SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

MINUTES

of the

Ordinary Council Meeting

held on

Tuesday 27 August 2024

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, 27 August 2024

Signed: .....
Presiding Elected Member

Date: 24 September 2024

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 Agenda Forums, Council or Committee Meetings.

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MINUTES

of the

ORDINARY COUNCIL MEETING

held

27 August 2024

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff and Gallery Members to the August Ordinary Council Meeting then declared the Meeting open at 6.00pm.

The Shire President requested Gallery Members peruse the information sheet provided relating to Public Question Time and confirmed he would be extending the scheduled 15 minute allocation for Public Question Time to allow for the anticipated increase in questions.

Gallery Members were also advised that the Meeting would be recorded for minute taking purposes.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard	President
Councillor B Wyse	Deputy President
Councillor I Scott	
Councillor A J Gillam	
Councillor E Tunbridge	
Councillor P Summers	
Councillor J Melsom	

Staff

Mr S D Ivers	Chief Executive Officer
Ms F Boksmati	Acting Manager Community Services
Ms S Mearns	Executive Assistant

Guests

Nil

Apologies

Mr S Stubbs	Community Emergency Services Manager
Miss P Machaka	Manager Finance
Mr M Connell	Manager Development
Mr M Jones	Manager Operations

Approved Leave of Absence

Nil

Media

Chloe	ABC Midwest

Gallery

Debra Thompson	Dongara	Brian Barber	Springfield
John Rossiter	Port Denison	Jane Barber	Springfield
Sarah Taylor	Port Denison	Kate Fisher	Port Denison
Steve Featherstone	Port Denison	Sonia Kerr	Port Denison
Teresa Thomas	Port Denison	Cameron Grove	Port Denison
Christ Burton	Port Denison	John Evans	Bookara
Jo Upperton	Port Denison	Nic Grove	Dongara
Danny Upperton	Port Denison	Robert Grove	Dongara
Peta Van H (sic)	Port Denison	Kerry Grove	Dongara
Adam Radford	Port Denison	John Grove	Dongara
Gavin Denton	Dongara	David Murphy	Springfield
Vernon Leemon	Port Denison	Ross Lillywhite	Port Denison
Helen Tunbridge	Dongara	Lee Britten	Bonniefield
John Bick	Port Denison	Freda Chandler	Port Denison
Melina Delane	Dongara	Sam Waters	Port Denison
Mick Perkusich	Dongara	Shelley Davis	Dongara
Sarah Whitmarsh	Dongara	Jo Evans	Port Denison
Graham Evans	Port Denison		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Question 1: Lee Britten, Bonnifield
With regards to the Sprint, in the past twelve months since the last event and the events prior to that has anybody bothered contacting Motorsport Australia, the City of Albany or Northam Shire to see the safety requirements that are required for their sprints and what charges they imposed to the public to raise funds to recover costs for the hire of their barriers?

Response:
Thank you for your questions, The CEO advised that the City of Joondalup were contacted however the City of Albany had not been contacted. The Shire President confirmed that these are completely different circuits and considered these to be racing events, and not sprint events. The Shire President confirmed that Council and Shire Officers specifically looked at safety features and advice which was relevant for our event only.

Question 2: Lee Britten, Bonnifield
After speaking to Paul Bartlett of Motorsport Australia who is the Development Manager for them, he has advised me what was required (which is a lot more than what we needed in the past), would the Shire be willing to contact Paul Bartlett for his advice?

Response:
The Shire President confirmed that once this particular years event, Councill will be reviewing, as you mentioned, the safety requirements and procedures needed for the Shire to hold future events. The Shire has been actively trying to obtain guidance advice on barriers and safe distance requirements to enable the Shire to set up the circuit safely. Unfortunately the Shire has not been able to obtain the required advice and have had to make the difficult decision to cancel the event for 2024.

The Shire President went on to confirm that the Shire has looked at the barriers which are utilised by the City of Joondalup however these were significantly more substantial than those which the Shire had planned on using. The prices associated with hiring similar barriers would be significantly higher than planned for. Cr Leonard advised that if Council were looking at using barriers of this sort for future events, then costings would be sought and the community consulted to seek their

comment, following which, we would apply for endorsement by the required motoring bodies and obtain comprehensive insurance coverage. Cr Leonard confirmed that the Shire has not given up on holding the event in the future however it is going to take a lot of work by Shire Officers and Councillors, and with the support of the Community.

The Chief Executive Officer (CEO) went on to comment that Motorsport Australia (MSA), is a different governing body to the Australian Auto-Sport Alliance (AASA), whom the Triumph Club (who have historically been running the event) use. The two motorsport bodies have different rules and although the Shire has tried to access the MSA certified track inspectors, they do not have authority under the AASA unless it is delegated.

Question 3: Brian Barber, Springfield
Mr Barber asked 'Why can't the Shire charge an entry fee for example $10 for adults and $5 for children, and have volunteers to man the gates?'.

Response: *The Shire President confirmed that Council had discussed this option however due to the logistics of the event and multiple entry points, it will be difficult to manage. This option is definitely on the agenda to discuss further. Cr Leonard confirmed that this would definitely assist in financially supporting the event however didn't factor into the additional safety requirements that need to be met.*

Cr Leonard went on to advise that the Shire had distributed letters to industry groups requesting financial support in the way of sponsorship from without success.

Question 4: Sam Waters, Port Denison
Mr Waters asked - Who were the independent assessors engaged by the Shire and were they credentialled under (a) racing committee (AASA or CAMS)?

Response: *The CEO advised that although it was not appropriate to name the person/s engaged by the Shire to conduct the assessment. The CEO confirmed that the Assessor/s were MSA certified however needed to apply for certification under the AASA which then became complicated (for the Assessor/s). During this stage, the Assessor's provided advice and circuit drawings to the Shire of Irwin.*

Subsequently on 3 August 2024, the Assessor/s withdraw any advice given to the Shire of Irwin. The CEO confirmed that up until that time, the Shire of Irwin was committed to holding the event.

Question 5: Sam Waters, Port Denison
Mr Waters asked – Why weren't the original organisers of the Sprint consulted with the problem of Shire getting third party?

