



**AGENDA**

**FOR THE**

**SPECIAL COUNCIL MEETING**

**TO BE HELD ON**

**TUESDAY, 18 SEPTEMBER 2012**

**PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING**

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

# NOTICE OF MEETING

PLEASE BE ADVISED THAT A  
SPECIAL COUNCIL MEETING  
TO CONSIDER MATTERS RELATING TO THE  
PLANNED REMOVAL OF THE SURF BEACH CAR  
PARK AND ASSOCIATED INFRASTRUCTURE AS  
PART OF COASTAL EROSION REMEDIATION  
WORKS

COMMENCING AT 4.00PM

WILL BE HELD ON

**TUESDAY, 18 SEPTEMBER 2012**

IN COUNCIL CHAMBERS AT  
13 WALDECK STREET, DONGARA WA



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Darren Simmons  
Chief Executive Officer

15 September 2012

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## **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

## Disclosure of Financial or Impartiality Interests Form

This form is provided to enable members and officers to disclose an interest in a matter in accordance with the requirements of Sections 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulation 34C

**To: Chief Executive Officer**

I hereby declare my interest in the following matter/s included on the Agenda paper for the Council/Committee meeting to be held on:

\_\_\_\_\_ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	Extent of Interest (see below)

*Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.*

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NB:**

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1)(a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declaration to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillors'/Employees' responsibility to ensure the interest is brought to the attention of Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing the Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

***Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration***

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting

\_\_\_\_\_

2. Particulars recorded in the minutes

\_\_\_\_\_

3. Signed by Chief Executive Officer

\_\_\_\_\_

## Leave of Absence Request Form

This form is provided to enable members and officers to apply for leave pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995.

**To: Chief Executive Officer**

I hereby give notice that at the ordinary meeting of Council on \_\_\_\_\_  
I intend to request that Council grant me a leave of absence for the following period:

From: \_\_\_\_\_ To: \_\_\_\_\_ (inclusive)

Councillor: \_\_\_\_\_  
(Please print name in full)

Signed: \_\_\_\_\_

**Guidance Notes to aid completion of Leave of Absence Request Form:**

1. Once you have completed this form, please arrange for it to be delivered to the Chief Executive Officer (ideally before the commencement of the ordinary Council meeting at which the request is to be made)
2. If you are unable to attend the Council meeting at which the request for leave of absence is to be put forward, please complete this form and submit to the Chief Executive Officer as soon as is practicable, so that he can advise the Shire President to put forward the request on your behalf.
3. Any leave of absence approved by Council can only apply to subsequent meetings. Therefore, leave of absence cannot be granted for the ordinary Council meeting at which the approval is given.
4. Pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995, an Elected Member who is absent throughout three (3) consecutive **ordinary** Council meetings, without first obtaining a leave of absence, is disqualified from continuing his or her membership of the Council.
5. Council cannot grant leave of absence in respect of more than six (6) consecutive ordinary meetings of the Council, without the approval of the Minister for Local Government.

Office Use Only:

Date/Initials

4. Particulars of leave of absence given to meeting

\_\_\_\_\_

5. Particulars recorded in the minutes

\_\_\_\_\_

6. Signed by Chief Executive Officer

\_\_\_\_\_

## Meetings Generally Open to the Public

### LOCAL GOVERNMENT ACT 1995 – SECT 5.23

#### 5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



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### SPECIAL COUNCIL MEETING 18 SEPTEMBER 2012

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**AGENDA FOR THE SPECIAL COUNCIL MEETING  
TO BE HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 18 SEPTEMBER 2012  
COMMENCING AT 4.00PM**

**PRESENT:**

Councillors

Cr S C Chandler (Shire President)  
Cr K J Hepworth (Deputy Shire President)  
Cr J B Fitzhardinge  
Cr R T McClurg  
Cr J A R Porteus  
Cr B C Scott  
Cr M T Smith  
Cr I F West

Staff

Mr D J Simmons – Chief Executive Officer  
Mr G M Peddie – Director Corporate & Community  
Mr G F Coaker – Manager Planning Services  
Mr F A Neuweiler – Manager Community Safety  
Mr A S Wootton – Works Manager  
Miss E Greaves - Executive Assistant (Minute Taker)

**GUESTS:**

-

**APOLOGIES:**

-

**LEAVE OF ABSENCE:**

-

- 
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
  - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
  - 3. PUBLIC QUESTION TIME (MUST RELATE TO THE PURPOSE OF THE MEETING)**

#### 4. REPORTS

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##### CEO.02

**Subject:** Surf Beach Coastal Erosion Remediation Works  
**Reporting Officer:** Chief Executive Officer  
**Date of Report:** 15 September 2012  
**File Reference:** GS.PR.10  
**Voting Requirements:** Simple Majority

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##### Report Purpose:

To consider matters relating to the planned removal and relocation of the surf beach car park and associated infrastructure as part of coastal erosion remediation works.

