in attendance that this is not a public meeting and requested that guests are respectful of Council's meeting procedures.

### **2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

#### **Members**

Councillor M T Smith	President
Councillor B Wyse	Deputy President
Councillor A J Gillam	
Councillor S F Gumley	
Councillor M Leonard	
Councillor I Scott	
Councillor I F West	
Councillor K L Wilson	

#### **Staff**

Mr S D Ivers	Chief Executive Officer
Mr B Jeans	Manager Regulatory Services
Mrs D K Chandler	Governance & Executive Coordinator

#### **Apologies**

Nil.

#### **Approved Leave of Absence**

Nil.

#### **Guests**

Bruce Baskerville, Irwin Districts Historical Society.

#### **Gallery**

J Arden, J Schulze, B Cail, S Scotter, J Vinci, L Cole, G Cole, A Labruyere, J Labruyere, R Horsman, K Morgan, T Parish, J Samulkiewicz, J Gumley, R Labruyere, L Parish, G Bass, A Bass, T Crofts, P Crofts, B Crofts, B Mouchemore, J Rossiter, R Mouchemore, H Campbell, H Hope, B Fitzhardinge, J Fitzhardinge, M Butcher, N Broad, G Grundy, K Samulkiewicz, C Kerr, G Carr.

#### **Media**

F Mann, Geraldton Newspapers

### 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

### 4. PUBLIC QUESTION TIME

*The Shire President reminded all in attendance of the protocol for Public Question Time as per the “Questions to Council” flyer displayed in the Council Chambers.*

- 4.1. John Fitzhardinge, Carol Street, Port Denison: With regards to Council's decision (Minute # 140219) at the 26 February 2019 Ordinary Council Meeting, point 6 of the resolution - is Council confident that actions haven't already been taken to remove the Fishermen's Hall as the resolution states that all costs and actions are subject to funding provisions in 2019/20 budget and onwards?

Response: The question was *taken on notice*.

- 4.2. Greg Cole, Wimpole Road, Dongara: Has the Shire made application to demolish Denison Hall – if so, has it been approved and by who?

Response from the Shire President: No application is in progress. The Shire did consult with a neighbouring Council to determine cost implications for budgetary purposes.

- 4.3. Greg Cole, Wimpole Road, Dongara: Does the Shire support telling the history of Port Denison?

Response from the Shire President: At the 26 February 2019 Ordinary Council Meeting, the following decision was carried by Council 7/1 to:

*Preserve the heritage significance of the Fishermen's Hall by removing and storing the historically significant timbers and other heritage items for the potential future use in the Shire, that will reflect the full (~125 year) history of the Bond Store/ Fishermen's Hall and its place in the history of our district;*

- 4.4. Linda Cole, Wimpole Road, Dongara: Why has the Shire not maintained Denison Hall to the same standard as was required by the Fishermen's Association when they had the lease, as the kitchen can no longer be used?

Response from the Shire President: The Shire is not aware that the Fisherman's Hall is not maintained to the same standard as was required by the Fisherman's Association. In terms of the Fisherman's Hall kitchen, a decision was made by the Shire in 2017 to exclude the kitchen from hire as the logistics to clean crockery to the necessary hygiene standards was not an economical option given the hall is only hired out, on average, 20 times per year.

- 4.5. Linda Cole, Wimpole Road, Dongara: At the Green Space consultation sessions last year, 87% of people voted to keep Denison Hall, why did the Shire have a second vote and who voted?

Response from the Shire President: The Shire is unaware of a second vote. Referring to the 26 February 2019 Ordinary Council Meeting Minutes, 52 people who attend the community consultation voted “Yes” to the question “should the Fisherman's Hall be kept”, which equates to 87% of persons attending the session. Given Council are elected members for the whole community and not just special interest groups, 52 people represents 1.9% of the Shire's population.

- 4.6. Jon Arden, Premier Circle, Port Denison: I believe there are some early stage enquiries into the extension of Indian Ocean Drive through to Kailis Drive – what are the reasons for looking at this extension?

The Shire President invited the CEO to respond: It is expected to promote economic development in town by encouraging traffic closer to Dongara / Port Denison.

- 4.7. Jon Arden, Premier Circle, Port Denison: If the Indian Ocean Drive extension is to go ahead, do we have any idea of the economic gain this would bring to our Shire?

The Shire President invited the CEO to respond: It is predicted to add approximately \$14M per annum to the local economy.

- 4.8. John Cole, Point Leander Drive, Port Denison: Will Council reconsider the decision made at the February 2019 Ordinary Council Meeting, regarding the Fishermen's Hall?

Response: The question was *taken on notice*.

- 4.9. Ron Horsman, Tulloch Drive, Dongara: Why do Council want to knock the Fishermen's Hall down?

Response from the Shire President: At the 26 February 2019 Ordinary Council Meeting, the following decision was carried by Council 7/1 to:

*Preserve the heritage significance of the Fishermen's Hall by removing and storing the historically significant timbers and other heritage items for the potential future use in the Shire, that will reflect the full (~125 year) history of the Bond Store/ Fishermen's Hall and its place in the history of our district;*

- 4.10. Ron Horsman, Tulloch Drive, Dongara: If Council remove the Fishermen's Hall, what will be put in its place?

Response from the Shire President: Council will be workshopping this as part of the foreshore redevelopment to increase Council's ability to attract funding by being 'project ready' when funding opportunities become available.

- 4.11. John Rossiter, Point Leander Drive, Port Denison: Why are the Irwin Shire Council ratepayers still subsidising Batavia Health when they refuse service to some residents, ratepayers and visitors?

Response: The question was *taken on notice*.

- 4.12. John Rossiter, Point Leander Drive, Port Denison: Referring to the minutes of the 24 May 2016 Ordinary Council Meeting, Item 10.1, why hasn't the last paragraph;

*"...it is open for Council to change its position in regards to the arrangements relating to the provision of financial assistance to Batavia Health as outlined within Cr Scott's Notice of Motion";*

been acted on?

Response: This question was *taken on notice*.

- 4.13. John Fitzhardinge, Carol Street, Port Denison: Referring to the 2016 Foreshore Masterplan, the open interpretive area is estimated to cost \$300K – is there no interest from Council when there are two groups, being the Dongara Professional Fishermen's Association and the Irwin District Historical Society, prepared to take this on?

Response from the Shire President: At the 26 February 2019 Ordinary Council Meeting, the following decision was carried by Council 7/1 to:

*Preserve the heritage significance of the Fishermen's Hall by removing and storing the historically significant timbers and other heritage items for the potential future use in the*

*Shire, that will reflect the full (~125 year) history of the Bond Store/ Fishermen's Hall and its place in the history of our district;*

- 4.14. George Bass, Point Leander Drive, Port Denison: Why is Council reluctant to maintain a substantial tourist attraction on the foreshore?