Response: *The Shire President and CEO confirmed that the original organisers of the Sprint were consulted.*

The CEO went further to clarify that there are two components of insurance under the AASA, one being the actual circuit itself (where the organisers have done a great job and professionally run the event), under the AASA however, the Shire is provided with a permit and in the permit it references National Competition Rules which state: the Owner (Shire of Irwin), has a responsibility to look after the public outside of the Circuit. This was why the Shire went to an independent certifier that could give the Shire a recommendation of what we could do to protect our public.

To clarify, the Shire of Irwin was confident with the actual circuit however had not received adequate professional advice with regards to spectator safety.

Question 6: Sam Waters, Port Denison
Mr Waters asked whether (we) could have actually gotten the public liability insurance cover however you were concerned as a Shire, that the public safety barriers were not sufficient?

Response: *The Shire President commented that his understanding was that no, the Shire was not sure that they could get public liability and the advice the Shire received from its insurer was not clear and had significant exclusions.*

Mr Waters stated that he was surprised that the Shire of Irwin could not obtain sufficient insurance and compared the event to those held in Albany.

The Shire President commented that If our local government insurance said this is problematic and high risk then this advice should be taken on board and 'shopping for event insurance' would not be beneficial to the Shire or to Ratepayers.

The CEO highlighted the conditions contained within the Permit in relation to impenetrable barriers and spectator safety distances. The CEO advised that 'if we do not comply with that condition, no insurer will cover us', and Council were seeking confirmation and advice on what a safe distance was, and what was meant by an impenetrable barrier. This information was not able to be provided.

Additionally, if there was an accident, with the special conditions applied, should an accident occur, the liability sits with the Shire (as the owner), not with the organiser of the event.

Question 7: John Evans, Bookara
Mr Evans asked - Did the Assessor/s provide the Shire with a report before (they) pulled out, and could the Shire have gone ahead with what was suggested?

Response: *The Shire President responded that yes, a report had been produced prior to the Assessor/s emailing the Shire and subsequently withdrawing the report provided.*

Question 8: John Evans, Bookara
Mr Evans asked a question in relation to the Turf Club and whether it was going to be taken over by the Shire and made into smaller lots.

Response: *The Shire President responded that was not correct.*

Question 9: Ross Lillywhite, Port Denison
Mr Lillywhite asked – If the Shire had insurance cover for the first 6 events, why couldn't it get insurance for the this years event as there have been no incidents/accidents?

Response: *The Shire President confirmed that no reviews have been conducted of the past six events as yet and we don't actually know if the circuit/event actually did comply previously. An assessment of the previous events will be taking place and a report will be prepared for Council.*

The Shire President also commented that information relating to the event had been submitted to the Shire's lawyers who expressed significant areas of concern.

Question 10: John Rossiter, Port Denison (on behalf of Ross Miller)
Mr Rossiter asked – Is the land the Race Club has, held in public perpetuity and is to be used as a racecourse only?

Response: *The Shire President confirmed that was correct.*

Question 11: John Rossiter, Port Denison
Mr Rossiter asked – whether the Shire of Irwin would consider turning Public Question Time into 'Statement' time, such as other Councils have done?

Response: *The Shire President commented about the new Council Meeting format where an Agenda Forum is held a week before the Ordinary Council Meeting, at which community participation is welcomed. There will not be any debate, but statements are permissible in relation to an item which is on the Council Agenda for the upcoming Ordinary Council Meeting.*

Question 12: Teresa Thomas, Port Denison
Ms Thomas asked whether the Shire has ever had to pay out on an insurance claim resultant from the Sprint event?

Response: *The Shire President advised that this is not the question we need to be asking, the question is 'are we insured or not – now'.*

Question 13: Danny Uperton, Port Denison
Mr Upperton asked – Why not instead of cancelling the whole event, why not just have the Show n Shine and have vehicles still do a slow cruise around town, doing the speed limit?

Response: *The Shire President advised that the Shire would be more than happy to keep the Show n Shine however the two events are run as a 'group package' therefore one cannot proceed without the other.*

The CEO also spoke to say that, at this late stage it would not be possible to modify the event as there would not be time to amend and submits the required paperwork such as permits and traffic management plans.

Question 14: Joanna Evans, Port Denison
Ms Evans asked – Is there a timeframe at all for the fixing of the stairs at Grannies beach and also the Port Denison Foreshore Jetty?

Response: *The Shire President confirmed that Grannies beach and steps are intended to be back into public use before the Summer season. Works are also booked in to do some minor works on the playground at Grannies.*

With regards to the foreshore jetty/s, the most critical point is replacement of the finger jetty which will occur in 2025 following the Summer season.

The Shire is hoping to be successful with funding applications which will enable the removal of the concrete recreation jetty and then install another deeper jetty running alongside the Eastern ramp which will be longer and wider and to allow for recreation and boating.

Question 15: Ross Lillywhite, Port Denison
Mr Lillywhite asked – Has the Shire applied to the Recreational Boating Facilities Scheme for funding for the concrete jetty and the finger jetty?

Response: *The Shire President confirmed that Shire Officers are applying for funding via the Recreational Boating Facilities Scheme which closes on 12 September 2024 and noted that the total available pool for this rounds funding is $2.2M, with any one entity only able to receive funding up to $750,000, which is the approximate amount quoted for actions required on the one finger jetty.*

Question 16: Ross Lillywhite, Port Denison
Mr Lillywhite additionally asked, did the Shire receive over $150,000 for feasibility studies on the jetty/s?

Response: *The Shire President confirmed that Shire received funds for design and engineering of new recreational jetty's and boat ramps and is currently applying through several sources for funds to complete works (as per the original designs contained within the feasibility study) which consists of 2 boat ramps, 3 finger jetty's and approximately 75 car parking bays.*

Question 17: Teresa Thomas, Port Denison
Ms Thomas asked whether the verge lawns could be mowed properly.

Response: *The Shire President confirmed he would take that question on board.*

Question 18: Kate Fisher, Port Denison
Ms Fisher asked why the issues had not been raised with the Community earlier?