##### Officer's Recommendation:

That, in respect to immediate Surf Beach coastal erosion remediation works, Council endorses the following actions:

- Remove the asphalt car -park and relocate the footpath in line with the road;
- Flatten the slope of the dune and car -park area to provide a more stable slope and to reduce the risk of dangerous erosion scarps forming;
- Revegetate the flattened dune face and car -park area where possible; and
- Finish the seawall with a return at the end of Dongara Denison Beach Holiday Park as the seawall is currently not protected adequately and is likely to be threatened by on-going erosion.

##### Background:

As part of the Shire's 2012/13 Capital Works Programme, Council included within its Municipal Budget a 50 metre continuation of the rock armour sea wall that currently extends from Grannies Beach along the front of the Dongara Denison Beach Holiday Park.

Council sought funding from the Department of Transport (under its Coastal Protection Grants Scheme) and the Department of Regional Development and Lands (under the Royalties for Regions Country Local Government Fund regional component).

However, the Shire is now in receipt of advice that both funding applications have been unsuccessful based on a State Government multi-agency panel's cost/benefit assessment and due to the absence of a long term coastal management plan for the area.

Council staff have since discussed with representatives of the Department of Transport (DoT) the issues why the funding applications were unsuccessful, especially in the context that the Shire was following what was believed to be an agreed staged approach in respect to the continuation of a sea wall.

##### Officer's Comment:

Due to the need for immediate remediation works to ensure public safety, the CEO, Director Corporate and Community and Manager Works have met with coastal engineers from DoT and Council's consulting firm, M P Rogers and Associates, in order to develop an appropriate action plan as outlined in the following email communication:

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**From:** [Brad Smith](#)  
**To:** [Aaron Wootton](#)  
**Cc:** [d.bobridge@coastsandports.com.au](mailto:d.bobridge@coastsandports.com.au); [Darren Simmons](#); [Geoff Peddie](#); [Michael.Maslin@transport.wa.gov.au](mailto:Michael.Maslin@transport.wa.gov.au)  
**Subject:** Dongara Beaches Meeting  
**Date:** Wednesday, 5 September 2012 2:02:05 PM

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**Email reference: 1851/12, Job number: J954/2**

Hi Aaron

Please find below a summary of the discussions at yesterday's meeting regarding the coastal management of the Dongara Beaches. Let me know if you have any comments or feedback on this summary and I will forward these to everyone.

1. Michael Maslin advised that the Department of Planning are requesting local governments develop Coastal Management Plans for areas under local government control. The coastal management plan should identify areas under threat and investigate options to manage these threats for a range of planning horizons. For example, 5, 25, 50 and 100 years. Funding for any coastal protection measures is less likely to be provided by DoT for areas without an endorsed Coastal Management Plan.
2. The following coastal management approach for the area north of the new seawall was agreed to at the meeting:
  - a. Remove the asphalt car-park and relocate the footpath in line with the road.
  - b. Flatten the slope of the dune and car-park area to provide a more stable slope and to reduce the risk of dangerous erosion scarps forming.
  - c. Revegetate the flattened dune face and car-park area where possible.
  - d. Finish the seawall with a return at the end of caravan park. The seawall is currently not protected adequately and is likely to be threatened by on-going erosion.

**Short Term (1 to 6 months)**

The following way forward was agreed at the meeting:

- MRA is to prepare a plan showing the above coastal management approach.
- The Shire is to request support/comment from DoT regarding the above coastal management approach.
- In the interim, the Shire is to protect the end of the caravan park with available rock.

If the above approach is supported by DoT, the Shire is to:

- Apply for funding under Royalty for Regions;
- Apply for Coast West funding for the revegetation works
- Prepare documentation for the area, including:
  - o Incorporating coastal management focus into District Structure Plan.
  - o Coastal Management Plan, including a shoreline monitoring program and the identification of shoreline movement triggers for action.

**Medium Term (1 to 2 years)**

- Implement the above coastal management approach. Eg flatten slope and finish off seawall.

**Long Term (> 2 years)**

- Obtain coastal data outlined in Coastal Management Plan. Eg hydrosurvey data, wave measurements.
- Monitor the shoreline and implement options in Coastal Management Plan if the triggers are exceeded.

We trust this meets your requirements. Please do not hesitate to contact us if you require any further information.

Kind regards  
*Brad Smith*  
for and on behalf of

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**m p rogers & associates pl** ABN 14 062 681 252

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boat harbours canals breakwaters seawalls jetties submarine pipelines dredging reclamation  
waves currents tides flood levels water quality siltation erosion rivers beaches estuaries climate change

Due to the public safety and liability risks associated with leaving the Surf Beach shoreline in its current eroded, degraded and dangerous state, and as outlined to Councillors at the Council Forum on 11 September 2012, staff intended to implement the coastal management approach as described in point #2 of Mr Smith's email above and summarised in the plan provided as attachment #1 to this report.

However, these works have been suspended due to the Shire President's decision to call a Special Meeting of Council to further discuss the coastal remediation treatment as proposed.

Whilst it is still the belief and recommendation of staff that the proposed works are warranted and justified in the circumstances, on the basis that works are yet to commence it is open and appropriate for Council to further consider the proposed works prior to any works commencing.

**Financial Implications:**

Proposed works are within existing budget parameters.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Council may wish to undertake community consultation.



**5. CLOSURE**

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

\_\_\_\_\_.