Response from the Shire President: The Shire is unaware that the Fisherman's Hall is a substantial tourist attraction.

- 4.15. George Bass, Point Leander Drive, Port Denison: Are the results of the consultation available to the public?

Response from the Shire President: The results are included in the 26 February 2019 Ordinary Council Meeting minutes and these are available to the public on the Shire of Irwin website.

- 4.16. Brian Sloper, Point Leander Drive, Port Denison: What does Council have planned for the sand building up around the Surf Club?

Response from the CEO: The Shire are currently going through the process of obtaining the relevant approvals from the Department of Environment.

- 4.17. Brian Sloper, Point Leander Drive, Port Denison: Do you have a timeframe for obtaining approvals from the Department of Environment?

Response from the CEO: No.

- 4.18. John Cole, Point Leander Drive, Port Denison: In the event that Council change the decision made at the 26 February 2019 Ordinary Council Meeting regarding the Fishermen's Hall, would they consider putting the funds currently allocated for demolishing the Fishermen's Hall, towards the MOFATS proposal put forward by the IDHS and DPFA?

Response: The question was *taken on notice*.

- 4.19. Hugh Campbell, Dongara: With reference to John Cole's question (4.18), would this change of decision be made public and if so, is there a timeframe?

Response: The question was *taken on notice*.

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

## 6. PETITIONS AND DEPUTATIONS

6.24pm - Mr Bruce Baskerville, as representative of the Irwin Districts Historical Society presented as a deputation to Council regarding the Fishermen's Hall.

Bruce spoke to a slideshow which is available upon request.

## 7. CONFIRMATION OF MINUTES

### 7.1. Minutes of the Ordinary Council Meeting held 27 August 2019

A copy of the previous Minutes of the Ordinary Council Meeting have been provided to all Councillors under separate cover

<b>RECOMMENDATION AND COUNCIL DECISION 010919:</b>	
<b>MOVED: Cr Wyse</b>	<b>SECONDED: Cr Gillam</b>
<b>That the Minutes of the Ordinary Council Meeting, held 27 August 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

## 8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

### Correspondence, Functions and Events

27 August 2019	Met with Dr James Quirke, Dongara Medical Centre
28 August 2019	Met with Kris Barnes regarding an update on Mitsui EP.
3 September 2019	Attended the Risk Management Councillor Workshop
4 September 2019	Conducted a Citizenship Ceremony
6 September 2019	Cr Scott attended the Irwin Districts Historical Society Sundowner and Website Launch on my behalf
11 September 2019	Met with the Honourable Rita Saffioti MLA, Minister for Transport & Planning, along with Joel Kelly (Senior Media Adviser), Managing Director of the Public Transport Authority, the Hon Darren West MLC and the Hon Laurie Graham MLC.

### Coming Events

12 October 2019	Invited to attend the Official Opening of the Hanging of the Quilts at the Irwin Rec Centre
18 October 2019	Regional Road Group Meeting – Main Roads, Geraldton
19 October 2019	2019 Local Government Elections

## 9. REPORTS

### 9.1. Officer Reports

<b>CORPORATE AND COMMUNITY</b>		<b>CC01- 09/19</b>
<b>Subject:</b>	<b>CC01-09/19 Accounts for Payment</b>	
<b>Author:</b>	<b>S Clarkson, Finance Officer</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

#### Council Role:

- 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. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- 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 Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

#### Report Purpose:

To receive the list of accounts paid under delegated authority during August 2019.

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of August 2019.

#### Officer's Comment:

Nil

#### 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 CEO3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

**Financial/Resource Implications:**

Nil

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

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 – September 2019

CC01: Accounts for Payment – August 2019

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 020919:**

**MOVED: Cr Leonard**

**SECONDED: Cr Gumley**

**That Council receives the Accounts paid during August 2019 as presented in Attachment Booklet – September 2019, represented by:**

<b>Payment Type/Numbers</b>	<b>Total Amount</b>
<b>EFT 24732 – 24875</b>	<b>\$811,482.34</b>
<b>Muni Cheques - 31933 – 31936</b>	<b>\$2,684.82</b>
<b>Direct Debit – Solar Panel Repayments 08/19</b>	<b>\$1,947.66</b>
<b>Direct Debit – Insurance Premiums Repayment</b>	<b>\$25,273.17</b>
<b>Direct Debit – Credit Card</b>	<b>\$1,634.00</b>
<b>Direct Debit – Superannuation</b>	<b>\$31,914.64</b>
<b>Direct Debit - Transport – PL300719 – PL280819</b>	<b>\$70,227.05</b>
<b>Grand Total</b>	<b>\$945,163.68</b>

**VOTING DETAILS:**

**Carried 8/0**

<b>CORPORATE AND COMMUNITY</b>		<b>CC02-09/19</b>
<b>Subject:</b>	<b>CC02-09/19 Shire of Irwin 2019/20 Budget</b>	
<b>Author:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>FM.BU.19.20</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

**Council Role:**

- 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. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- 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 Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

To consider and adopt the Budget for the 2019/20 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers. The Shire of Irwin 2019/20 Budget is presented as separate Attachment – 2019/20 Budget.

**Background:**

The Shire of Irwin 2019/20 Budget has been compiled based on the principles contained in the Strategic Community Plan. The 2019/20 Budget has been prepared in accordance with the presentations made to Councillors at the 2 budget workshops held in July and August 2019.

The proposed differential general rates were approved by Council on 9 July 2019 and advertised for public comment. No submissions were received by 19 August 2019 when the public comment period closed. Ministerial approval to impose differential general rates for the Mining UV category was received on 18 September 2019 (Attachment Booklet – September 2019: CC02-Attachment 2).

**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. The main features of the draft budget include:

- The 2019/20 Budget has been prepared with a 2.25% rate increase. This increase applies to all differential general rate categories.
- Fees and charges have been increased on average by 5.2% and are itemised in the 2019/20 Budget.
- Household and commercial waste charges and charges for depositing refuse at the Shire of Irwin Transfer Station are proposed to increase by 10% and are itemised separately in the 2019/20 Budget.