Response: *The Shire President confirmed the timeline of the event to inform Community Members of why event cancellation notification did not occur earlier:*

- *April 2024 – Regular event planning commenced – review of documents including emergency management and traffic management plans*
- *14 May 2024 – Council asked for a safety and financial review of the Sprint and MoU was reviewed by McLeods Lawyers*
- *22 May 2024 – Independent assessment requested by suitably qualified person taking into consideration car park and spectator safety*
- *13 July 2024 – all feedback still positive*
- *26 July 2024 – independent assessment – results received from independent and shared with event organiser who was happy to support changes*
- *3 August 2024 – the Certified track inspector withdrew their advice and comments in an email to the Chief Executive Officer*
- *7 August 2024 – Briefing sent to Councillors*
- *13 August 2024 – Council discussions held with Shire Officers*
- *20 August 2024 – Final decision made to cancel the event for 2024*

Question 19: Kate Fisher, Port Denison
Ms Fisher asked whether the Shire had held discussions with Midwest Sprint to ascertain whether they will return in 2025 and beyond?

Response: *The Shire President confirmed discussions have not yet been held with the organisers however plans are underway to hold discussions with them in the near future.*

Question 20: Sam Waters, Port Denison
Mr Waters asked whether it was the AASA which deemed the circuit/barriers insufficient or unsafe or whether it was the independent assessor?

Response: *The CEO confirmed that as per previously advised by the Shire President, following scrutineering of documentation by our legal advisors, their concerns related to whether the public were adequately safeguarded from any unfortunate event.*

Question 21: John Evans, Bookara
Mr Evans asked why, if the Shire had have 'done' exactly what the independent assessor had submitted initially, wouldn't we have been covered by insurance?

Response: *The Shire President responded in the negative.*

Question 22: Helen Tunbridge, Dongara
Mrs Tunbridge asked – when can the community expect some information on whether the event is going ahead in 2025 – will the planning start soon, and not in April?

Response: *The Shire President expects to have a review within the next month and plot a path forward from there which will include a full community consultation process.*

Question 23: David Murphy, Springfield
Mrs Tunbridge asked – Has independent assessor been paid for what he has done and could (the Shire) be reimbursed for any fees paid?

Response: *The CEO advised that the independent assessor was going to charge the Shire however when he withdrew his comments, he also advised there would be no charge and therefore no 'responsibility has been placed on him.*

Question 24: Sonia Kerr, Port Denison
Ms Kerr asked what internal processes are going to be in place to ensure this does not happen in the future?

Response: *The Shire President advised that a review has not been arranged as yet, but assured Gallery Members that an internal review will be conducted as soon as possible.*

Question 25: Lee Britten, Bonnifield
Ms Britten asked about the seven mile beach boat ramp and when it would be reinstated following it being washed away, and also whether a couple of boulders could be placed on the edge of what is a very large drop off?

Response: *The CEO confirmed that the Shire is currently working on trying to get Cliff Head up and running however with the closure of Indian Ocean Drive and the previously anticipated revenue now not being received, the plans to work on seven mile beach have stalled.*

The Shire President confirmed that the second part of the question, in relation to the steep slope at Seven Mile Beach, be taken on notice.

Question 26: Not sure who asked this – was it Kate Fisher or Sarah Whitmarsh – Mark may know??
The question asked whether consideration should have been given to informing businesses earlier and whether compensation could be considered for businesses who have lost money?

Response: *The Shire President confirmed how Council Meetings are held in line with the Local Government Act 1995 and how decisions have to be made. The Shire President and CEO confirmed that there is no contingency for reimbursement of businesses*

Question 27: Ross Lillywhite, Port Denison
Mr Lillywhite asked - Does the Shire have to take out liability insurance for the upcoming Rodeo?

Response: *The Shire President advised that the Shire does not have to provide any Public Liability Insurance for the upcoming Rodeo. The organisers of the Rodeo event have their own Public Liability insurance cove as this is a paid event.*

Question 28: John (not sure which John this was) – Mark may remember, Port Denison
The question was asked whether the Shire would be liable for the accommodation bill as the notice period for cancellations is under 30 days?

Response: *The Shire President advised that it was not.*

Question 29: This was a different John (not sure which John this was) – Mark may remember, Port Denison
The question was asked whether the Shire could keep community members up to date on happenings within the Shire and provide progress reports on activities?

Response: *The Shire President confirmed he would take that on board.*

Question 30: Kate Fisher, Port Denison
Ms Fisher asked when works would commence on the Port Denison foreshore in line with the $1.5M put aside in the budget?

Response: *The Shire President confirmed that part of this amount would go towards the scheduled works for Granny's beach and the finger jetty as previously mentioned. Cr Leonard then spoke to the Gallery about the steps required to attract further funding for the development which includes facilities such as a substantial playground, shade shelters and the additional jetty/boat ramp.*

The concept plans which were previously presented to the Community will be converted to final design and engineering plans, which will again go to the Community for comment.

Once these plans have been endorsed by the Community, funding applications with Lotterywest and Growing Regions will be submitted with the Shire hopefully obtaining an additional $1M in funding.

Question 30: Jane Barber, Springfield
Mrs Barber asked – If people pay an admission fee to attend the rodeo and the Shire doesn't have to pay for public liability insurance, why can't the same apply for the Sprint.

Response: *The Shire President confirmed his previous advice that, as the Rodeo is being held within the confines of the Turf Club, and the event requires attendees to pay, the applicable public liability insurance if the responsibility of the event organiser. The CEO further commented that as the Shire is the Owner of the circuit on which the Sprint would be run, then the Shire are responsible for the Public Indemnity insurance.*

5. DECLARATIONS OF INTEREST

The Chief Executive Officer advised that a Declaration of Interest had been received from a Councillor as listed below:

Agenda Item No	Declared By	Type of Interest	Reason
10.2.4	Cr E Tunbridge	Impartiality	Cr Tunbridge is a (Voting) Committee Member and Vice President of the IDHS who have submitted a request for funding with the CASE Committee.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Gillam has requested a leave of absence for the September Ordinary Council Meeting.

COUNCIL DECISION

MOVED: Cr Scott **SECONDED: Cr Summers**

That Council by Absolute Majority, grant Cr Gillam a leave of absence for the Ordinary Council Meeting being held on Tuesday 24 September 2024.