- The recurrent operating budget includes an overall decrease in estimated expenditure of 13.7% on last year's actuals (although individual line items may vary from this based on specific factors affecting each of these) and continues the focus on improved service delivery to the community.
- A capital works program totalling \$3.821M for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is the major component of this (\$939,000) in line with Council's strategy to increase the investment in road and associated assets. An amount of \$1.75M is provided to continue the Aged Housing Project. Council has also been successful in its application to Lottery West to fully fund a Pump Track to the value of \$250,000 that will benefit the community.
- An estimated deficit of \$30,334 is anticipated to be brought forward from 30 June 2019.
- Transfers to Reserves of \$208,119 is budgeted to provide for future renewal of assets
- Principal additional grant funding for the year is estimated from:
  - Royalties for Regions Funding - \$62,667
  - Roads to Recovery - \$214,117
  - Lottery West - \$250,000
  - Aged Housing Project - \$1,380,000

The Shire of Irwin 2019/20 Budget continues to deliver on other strategies adopted by Council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

#### **Consultation:**

While no specific consultation has occurred building the 2019/20 Budget, community consultation and engagement have previously occurred during development of the Strategic Community Plan. In addition, the proposed differential rates were advertised in the Geraldton Guardian on 26 July 2019 and in the Dongara Denison Local Rag on 31 July, 7 August and 14 August 2019. No comments were received.

Extensive internal consultation has occurred between all departments and through briefings and workshops with elected members.

#### **Statutory Environment:**

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

An extension of time to 30 September 2019 to prepare and adopt the 2019/20 budget was granted by the Deputy Director General, Regulation on 8 August 2019 (Attachment Booklet – September 2019: CC02 – Attachment 1).

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2019/20 budget as presented is considered to meet statutory requirements.

#### **Policy Implications:**

The budget is based on the principles contained in the Strategic Community Plan 2017-27.

#### **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 2019/20 Budget (provided as separate Attachment – 2019/20 Budget) being presented to Council for adoption.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

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 – September 2019

CC02 - Attachment 1: Approval for extension of time to prepare and adopt 2019/20 Annual Budget

CC02 - Attachment 2: Approval for Differential General Rates

Separate Attachment

Shire of Irwin 2019/20 Budget

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 030919:**

**MOVED: Cr Wyse**

**SECONDED: Cr Gumley**

**PART A – MUNICIPAL FUND BUDGET FOR 2019/20**

That Council, by Absolute Majority and pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the Municipal Fund Budget, presented as separate Attachment – 2019/20 Budget, for the Shire of Irwin for the 2019/20 financial year which includes the following;

- Statement of Comprehensive Income on pages 11 and 13, showing a net result for that year of \$669,599;
- Statement of Cash Flows on page 15;
- Rate Setting Statement on page 16 showing an amount required to be raised from rates of \$5,311,728;
- Notes to and Forming Part of the Budget on pages 18 to 38; and
- Transfer to / from Reserve Accounts as detailed in page 30.

**VOTING DETAILS:**

**Carried by Absolute Majority 8/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 040919:**

**MOVED: Cr West**

**SECONDED: Cr Leonard**

**PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

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:

**1.1 General Rates**

- |                                 |                             |
|---------------------------------|-----------------------------|
| • Residential (GRV)             | 11.1808 cents in the dollar |
| • Commercial / Industrial (GRV) | 11.1808 cents in the dollar |
| • Rural (UV)                    | 1.4193 cents in the dollar  |
| • Mining (UV)                   | 18.9882 cents in the dollar |

**1.2 Minimum Payments**

- |                                 |         |
|---------------------------------|---------|
| • Residential (GRV)             | \$1,021 |
| • Commercial / Industrial (GRV) | \$1,021 |
| • Rural (UV)                    | \$1,021 |
| • Mining (UV)                   | \$1,021 |

2. 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                                    | 4 October 2019  |
| • Full Payment                                  | 8 November 2019 |
| • 1 <sup>st</sup> quarterly instalment due date | 8 November 2019 |
| • 2 <sup>nd</sup> quarterly instalment due date | 10 January 2020 |
| • 3 <sup>rd</sup> quarterly instalment due date | 11 March 2020   |
| • 4 <sup>th</sup> quarterly instalment due date | 11 May 2020     |

3. 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).

4. 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.

5. 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*, adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

VOTING DETAILS:

Carried by Absolute Majority 8/0

#### OFFICER RECOMMENDATION AND COUNCIL DECISION 050919:

MOVED: Cr Scott

SECONDED: Cr Wyse

#### PART C – FEES AND CHARGES FOR 2019/20

That Council, by Absolute Majority;

1. Pursuant to section 6.16 of the *Local Government Act 1995*, adopts the Schedule of Fees and Charges as provided in Appendix 3.3 of the Shire of Irwin 2019/20 Budget, presented as separate Attachment – 2019/20 Budget, that are proposed to be imposed from 1 November 2019.
2. Advertises the Schedule of Fees and Charges for the 2019/20 financial year in accordance with Section 6.19 of the *Local Government Act 1995*.

VOTING DETAILS:

Carried by Absolute Majority 8/0

**OFFICER RECOMMENDATION AND COUNCIL DECISION 060919:**

**MOVED: Cr Leonard**

**SECONDED: Cr Gumley**

**PART D – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2019/20**

That Council, by Absolute Majority;

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	\$7,612

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:

President	\$10,000
-----------	----------

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

Deputy Shire President	\$2,500
------------------------	---------

**VOTING DETAILS:**

**Carried by Absolute Majority 8/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 070919:**

**MOVED: Cr West**

**SECONDED: Cr Gumley**

**PART E – MATERIAL VARIANCE REPORTING FOR 2019/20**

That Council, in accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* and *AASB 1031 Materiality*, adopts the level to be used in statements of financial activity in 2019/20 for reporting material variances, to be 10% or \$10,000, whichever is the greater.

**VOTING DETAILS:**

**Carried 8/0**

<b>CORPORATE AND COMMUNITY</b>		<b>CC03-09/19</b>
<b>Subject:</b>	<b>CC03-09/19 Monthly Financial Report for the Period Ended 31 July 2019</b>	
<b>Author:</b>	<b>M Shirt, Consultant</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- 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. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2019 to 31 July 2019.

**Background:**

The Monthly Financial Report to the 31 July 2019 is 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 Program
- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Report also includes various other financial information not required by legislation, but for Council information.

**Officer’s Comment:**

The financial position to the end of July 2019 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

	YTD Actual	Variance to YTD Budget
Operating Revenue	144,885	-13%
Operating Expenditure	(223,707)	-73%
Net Operating	(78,822)	
Non-Operating Revenue	133,067	100%
Non- Operating Expenditure	(29,728)	-1%
Net Non- Operating	103,339	
Cash at Bank	23,347	
Cash at Bank Restricted	1,544,478	
Reserve Bank	1,310,454	
Total Cash Funds	2,878,278	

The attached report provides explanatory notes for items greater than 10% or \$10,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

**Consultation:**

Nil.