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

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**

Against: **Nil**

7. PETITIONS AND DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES

8.1 Minutes of the Ordinary Council Meeting held 23 July 2024

The Minutes of the Ordinary Council Meeting held 23 July 2024 are included in the *Attachment Booklet – August 2024*.

COUNCIL DECISION	
MOVED: Cr Tunbridge	**SECONDED: Cr Wyse**
That Council confirms the Minutes of the Ordinary Council Meeting held 23 July 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

8.2 Agenda Forum Notes 20 August 2024

At the Agenda Forum held 20 August 2024, Shire Officers presented background information and answered questions on Items to be considered at the August Ordinary Council Meeting. Notes from the Agenda Forum are included in the *Attachment Booklet – August 2024*.

COUNCIL DECISION	
MOVED: Cr Tunbridge	**SECONDED: Cr Scott**
That Council receives the Agenda Forum notes from the Agenda Forum held on 20 August 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

8.3 Minutes of the Special Council Meeting held 20 August 2024

The Minutes of the Special Council Meeting held 20 August 2024 are included in the *Attachment Booklet – August 2024*.

COUNCIL DECISION	
MOVED: Cr Wyse	**SECONDED: Cr Gillam**
That Council confirms the Minutes of the Special Council Meeting held 20 August 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

25 July 2024	CEO attended meeting with Energise Renewables
26 July 2024	CEO attended a meeting regarding the Springfield Subdivision
29 July 2024	CEO provided an induction and overview of the Shire with Cr Jeff Melsom
31 July 2024	CEO attend monthly meeting with MWDC

6 August 2024	CEO attended Shire of Irwin LEMC Workshop/Exercise
8 August 2024	Meeting with the Department of Transport regarding the challenges of the Port Denison recreational boat ramp
21 August 2024	CEO attended the MEPAU Monthly Meeting
26 August 2024	CEO attended the Dongara Health Centre Redevelopment Official Opening Ceremony

10. REPORTS

10.1 Officer Reports

CORPORATE AND COMMUNITY	CC02-08/24
Subject:	**CC 02-08/24 Accounts for Payment**
Author:	**S Clarkson, Senior Finance Officer**
Responsible Officer:	**P Machaka, Manager Finance**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to receive the list of accounts paid under delegated authority during July 2024.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of July 2024.

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

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Attachment Booklet – August 2024
CC02-08/24 Attachment 1 Accounts for Payment – July 2024

COUNCIL DECISION

MOVED: Cr Scott **SECONDED: Cr Gillam**

That Council by Simple Majority, receives the Accounts paid during July 2024 as contained in CC02-08/24 Attachment 1 of the Attachment Booklet – August 2024, represented by:

Payment Type/Numbers	Total Amount
EFT 32261 – 32389	**$484,934.40**
Muni Cheques – 32203 – 32207	**$59,371.88**
Direct Debit – Telstra	**$3,991.11**
Direct Debit – WA Treasury Corporation	**$148,373.81**
Direct Debit – N-Able Pty Ltd	**$1,016.06**
Direct Debit – Australian Phone Company	**$225.23**
Direct Debit – Rental Charges	**$4,600.00**
Direct Debit – Insurance Premium Repayments	**$92,109.36**
Direct Debit – Superannuation	**$78,378.40**
Grand Total	**$873,000.25**

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

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**

Against: **Nil**

CORPORATE AND COMMUNITY	CC03-08/24
Subject:	**CC 03-08/24 Monthly Financial Statements for the Period Ended 30 June 2024**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to consider and receive the Monthly Financial Statements for the period 1 July 2023 to 30 June 2024.

Background:
The Monthly Financial Statements to 30 June 2024 are prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and includes the following statutory reports:

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

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

Officer's Comment:
The financial position to the end of June 2024 is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

30/06/2024	YTD Budget	YTD Actual	Variance YTD to Budget
Operating Revenue	10,894,941	11,102,441	2%
Operating Expenditure	(14,094,352)	(15,251,391)	8%
Net Operating	(3,199,411)	(4,148,950)	
Non-Operating Revenue	5,611,474	916,246	-84%
Non-Operating Expenditure	(8,347,895)	(3,346,518)	-60%
Net Non-Operating	(2,736,421)	(2,430,272)	

The attached statements provide 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 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.

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Attachment Booklet – August 2024
CC03-08/24 Attachment 1: Financial Statements for the Period Ended 30 June 2024.

COUNCIL DECISION	
MOVED: Cr Tunbridge	**SECONDED: Cr Summers**
That Council by Simple Majority, receives the Monthly Financial Statements for the period 1 July 2023 to 30 June 2024 as contained in Attachment Booklet – August 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

DEVELOPMENT SERVICES	ID01-08/24
Subject:	**ID 01-08/24 July 2024 Development Delegated Authority Report**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00125**
Voting Requirements:	**Simple Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to receive the July 2024 Development Delegated Authority Report.

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.

In addition, as of 1 July 2024, the determination of development applications for single houses or any development associated with a single house (excluding development associated with a heritage place), can now only be done by the CEO or authorised employees of the local government.

Officer's Comment:
This report presents the details of development functions made under delegated or authorised authority for the month of July 2024, with 6 building permits, 5 single house applications and 1 applications for development approval having been issued.

Consultation:
Nil

Statutory Environment:
- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Attachment Booklet – August 2024
ID01-08/24 Attachment 1: July 2024 Development Delegated Authority Report

COUNCIL DECISION	
MOVED: Cr Wyse	**SECONDED: Cr Gillam**
That Council by Simple Majority, receives the July 2024 Development Delegated Authority Report, as contained in ID01-08/24 Attachment 1 of the Attachment Booklet – August 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

REGULATORY SERVICES	ID02-08/24
Subject:	**ID 02-08/24 Draft Local Planning Strategy**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0346 and P24-30**
Voting Requirements:	**Simple Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to adopt the draft Local Planning Strategy and forward it to the Western Australian Planning Commission for certification to proceed to public advertising.

Background:
It is a statutory requirement under the *Planning and Development (Local Planning Schemes) Regulations 2015* that all local governments must prepare a local planning strategy.