**Statutory Environment:**

Local Government Act 1995 - Section 6.4

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

*Section 34 Financial activity statement report*

- (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 may be shown -*
  - (a) *according to nature and type classification;*
  - (b) *by program; or*

- (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*
  - (a) *presented to the council -*
    - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
    - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; 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:**

Strategic Community Plan 2017 - 2027

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 – September 2019

CC03: Financial Statements for the Period Ended 31 July 2019

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 080919:**

**MOVED: Cr Gillam**

**SECONDED: Cr Leonard**

**That Council receives the Monthly Financial Statement for the period 1 July 2019 to 31 July 2019 as provided in Attachment Booklet – September 2019.**

**VOTING DETAILS:**

**Carried 8/0**

<b>INFRASTRUCTURE AND OPERATIONS</b>		<b>IO01-09/19</b>
<b>Subject:</b>	<b>IO01-09/19 Container Deposit Scheme – Operational Model</b>	
<b>Author:</b>	<b>S Pratt-King, Coordinator Infrastructure &amp; Asset Services</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>WM.SP.1</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

For Council to review the implementation of a Container Deposit Scheme Refund Point Centre to compliment current waste management services provided at the Dongara Transfer Station.

**Background:**

In March 2019, the *Waste Avoidance and Resource Recovery Act (2007)* (WA) was amended to provide for the introduction of a state-wide container deposit scheme, to commence on 2 June 2020. The scheme aims to increase the recovery and rate of recycling of beverage containers to reduce the impact of litter on the natural environment.

It is estimated that approximately 1,800 million beverage containers were used in Western Australia in 2017 and the scheme aims to encourage the collection and recycling of beverage containers by providing incentives in the form of a refund (10 cents initially) on the return of an eligible container to a collection point. The scheme follows the introduction of similar schemes in South Australia, Northern Territory, New South Wales, ACT and Queensland.

The scheme will apply to most beverage containers between 150 millilitres and 3 litres in size.

To achieve the scheme objective, 172 refund points will be implemented across WA by June 2020, with eight of those being in the Mid West region consisting of 2 full-time and 6 flexible refund points. The scheme has identified Dongara-Port Denison as a suitable location for a single flexible refund point collection centre.

Organisations and charities interested in becoming a refund point collection centre are required to apply to the scheme coordinator; Western Australia Return Recycle Renew Limited (WARRRL) with applications closing 21 October 2019.

**Officer's Comment:**

The container deposit scheme represents an opportunity for the Shire to actively participate in and contribute to improving recycling rates in the local community and Mid West region by becoming a refund

point operator. Improving waste services and recycling options was identified as one of the top four community priorities in the 2016 MARKYT community scorecard survey.

The most effective and cost-efficient operational model that compliments current business activities is to introduce a flexible over-the-counter refund point at the Transfer Station. Over-the-counter refund points are permanent locations where customers can return their eligible containers to be counted and sorted with refund amounts being processed on the spot.

Refund point operators will receive a handling fee of 6 cents per eligible container (exclusive of GST) plus be reimbursed the refund amount of 10 cents.

To comply with the scheme requirements the Transfer Station site would need to meet the following criteria.

- Operate at least 16 ordinary business hours per fortnight, eight of which must be weekend hours;
- Meet local planning and development requirements;
- Provide a clean, enclosed and secure location for the collection, sorting and storage of containers; and
- Be of sufficient size (and site configuration) to accommodate collection infrastructure while minimising pedestrian and vehicle interactions.

The transfer station complies with the minimum operating hours and does not require development approval as the scheme aligns with the existing use of the facility. It is anticipated that contracted staffing levels at the Transfer Station will remain the same with Cleanaway providing the labour as a variation to the current Waste Management contract.

To minimise the need to invest in new infrastructure it is proposed that the scheme operates out of the existing tip shop and recycling shed. There will be a requirement to purchase some minor equipment such as counting tables and sorting bins. Bulk collection containers will be supplied at no cost to the Shire by the processing provider as per the scheme requirements.

The container deposit scheme will introduce a new form of currency into the local economy and as such it is recommended that security be upgraded to the facility in the way of surveillance cameras and a security safe. Minor site improvements to delineate parking areas and direct traffic and pedestrian movements will need to be implemented prior to the scheme commencement. It is anticipated that logistic providers will collect the sorted material outside normal operating hours to minimise vehicle and pedestrian interaction.

To encourage greater participation and social enterprise, the Shire will work with interested community and charity groups to set up donation points, where the refund amount is provided directly to the group once containers are delivered to the Transfer Station for processing. Several community organisations have already expressed a keen interest in participating in the scheme.

If successful in the application process, the Shire of Irwin and WARRRL will enter into a legally binding Refund Point Agreement contract for a term of 5 years.

**Consultation:**

Community members were consulted on their waste management needs in 2016 through the MARKYT community scorecard survey.

Consultation workshops were held by the scheme coordinator at the City of Greater Geraldton in August 2019. Shire staff and Council's waste management contractor attended the information sessions.

**Statutory Environment:**

*Waste Avoidance and Resource Recovery Act (2007)*

- Part 5A

*Local Government Act 1995*

- Section 9.49A (4)

**Policy Implications:**

Nil

**Financial/Resource Implications:**

All costs associated with the implementation of the container deposit scheme will be managed in line with Council's 2019/20 waste management operating budget.

The scheme will generate a new revenue stream to offset the \$608,000 per annum expenditure for providing waste management services.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 2.2.2 Manage existing waste services and introduce ways to reduce waste and/or its impacts.

**Attachments:**

Attachment Booklet – September 2019

IO01 – Attachment 1: WA CDS Overview Pack 2019

IO01 – Attachment 2: WARRRL Application Form

IO01 – Attachment 3: Pro forma Refund Point Agreement

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 090919:**

**MOVED: Cr Wyse**

**SECONDED: Cr Wilson**

**That Council;**

- 1. Supports the WA Container Deposit Scheme application as per the outlined operational model and the proposed implementation of a Refund Point at the Dongara Transfer Station.**
- 2. If successful in the application, authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract to deliver refund point services under the Refund Point Agreement.**

**VOTING DETAILS:**

**Carried 8/0**

<b>REGULATORY SERVICES</b>		<b>RS01 - 09/19</b>
<b>Subject:</b>	<b>RS01-09/19 Seaspray Caravan Park Local Development Plan</b>	
<b>Author:</b>	<b>B Jeans, Manager Regulatory Services</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>P895 / A9329</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

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**Report Purpose:**

For Council to consider the adoption of the Local Development Plan for the Seaspray Caravan Park at Lot 502 and Lot 94 (Reserve 25412) Church Street, Dongara.

**Background:**

The Seaspray Caravan Park is developed over a freehold lot (Lot 502) and Lot 94 which is a Shire managed Reserve (Reserve 25412). The Shire leases the Reserve section of the Seaspray Caravan Park.

A Management Order (formerly known as Vesting Orders) is in place for the Shire to manage Reserve 25412 for the purposes of a caravan park. The Management Order grants the Shire the power to lease the land for up to 30 years subject to the consent of the Minister for Lands. In 2017 the Shire made a request to the Minister to increase this period from 21 years to 50 years. This was not supported at the time and a Local Development Plan was required to support the increase lease to demonstrate the long-term planning and use of the Reserve.

The Applicant has since lodged an LDP to meet this requirement and progress to the subsequent process for the Minister to consider increasing the power to lease the Reserve from 21 years to 50 years. Under the Regulations, prior to accepting a draft LDP the Shire must seek confirmation from the Western Australian Planning Commission that the preparation of an LDP is considered to be 'required for the purposes of orderly and proper planning' of a particular site. This confirmation was received on 4 September 2018.

The proposed LDP (Attachment 1) sets out the Applicant's intent for the development of the site over the long term. The LDP in brief proposes:

- Reducing the 30 Caravan sites to 22
- Increasing from 15 to 30 chalets
- 12 Apartment units (9 existing, 3 to be converted from existing building)
- Existing motel units and park home
- Function Centre
- Café

- New Reception/Manager's Residence
- 2 outdoor pools (1 existing), kitchen, laundry and other outdoor facilities
- Indigenous Interpretive Centre, walkways and lookouts (outside of site)

The purpose of an LDP is to guide development on the site for a period of 10 years.

**Officer's Comment:**

It is recommended that Council supports the Local Development Plan, subject to the below comments and recommended modifications:

- Parking

The Applicant addresses the provision of car parking rates for sites using the Caravan Parks and Camping Grounds Regulations 1997 requirements and for other incidental uses, such as the café, the relevant car parking rates in Clause 5.24 of the Local Planning Scheme are applied at the discretion of the Shire.

A total of 73 parking bays are proposed on site. 24 parking bays are proposed off-site, 16 of which are located in the Church Street cul-de-sac and 8 proposed to the north of the proposed café located just outside the site on Reserve 38046. Shire Officers have been consulted on the parking proposed and the following is noted:

- Function Centre is for internal (Park customer) use only, negating the need for parking bays for the Centre. The internal only use of the Centre is recommended to be noted on the plan for clarity.
- Café – provision of 8 bays close by for external users in conjunction with existing Park customers is suitably located and is considered to meet the required parking provision for the proposed scale of the café. In the event the café increased in scale or changed in nature, on-site parking provision would need to be re-assessed.
- Parking bays identified on Church Street aren't supported to be used for the supply of parking. Whilst there is acknowledgment general public will use this area to park to visit the café, it is not appropriate to identify parking bays off-site in this location to meet the need of parking bays not provided for on site.
- The Applicant has designed and provided 1 bay per 2-bed chalet and 2 bays per 3-bed chalet. This is considered acceptable to meet the needs and is generally consistent with car parking rates applied elsewhere.

- Access/egress

The submitted and advertised LDP proposed a new main access directly adjacent to Brady Road intersection. As a result of consultation with the Shire's Operations Supervisor, the Applicant has reverted the main access point on the LDP back to the existing location to address the concerns.

- Bushfire Risk and Management

The Bushfire Management Plan (BMP) was referred to DFES and internally to the Shire's Community Emergency Services Manager. Through the referral process, some issues were identified with the BMP, more precisely being the concerns of DFES regarding the development and management of reserve land surrounding the Caravan Park managed by the Shire. The Shire has liaised with DFES and the Applicant on these concerns and worked towards a practical outcome.

It is recommended that the Asset Protection Zone immediately surrounding the site, which is to be maintained by the Park operator/leaseholder, be clearly mapped on the LDP and listed as a condition. Whilst an LDP is not a statutory mechanism to enforce such, mechanisms in this situation such as the associated BMP and lease are suitable and can be integrated to be enforceable.

- Coastal Risk

The Shire's CHRMAP clearly identifies the adverse coastal hazards that affect the site. Whilst the adaptation action is for managed retreat, suitable adaptation actions in the short to medium

term can be accepted. These actions include ensuring buildings are relocatable, allowing for natural processes to occur and planning for relocating infrastructure should the need arise.

It is a recommendation that a condition be placed on the LDP stipulating the requirement for new buildings and structures to be relocatable as a result of the CHRMAP actions. This transparency and awareness of the coastal hazards introduced through the LDP process is a proactive step to acknowledging and addressing the identified risk which would otherwise not be achieved. An LDP is valid for 10 years which allows for reassessment, particularly for managing retreat options and re-evaluating revised coastal modelling when available.

- Land management/cadastral

The land tenure of the Seaspray Caravan Park and surrounds varies. The below Landgate image illustrates this and it is important to note that existing development in the Road Reserve and adjacent Reserve 38046 on the western side is historic. The LDP can assist by formalising the boundary of future development and expectation of foreshore and bushfire management surrounding the site.



- Foreshore Management

The Applicant has included a Foreshore Management Plan to address foreshore along Seaspray Beach. This Plan is dated 2010 however is mostly unchanged. It is recommended that priority rehabilitation areas be mapped on the LDP, particularly for the southern side to support dune protection from coastal processes of erosion.

- Servicing

The site is currently serviced with reticulated scheme water. Comments received by Water Corporation raised the requirement for the Applicant to upgrade the water main to support development of the site. It is recommended this be stipulated as a condition on the LDP. Reticulated sewer does not extend to the site from the east on Church Street. An existing on-site effluent disposal system services the site however this system has reached capacity. Comments from the Water Corporation indicate the requirement for the site to be connected to

the reticulated sewer system. The Applicant has progressed discussions with Water Corporation and reached a suitable outcome for a private pumping main to connect to the reticulated sewer network. This is recommended as condition of the LDP prior to any new connections.

**Consultation:**

Consultation was undertaken in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

The LDP was advertised for public comment for a period of 28 days from 12 November 2018 to 12 December 2018 in the following forms:

- Public Notice in the Dongara Denison Local Rag 21 November 2018 edition;
- Advertising sign on the subject land;
- Display and information in the Shire office;
- Advert on the Shire website and Facebook page.

Stakeholder consultation was also undertaken with letters sent to:

- Water Corporation
- Western Power
- Department of Fire and Emergency Services
- Department of Planning, Lands and Heritage
- Department of Water and Environmental Regulation
- Department of Aboriginal Affairs
- Department of Health

A total of 4 submissions were received from the advertising period which are listed in the Schedule of Submissions (Attachment 4). No submissions were received from the public. Agency comments received have subsequently been addressed and covered in the report.