The Shire's current local planning strategy was adopted in 2017 however the drive behind it was based on the 'WA boom time' of the early to mid-2000's, which is not reflective of the current development direction. With the development of the Shire's revised Strategic Community Plan 2021 – 2031, it was an opportune time for the Shire to concurrently re-evaluate and redevelop the local planning strategy to align its direction with the vision and objectives of the revised Strategic Community Plan.

The primary matters and changes in planning direction to consider since preparation of the former local planning strategy include:

- Population growth scenarios based on key major energy projects within the region;
- Introduction of a southern industry hub (Arrowsmith Resources Area) to facilitate the emerging green energy industry;
- Identification of key potential road connections to link new industry with urban areas and infrastructure;
- Light industry expansion to support emerging strategic green energy industry; and

- Consolidating growth and re-prioritising new housing areas through the introduction of an urban growth boundary centred around the townsites.

Officer's Comment:
As required by Regulation 11 of the *Planning and Development (Local Planning Schemes) Regulations 2015,* the purpose of the Local Planning Strategy (Strategy) is to:

- set out the long-term planning directions for the local government;
- apply any State or regional planning policy that is relevant to the Strategy and;
- provide the rationale for any zoning or classification of land under the local planning scheme.

The Strategy forms the strategic basis for the preparation and implementation of a new Local Planning Scheme No. 6, which has begun preparation. The Strategy comprises:

- Part 1 – Strategy; and
- Part 2 – Background Information and Analysis
- Supporting Information

The draft Strategy is contained in ID02-08/24 Attachment 1.

Part 1 – Strategy

Consistent with the State Planning Framework, planning issues of relevance to the Shire are presented under the following themes and cross referenced to the SCP's objectives:

- **Community, Urban Growth and Settlement** (A friendly, safe and inclusive community enjoying a high quality lifestyle)
- **Economy and Employment** (A prosperous and diverse economy)
- **Environment** (Custodianship of our natural and built environment)
- **Infrastructure** (Leading the community with engaged and progressive governance)

For each planning issue identified, planning directions and actions have been outlined. Planning directions are short statements that specify what is to be achieved or desired for the issue/opportunity. Each planning direction is supported by an action(s), that clear and concisely outline what is proposed and how it is to be undertaken, the rationale and the estimated timeframe for implementation.

Consistent with the principles of urban consolidation, the Strategy identifies planning areas for urban infill and land use intensification summarised as follows:

A – Strategic Industry, ensuring an adequate supply of appropriately zoned land to meet future industrial needs.

B – Arrowsmith Resources Area, facilitating an agile planning framework that supports the timely on-boarding of emerging energy industries including renewables.

C – Dongara-Geraldton-Northampton Highway, planning for a future road freight corridor between Dongara, Geraldton and Northampton that is safer, more efficient and enables future growth within the Mid West region and beyond.

D – Indian Ocean Drive Extension, planning for a future regional road connection into Dongara-Port Denison.

E – Bulky Goods Showroom ensuring an adequate supply of appropriately zoned land to meet future commercial needs.

F – Dongara Irwin Racecourse, ensuring an adequate supply of appropriately zoned land to meet future housing needs.

G – Dongara Town Oval, ensuring an adequate supply of appropriately zoned land to meet future commercial needs.

H – Urban Expansion, reflecting the long-term planning intention to urbanise land.

Part 2 – Background Information and Analysis

The purpose of Part 2 is to provide the rationale and evidence base for Part 1. It provides the relevant background information and analysis which supports the planning directions and actions outlined within Part 1 of the Strategy. This part provides a summary of the relevant State, regional and local planning contexts and their implications for the Strategy. A local government profile is also included that provides a presentation and analysis of information relating to the demographic profile of the Shire and the key planning issues and opportunities influencing future development and land use of the Shire.

Supporting Information

- *Shire of Irwin Land Demand (AEC) 2023*
  This analysis developed employment and land demand estimates for the region, with a range of outcomes which could potentially occur within the region under various population (or employment) scenarios. Findings are referenced in Part 2 of the Strategy with a view to informing planning directions and actions as outlined in Part 1.

- *Engagement Outcomes Summary 2024*
  This report presents a summary of the engagement outcomes form all engagement activities including online, face-to-face and stakeholder engagement. The key findings from this report leads into the issues, opportunities and strategies of the Strategy.

- *Strategy Blueprint 2024*
  This document provides a summary of the spatial outcomes of stakeholder engagement, including Councillor and industry body workshops and how they have been addressed in the Strategy.

Consultation:
A substantial amount of community and stakeholder engagement has been undertaken to date including the following:

Visioning Day Drop in Session
Alongside the Strategic Community Plan Visioning Day Drop In Session, the consultant hosted a booth, which allowed for the first introduction of the project to the general community. The Visioning Day was held on 4 March 2021 with two sessions: 10am – 2pm and 4pm – 8pm and attracted over 100 members of the Shire's community. The session collected general information from the community at a high level, given it was the first touch point with the community and also raised project awareness.

Community Survey
The main point of data collection for the engagement process was through a community survey. This was carried out in hard copy form as well as through an online survey, hosted on the Shire's website and promoted on the Shire's Facebook page. The survey ran for one month, going live from 4 March 2021 at the Vision Day Drop In Session and closing on 4 April 2021. 127 respondents were reached through the online survey and 19 respondents were reached through hard copy surveys, totalling 146 respondents altogether.

Stakeholder Meetings
A variety of stakeholders provided input over the engagement period of the project. The meetings allowed for technical and strategic advice to inform the draft Strategy. Key stakeholders included:

- Shire of Irwin Elected Member and Staff workshops
- Mid West Development Commission
- Department of Water and Environment Regulation
- Department of Planning, Lands and Heritage
- Main Roads Western Australia
- Industry leaders (energy organisations)

Community Drop in Session
The last point of engagement was the presentation of the draft key planning directions at a second community drop in session held on 11 May 2023. The purpose of the session was to seek feedback from the community before finalising the draft Strategy.

Councillor Workshop
A preliminary draft Strategy was presented to Councillors on 11 June 2024. At this workshop the draft Strategy was validated, and minor amendments have been now incorporated into the final draft Strategy.