Internal consultation was carried out with the Shire's Operations Supervisor for advice regarding traffic, parking and access/egress matters and the Shire's Community Emergency Services Manager for advice regarding bushfire management matters raised during the public advertising period.

**Statutory Environment:**

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 52 of the Planning and Development (Local Planning Schemes) Regulations 2015 states that:-

- (1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —*
- (a) approve the local development plan; or*
  - (b) require the person who prepared the local development plan to —*
    - (i) modify the plan in the manner specified by the local government; and*
    - (ii) resubmit the modified plan to the local government for approval; or*
    - (c) refuse to approve the plan.*

Clause 54 of the Planning and Development (Local Planning Schemes) Regulations 2015 states:-

*A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the Planning and Development Act 2005 Part 14, of a decision by the local government not to approve the local development plan.*

Clause 55 of the Planning and Development (Local Planning Schemes) Regulations 2015 states:-

*If the local government approves a local development plan the local government must publish the local development plan on the website of the local government.*

Shire of Irwin Local Planning Scheme No. 5

The site is located in the Special Use Zone, listed as 'SU6' and 'SU7'.

Schedule 4 specifies the permitted uses for the site however no specific conditions apply:-

No.	LOCATION	LAND PARTICULARS	PERMITTED USES	SPECIFIC CONDITIONS
6	Church Street Dongara	Strata Lot 1, 81	+ Caravan/Chalet Park + Camping Ground + Holiday Accommodation + Incidental uses to the permitted uses	
7	Church Street Dongara	Lot 94 (Reserve No.25412)	+ Holiday Accommodation + Incidental uses to the permitted uses	



The LDP site is located within the Irwin River Floodplain Special Control Area however is not impacted by the 1 in 100yr flood levels and therefore no additional provisions are applicable.

**Caravan Parks and Camping Grounds Regulations 1997**

The LDP demonstrates compliance with Schedule 7 of the Regulations. On site ‘constructed’ and operational compliance is assessed during the Annual Licensing process.

**Policy Implications:**

- State Planning Policy 2.6 State Coastal Planning Policy (SPP 2.6)
- State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)

The site is designated in the Bush Fire Prone Area. The Applicant’s Bushfire Management Plan addresses the bushfire risk and management of the site to mitigated acceptable levels.

**Financial/Resource Implications:**

Nil.

**Strategic Implications:**

*Strategic Community Plan 2017 - 2027*

2.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

*Shire of Irwin Coastal Hazard Risk Management Adaptation Plan (CHRMAP) 2016*

The Seaspray Beach/Irwin Rivermouth area was modelled as part of the CHRMAP. The findings include:

*“The modelling indicates that the most significant impacts for the Seaspray Beach area are likely to occur in the 2110 scenarios, where the 0.9m and 1.5m rises in sea levels were considered.”*

The table extract below from the CHRMAP identifies suitable adaptation actions with the coastal risk priority level as high for inundation and extreme for erosion.

Coastal Hazard	Risk Priority Level	Action Required	Tolerance	Broad Adaptation Option Category	Coastal adaptation actions
Inundation	High	Immediate to short-term action required to eliminate or reduce risk to acceptable levels	Tolerable	Retreat	5. In the Seaspray Beach area: <ol style="list-style-type: none"> <li>educate the public about the area's natural communities and sensitive habitats and encourage public appreciation and environmentally sound recreational enjoyment of the area;</li> <li>ensure that all approved buildings within the caravan park are relocatable;</li> <li>monitor and allow natural processes to occur, and ensure the public are kept informed; and</li> <li>plan for the movement of public and private infrastructure when threats materialise.</li> </ol>
Erosion	Extreme	Immediate action required to eliminate or reduce risk to acceptable levels.	Unacceptable - Intolerable	Retreat	6. In the Irwin Rivermouth area: <ol style="list-style-type: none"> <li>Continue to educate the public about the area's natural communities and sensitive habitats and encourage public appreciation and environmentally sound recreational enjoyment of the area;</li> <li>carry out flood modelling of the Irwin River, including an analysis of combined river flooding and coastal impacts;</li> <li>monitor and allow natural processes to occur, and ensure the public are kept informed; and</li> <li>plan for the movement of public infrastructure when threats materialise.</li> </ol>

**Attachments:**

Attachment Booklet – September 2019

RS01 – Attachment 1: Proposed Local Development Plan

RS01 – Attachment 2: Local Development Plan Report dated June 2018

RS01 – Attachment 3: Draft Bushfire Management Plan revised June 2019

RS01 – Attachment 4: Schedule of Submissions

**Officer Recommendation:**

**OFFICER RECOMMENDATION AND COUNCIL DECISION 100919:**

**MOVED: Cr West**

**SECONDED: Cr Scott**

**That Council:**

1. Pursuant to Schedule 2, Part 6, Clause 52(1)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 require the following modifications being made to the Local Development Plan as contained in Attachment 1:
  - a) Condition to stipulate connection to reticulated sewer and water for any new connections.
  - b) Note stating that the site is subject to coastal hazards/risks as identified by the CHRMAP modelling for inundation and erosion.
  - c) Condition stipulating all new buildings and incidental infrastructure shall be relocatable to support managed retreat.
  - d) Illustration of an appropriate Asset Protection Zone on the Local Development Plan surrounding the subject site that shall be maintained in perpetuity by the owner/leaseholder of Seaspray Caravan Park.
  - e) Proposed buildings and development located outside of the site, such as the lookout and interpretive centre, be greyed out and noted 'subject to separate approval'.
  - f) Parking bays identified on Church Street be removed.
  - g) Note on the LDP that the Function Centre is only for internal use.
  - h) Foreshore rehabilitation areas to be clearly marked on the LDP, including removing reference to lawn installation to the south of the proposed café.
  - i) Condition stipulating requirement for Development Approval for new buildings and development.
  - j) Clear outline of Lot 502 and Lot 94 (Reserve 25412) depicting the LDP site.
  - k) Condition stating that a Bushfire Management Plan applies to the site.
2. Subject to 1. above being met within 60 days and pursuant to Schedule 2, Part 6, Clause 52 of the Planning and Development (Local Planning Schemes) Regulations 2015, delegates the Chief Executive Officer to approve the Local Development Plan for Seaspray Caravan Park at Lot 502 and Lot 94 (Reserve 25412) Church Street, Dongara.

**VOTING DETAILS:**

**Carried 8/0**

<b>OFFICE OF CEO</b>	<b>CEO01-09/19</b>
<b>Subject:</b>	<b>CEO01-09/19 Report on Petition Regarding the Fishermen’s Hall</b>
<b>Author:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>File Reference:</b>	<b>CP. RE.5</b>
<b>Voting Requirements:</b>	<b>Simple Majority</b>

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**Report Purpose:**

For Council to consider the officer recommendation on matters that are the subject of a petition received from the Irwin Districts Historical Society at the 27 August 2019 Ordinary Council Meeting.

**Background:**

A petition was received from the Irwin Districts Historical Society at the 27 August 2019 Ordinary Council Meeting regarding the Fishermen’s Hall. An excerpt of the statement follows:



**PETITION OF ELECTORS  
to  
SAVE DENISON HALL**

**STATEMENT REQUIRED TO APPEAR ON EACH PAGE OF THE PETITION**

**TO THE PRESIDENT OF THE SHIRE OF IRWIN AND SHIRE COUNCILLORS**  
WE, the undersigned all being electors of the Shire of Irwin, do respectfully request that Council:

1. Publicly acknowledge that we oppose the Council’s decision of 26 February 2019 to approve the dismantling and removal of the Denison Hall,
2. Rescind the resolution and delete any funding for its implementation from any current or future budget, and
3. Actively work for the adaptation and conservation of the Hall, in accordance with the ‘Burra Charter for Places of Cultural Significance’, in its current location, and maintain the use of the Hall as a public building, which may include a use as a museum of fishing.

The petitioner indicated in the cover letter (Attachment 1) that the petition has 287 signatures in total, of which 221 are electors and 66 non-electors.

## **Officer's Comment:**

### Petition Validation

The petition received is a valid petition in accordance with clause 6.10(1) of the Shire of Irwin Meeting Procedures Local Law 2016. The signatures received from non-electors are irrelevant as clause 6.10(1)(b) of the Shire of Irwin Meeting Procedures Local Law 2016 states that a petition is to be made by electors of the district. Upon validating the petition, it was calculated that there were a total of 43 signatures by Occupiers and 141 signatures by Owners, totalling 184 signatures made by electors of the district. This represents 6.9% of all electors.

### Object of the Petition

The object of the petition is the Fisherman's Hall, which in the petition is referred to as Denison Hall. The Fisherman's Hall was the former Custom and Excise Shed (Bond Store) built in 1894 of timber frame and corrugated iron cladding. The structure included a loading bay on the east side and was connected to the nearby jetty (second jetty, built 1867, Place No. 83) with a horse drawn railway. Some of these rails are still under the carpark to the west of the building.

In the mid 1890s, Port Denison went into decline with the opening of the Midland Railway line and the shed fell into disrepair. With the formation of the Denison Progress Association in the 1940s with Herbert Cole as president, the shed was renovated with repairs to the wooden floor. The building was used for social functions and dances. Two rainwater tanks were added to the west side and during the summer months the hall was used for holiday accommodation.

In the 1970s the Dongara Professional Fishermen's Association leased the building from the Shire of Irwin and made repairs to the building. In the early 1990s, the Association did major renovations to the building which included the replacement of the corrugated iron cladding with concrete blocks and the addition of bullnose verandas. The original internal structural timbers were retained.

In terms of the original Bond Store, the only remaining structural elements are the six timber frame roof trusses together with the supporting posts, roof battens and some connecting beams between the roof trusses and supporting posts.

### Heritage Listing

The Fishermen's Hall Place Record No. 70 (formerly Place 72) has been downgraded from a Management Category 2 to a 3 during the 2017 review owing to "diminished heritage value" resulting from its heritage integrity being lost over the years by the series of renovations.

The Statement of Significance reads as follows:

*"The Fishermen's Hall, the former Bond Store, has historic significance given its connection to the development of sea transport in the district, especially the remnants of the nearby second jetty (Place No. 83) with which it is visually linked. The building also has social significance for its connection to the Dongara Professional Fishermen's Association since the 1970s and its use for social functions for many years."*

Management Category 3 means that the Fishermen's Hall is "Significant as an individual building or place". The encouragement is to retain and preserve if possible:

- Endeavour to preserve the significance of the place through provisions of the Town Planning Scheme with encouragement to the owner to preserve the place.
- Photographically record the place prior to any major redevelopment.

### Council Decision

Under delegated legal authority, the elected members of the Shire of Irwin community voted by Absolute Majority at the 26 February 2019 Ordinary Council Meeting to:

1. Dismantle and remove the Fishermen's Hall;
2. Preserve the heritage significance of the Fishermen's Hall by removing and storing the historically significant timbers and other heritage items for the potential future use in the Shire, that will reflect the full (~125 year) history of the Bond Store/ Fishermen's Hall and its place in the history of our district; and

3. Accept that all costs and actions relating to dismantling and removal of the Fishermen’s Hall and the repurposing of heritage items be subject to funding provisions within future budgets, 2019-20 onwards.

**Comments**

It is agreed by all parties that the current Fishermen’s Hall structure does not easily reflect or interpret the history of the Bond Store. Furthermore, this history is not readily accessible to the general public or tourists, and is only available to those who hire the hall. The cost to modify the hall in its current location to capture the history of the Bond Store and make it accessible to the public would be at a substantial financial cost and unaffordable to the Shire of Irwin.

Whilst the Shire is fully supportive and committed to preserving the history within the region including the Bond Store, the Shire has to take a much broader view to consider other issues such as:

- The overall cost impact on rate payers to develop, operate and maintain the site;
- Other competing requirements that the community have prioritised ahead of the Fishermen’s Hall;
- Being flexible with the interpretive options in order to meet the criteria of potential funding opportunities;
- Integration with other projects such as the Foreshore Masterplan;
- Other historical items listed in the Shire’s Municipal Inventory list; and
- Linkage with tourism and the ease of tourist access to the historical elements within the region.

**Consultation:**

Two consultation sessions were held in December 2018 regarding the Fishermen’s Hall. The results of these consultations were presented to Council at the 26 February 2019 Ordinary Council Meeting.

**Statutory Environment:**

Shire of Irwin Meeting Procedures Local Law 2016

- Clause 6.10

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

Nil

**Strategic Implications:**

*Strategic Community Plan 2017 – 2027*

- |                |  |
|----------------|--|
| Strategy 2.2.3 | Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels |
| Strategy 3.2.1 | Recognise places of cultural and heritage value  |
| Strategy 4.2.3 | Adopt a risk and asset management approach   |

**Attachments:**

Attachment Booklet – September 2019

CEO01: Petition received from the Irwin Districts Historical Society

**Officer Recommendation:**

*The Shire President invited the Mover, Seconder, then other Councillors to speak to the motion.*

*Cr West spoke against the motion.*

*No other Councillors wished to participate in the debate.*

*The motion was put and resulted in a tie 4/4.*

*The Shire President, as the person presiding, used a second vote to break the deadlock and achieve a decision. The Shire President stated that based on the consultation results, his casting vote was in favour of the motion, therefore the motion was Carried.*

**OFFICER RECOMMENDATION AND COUNCIL DECISION 110919:**

**MOVED: Cr Scott**

**SECONDED: Cr Wyse**

**That Council:**

- 1. Acknowledges that the Irwin Districts Historical Society opposes Council's decision made 26 February 2019, Minute Reference 140219;**
- 2. Based on the small percentage of electors that the petition reflects, does not act on the requests made by the petitioner.**

**VOTING DETAILS:**

**Carried 5/4**

**9.2. Committee Reports**

**9.2.1. Irwin Bushfire Advisory Committee Annual General Meeting held 20 June 2019**

Minutes provided Attachment 9.2.1 in Attachment Booklet – September 2019 – Part 2 (CM).