Given the above extensive engagement/consultation to date, it is proposed that the Strategy be publicly advertised for the minimum period of 21 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* in the following ways:

- A notice being published in the Mid West Times and the Dongara Denison Local Rag;
- A copy of the Strategy being made available for public inspection at the Shire office and the Dongara public library;
- The Strategy being published on the Shire's website along with an alert on the Shire's Facebook page; and
- A written notice being sent to each public authority likely to be affected by the Strategy including neighbouring local governments.

Statutory Environment:
Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the statutory requirements for the preparation of a new local planning strategy as follows:

Part 3 – Local planning strategies

11. Requirement for local planning strategy for local planning scheme

(1) A local government must prepare a local planning strategy in accordance with this Part for each local planning scheme that is approved for land within the district of the local government.

(2) A local planning strategy must –

(aa) be prepared in a manner and form approved by the Commission; and

(a) set out the long-term planning directions for the local government; and

(b) apply any State or regional planning policy that is relevant to the strategy; and

(c) provide the rationale for any zoning or classification of land under the local planning scheme.

12. Certification of draft local planning strategy

(1) Before advertising a draft local planning strategy under regulation 13 the local government must provide a copy of the strategy to the Commission.

(2) On receipt of a copy of a draft local planning strategy the Commission must, as soon as reasonably practicable, assess the strategy for compliance with regulation 11(2).

(3) If the Commission is not satisfied that a draft local planning strategy complies with regulation 11(2) the Commission may, by notice in writing, require the local government to –

(a) modify the draft strategy; and

(b) provide a copy of the draft strategy as modified to the Commission for assessment under subregulation (2).

(4) If the Commission is satisfied that a draft local planning strategy complies with regulation 11(2) it must certify the strategy accordingly and provide a copy of the certification to the local government for the purpose of proceeding to advertise the strategy.

13. Advertising and notifying local planning strategy

(1) A local government must, as soon as reasonably practicable after being provided with certification that a local planning strategy complies with regulation 11(2), advertise the strategy as follows –

(a) publish in accordance with regulation 76A the strategy and a notice giving details of –

(i) how the strategy is made available to the public in accordance with regulation 76A; and

(ii) the manner and form in which submissions may be made; and

(iii) the period under subregulation (2) for making submissions and the last day of that period;

(c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the strategy;

(2) The period for making submissions on a local planning strategy is –

(a) the period of 21 days after the date on which the notice of the strategy is first published under subregulation (1)(a); or

(b) a longer period approved by the Commission.

14. Consideration of submissions

(1) After the expiry of the period within which submissions may be made in relation to a local planning strategy, the local government must review the strategy having regard to any submissions made.

(2) The local government may –

(a) support the local planning strategy without modification;
or

(b) support the local planning strategy with proposed modifications to address issues raised in the submissions.

(3) After the completion of the review of the local planning strategy the local government must submit to the Commission –

(a) a copy of the advertised local planning strategy; and

(b) a schedule of the submissions received; and

(c) particulars of any modifications to the advertised local planning strategy proposed by the local government.

15. Endorsement by Commission

(1) Within 60 days of the receipt of the documents referred to in regulation 14(3) the Commission may –

(a) endorse the strategy without modification; or

(b) endorse the strategy with some or all of the modifications proposed by the local government; or

(c) require the local government to modify the strategy in the manner specified by the Commission before the strategy is resubmitted to the Commission for endorsement; or

(d) refuse to endorse the strategy.

Policy Implications:
The Strategy advocates for all current local planning polices to be reviewed as part of the preparation of the new local planning scheme.

Financial/Resource Implications:
The preparation of the Strategy has been undertaken by a consultant with expenditure having been incurred as follows (ex GST):

- 2020/21 $60,324.54
- 2021/22 $29,348.20
- 2022/23 $45,172.63
- 2023/24 $31,237.50

All the above expenditure is within the budget allocations. Further expenditure is only envisaged should there be any modifications required to the Strategy pre and post public advertising.

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 3.1.4 Prepare cutting edge land use strategies to guide future development

Attachments:
Attachment Booklet – August 2024
ID02-08/24 Attachment 1: Draft Local Planning Strategy

COUNCIL DECISION

MOVED: Cr Gillam **SECONDED: Cr Summers**

That Council, by Simple Majority:

1. **Forward the Draft Shire of Irwin Local Planning Strategy as contained in ID02-08/24 Attachment 1 to the Western Australian Planning Commission for its certification to proceed to advertising;**

2. **Authorise the Chief Executive Officer to modify the draft Local Planning Strategy if required by the Western Australian Planning Commission; and**

3. **Upon certification from the Western Australian Planning Commission, advertise the draft Local Planning Strategy.**

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

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**

Against: **Nil**

DEVELOPMENT SERVICES	ID03-08/24
Subject:	**ID 03-08/24 Proposed Road Closure – Portion of Church Street, Dongara**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**P24-16**
Voting Requirements:	**Simple Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to request the Minister for Lands to approve the closure and subsequent amalgamation of a portion of Church Street, Dongara that abuts the Seaspray Beach Holiday Park.

Background:
A number of years back the Shire was approached by the lessee of the Seaspray Beach Holiday Park querying further expansion options for the caravan park outside of the current reserve boundaries.

At present the caravan park is located on Reserve 25412 which is vested in the Shire for the purpose of *"Caravan Park"*. The Shire has been granted care, control and management of the site under a Management Order with the power to lease for any term not exceeding 50 years, subject to the consent of the Minister for Lands. It is proposed to expand the caravan park to the south into a portion of Reserve 38046 which is also vested in the Shire for the purpose of *"Recreation and Foreshore Management"*.

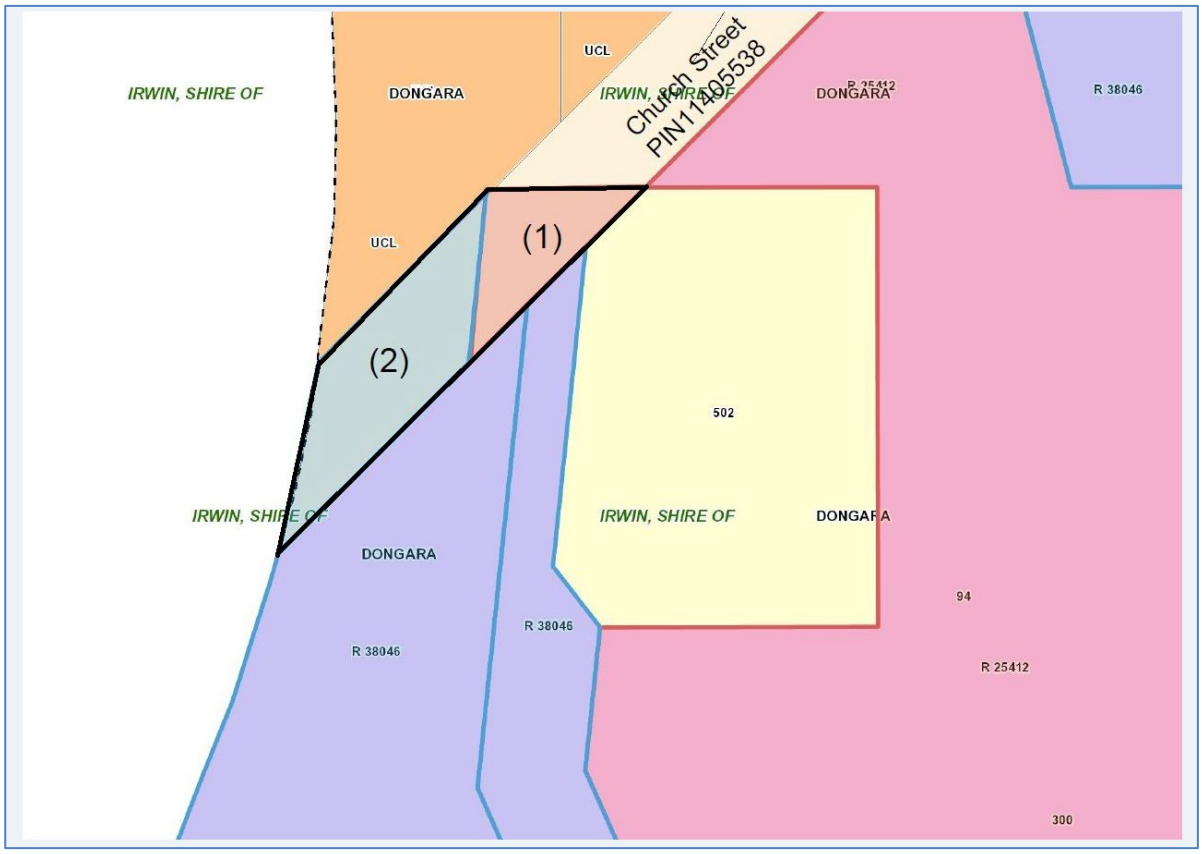
As part of the expansion project, it is also proposed to close the western 'end' of Church Street where it extends into the caravan park and foreshore area.

Council at its meeting held on 22 February 2022 resolved to initiate the road closure and subsequent Reserve amendments.

A copy of the proposed road closure plans is contained in ID03-08/24 Attachment 1.

Location Plan





Officer's Comment:
The expansion of caravan park has effectively been in progress for several years. During this time a local development plan and foreshore management plan has been adopted, the lessee has progressed the extension and connection of sewer to the caravan park and a new 50 year lease has been finalised.

The proposed closure will facilitate the future expansion plans (which will be subject to a separate approval process) and is consistent with the requirements of orderly and proper planning.

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

- A notice was published in the Midwest Times and the Dongara Denison Local Rag;
- A copy of the closure was made available for public inspection at the Shire office;
- The closure was published on the Shire's website;
- A written notice was sent to abutting landowners on Brady Road; and
- A written notice was sent to the following Government/Service Agencies:
    - Department of Planning, Lands and Heritage
    - Department of Water and Environmental Regulation
    - ATCO
    - Telstra
    - Water Corporation
    - Western Power
    - Yamatji Southern Regional Corporation

In response to the advertising a total of 5 submissions were received (all from government/service agencies) with no objections raised.

Statutory Environment:
Section 58 of the *Land Administration Act 1997* enables a local government to request the Minister for Lands to permanently close a public road. Regulation 9 of the *Land Administration Regulations 1998* details the information that must accompany such a request.

Policy Implications:
Nil.

Financial/Resource Implications:
Nil, the applicant will be responsible for the payment of all costs associated with the closure and amalgamation process.

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 2.1.1 Continuously improve approval processes

Attachments:
Attachment Booklet – August 2024
ID03-08/24 Attachment 1: Proposed Road Closure Plans

COUNCIL DECISION	
MOVED: Cr Tunbridge	**SECONDED: Cr Summers**
That Council, by Simple Majority request the Minister for Lands to approve the closure and amalgamation of a portion of Church Street, Dongara as shown on the proposed road closure plans Drawing No's. 24232LR01-01 and 24232LR01-02 as contained in ID03-08/24 Attachment 1.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

REGULATORY SERVICES	ID04-08/24
Subject:	**ID 04-08/24 Application for Traders Permit – 'Miss Springfield'**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00325/96**
Voting Requirements:	**Simple Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:
For Council to determine an application for a traders permit on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison.

This report recommends refusal of the application.

Background:
The Shire has received an application for the renewal of a traders permit for the mobile coffee van operating as 'Miss Springfield'. As part of the renewal application approval is sought to trade on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison. The site is owned in freehold by the Shire of Irwin.

As a brief background an initial traders permit was issued on 21 December 2022 with an expiry date of 1 December 2023. This permit included a map showing the approved trading locations (including the Port Denison Foreshore and an Irwin River location west of Point Leander Drive). The traders permit was renewed on 6 March 2023 and is due for renewal on 1 December 2024.

The applicant has been inadvertently trading 1 day per week (Wednesday's) from a location adjacent to the Irwin River on the east side of Point Leander Drive. Concerns have previously been raised by Council regarding this location and the applicant is now formally seeking approval to trade in this location.