<b>COUNCIL DECISION 120919:</b>	
<b>MOVED: Cr Leonard</b>	<b>SECONDED: Cr Gillam</b>
That Council receives the Minutes of the Irwin Bushfire Advisory Committee Annual General Meeting held 20 June 2019, as provided in Attachment Booklet – September 2019 Part 2 (CM).	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

<b>IRWIN BUSHFIRE ADVISORY COMMITTEE RECOMMENDATION AND COUNCIL DECISION 130919:</b>			
<b>MOVED: Cr Gillam</b>		<b>SECONDED: Cr Gumley</b>	
That Council:			
a) appoints the Brigade Officer Bearer positions recommended for North, South and Town Brigades in accordance with the Bush Fire Brigades Local Law Part 2:			
North Brigade	Brigade Captain		C Forward
	Brigade Lieutenants	1	J Koric
		2	S Brindal
		3	A Obst
	Fire Control Officer		C Forward
South Brigade	Brigade Captain		A Gillam
	Brigade Lieutenants	1	C Forsyth
		2	M Watson
			A Gillam
	Fire Control Officer		
Town Brigade	Brigade Captain		M Butcher
	Brigade Lieutenants	1	J Butcher
		2	P Parker
		Fire Control Officer	
b) notes that there are no changes to the Office Bearers from the 2019/20 period.			
<b>VOTING DETAILS:</b>		<b>Carried 8/0</b>	

### 9.2.2. Sustainable Environment Committee Meeting held 28 August 2019

Minutes provided Attachment 9.2.2 in Attachment Booklet – September 2019 – Part 2 (CM).

<b>COUNCIL DECISION 140919:</b>	
<b>MOVED: Cr West</b>	<b>SECONDED: Cr Gumley</b>
<b>That Council receives the Minutes of the Sustainable Environment Committee Meeting held 28 August 2019, as provided in Attachment Booklet – September 2019 Part 2 (CM).</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

### 9.2.3. Sustainable Environment Committee Meeting held 13 September 2019.

Minutes provided Attachment 9.2.3 in Attachment Booklet – September 2019 – Part 2 (CM).

<b>COUNCIL DECISION 150919:</b>	
<b>MOVED: Cr Gillam</b>	<b>SECONDED: Cr Scott</b>
<b>That Council receives the Minutes of the Sustainable Environment Committee Meeting held 13 September 2019, as provided in Attachment Booklet – September 2019 Part 2 (CM).</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

<b>SUSTAINABLE ENVIRONMENT COMMITTEE RECOMMENDATION AND COUNCIL DECISION 160919:</b>	
<b>MOVED: Cr Gumley</b>	<b>SECONDED: Cr Wilson</b>
<b>That Council;</b>	
<b>1. Accepts the donation of \$2,000 from the Dongara Pop-up Shop for the purpose of purchasing plants to assist in the rehabilitation of the Irwin River area;</b>	
<b>2. Approves the Sustainable Environment Committee to utilise the funds for the purpose of plant rehabilitation in the Irwin River area.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

<b>SUSTAINABLE ENVIRONMENT COMMITTEE RECOMMENDATION AND COUNCIL DECISION 170919:</b>	
<b>MOVED: Cr Wilson</b>	<b>SECONDED: Cr Wyse</b>
<b>That Council acknowledges the donation from the Dongara Pop-Up Shop with a certificate of appreciation from the Shire of Irwin Sustainable Environment Committee.</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

#### 9.2.4. Local Emergency Management Committee Meeting held 4 September 2019.

Minutes provided Attachment 9.2.4 in Attachment Booklet – September 2019 – Part 2 (CM).

<b>COUNCIL DECISION 180919:</b>	
<b>MOVED: Cr Leonard</b>	<b>SECONDED: Cr West</b>
<b>That Council receives the Minutes of the Local Emergency Management Committee Meeting held 4 September 2019, as provided in Attachment Booklet – September 2019 Part 2 (CM).</b>	
<b>VOTING DETAILS:</b>	<b>Carried 8/0</b>

### 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

#### 10.1. Notice of Motion - Cr West

Cr West provided a notice of motion to Councillors and the CEO via email on Monday 16 September 2019, regarding action on the Fishermen's Hall.

<b>CR WEST'S RECOMMENDATION:</b>
<b>That Council:</b> <ol style="list-style-type: none"><li><b>1. Delays any further action on the Fishermen's Hall until Council has had time to fully discuss and consider the proposal by the Dongara Professional Fishermen's Association Inc. as put forward in a letter emailed to the CEO and Councillors on 9 September 2019;</b></li><li><b>2. Captures any consensus arrived at regarding action on the Fishermen's Hall, in a resolution of Council.</b></li></ol>

*The Shire President invited Cr West as the Mover to speak to the motion.*

*Cr West spoke for the motion and reserved his right of reply to close the debate.*

*The Shire President noted Cr West's reservation and invited Cr Leonard as the Seconder to speak to the motion.*

*Cr Leonard spoke for the motion.*

*The Shire President invited any other Councillors to speak to the motion.*

*Cr Scott spoke against the motion.*

*Cr Wilson spoke for the motion.*

*With no other Councillors wishing to speak to the motion, the Shire President invited Cr West to close the debate.*

*The motion was put and Lost.*

**COUNCIL DECISION 190919:**

**MOVED: Cr West**

**SECONDED: Cr Leonard**

**That Council:**

- 1. Delays any further action on the Fishermen’s Hall until Council has had time to fully discuss and consider the proposal by the Dongara Professional Fishermen’s Association Inc. as put forward in a letter emailed to the CEO and Councillors on 9 September 2019;**
- 2. Captures any consensus arrived at regarding action on the Fishermen’s Hall, in a resolution of Council.**

**VOTING DETAILS:**

**Lost 3/5**

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION**

Nil.

**13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

Nil.

**14. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.07pm.

An electronic copy of the Minutes are available for download from the Shire’s website  
<http://www.irwin.wa.gov.au/Agendas-Minutes.aspx>