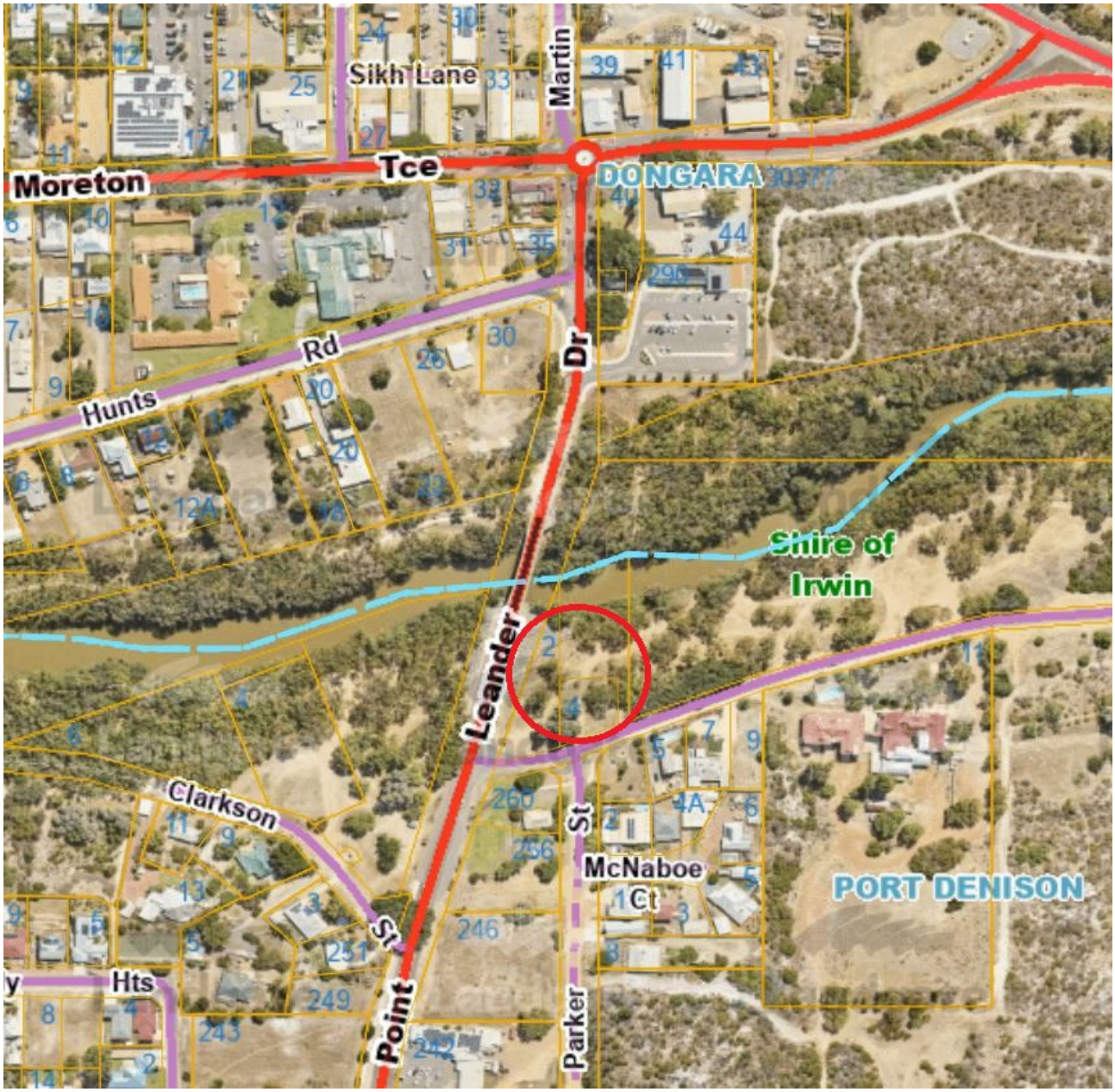
In support of the application the applicant has stated:

The reason behind choosing the river location adjacent to Russ Cottage is to utilise an area that is pristine yet completely unutilised. I have customers who come to the van every Wednesday and can't say enough good things about being able to enjoy a coffee overlooking our untouched Irwin River. They truly do find it to be a wonderful experience.

Bruce Baskerville has been kind enough to allow Miss Springfield customers to make use of the Russ Cottage toilet in return of me cleaning it once a week. The fairy garden location has no access to toilet facilities and crossing the busy road to Russ Cottage would create a potential safety issue for families with young children who frequent the van on a weekly basis.

The site is south of the Dongara town centre adjacent to the Irwin River. It has undefined vehicle access from St. Dominics Road and vegetation typical of a river foreshore environment. An aerial site plan is contained in ID04-08/24 Attachment 1.

Location Plan



Officer's Comment:
In considering an application for a permit, cl. 6.5 of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* requires the local government to have regard to the following matters.

(a) Any relevant policies of the local government

There are no policies relevant to this application.

(b) The desirability of the proposed activity

The activity involves the trade of general refreshments (most commonly tea and coffee) and a small amount of snack foods (such as muffins, doughnuts and toasted sandwiches). This type of mobile coffee van trading is common in most local governments and adds to the existing food/beverage offerings in the Shire.

(c) The location of the proposed activity

The location proposed is not compliant with cl. 6.8(2)(a) of the local law which states:

> *(2) A stallholder or trader shall not –*
> *(a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader.*

The location is only 220 from the 'Poppys at the Park' café located to the north on Point Leander Drive. The local law is silent on the methodology of calculation the distance, so the measurement has been taken from the front entrance of the café and in a direct ('as the crow flies') line.

Portions of the site become seasonally inundated making it less than ideal for both vehicles and pedestrians alike.

(d) The principles set out in the Competition Principles Agreement

The guiding principle in this Agreement is that legislation (including local laws) should not restrict competition unless it can be demonstrated that:

(a) the benefits of the restriction to the community as a whole outweigh the costs; and
(b) the objectives of the legislation can only be achieved by restricting competition.

Refusing an application simply because of a perceived increase in competition to other businesses would be contrary to the Agreement.

(e) Such other matters as the local government may consider to be relevant in the circumstances of the case

The long-term development of the Irwin River foreshore area is documented in the Irwin River Walking Trail Masterplan. This plan sets out principles for development and amenity upgrades.

The site is located in the 'East' precinct on the 'Southern Shore' where the key strategy for the site is to incorporate Water Sensitive Urban Design landscape adjacent to the road.

Another relevant matter is the location on the western side of Point Leander Drive which has been granted approval. This site conforms to the 300m local law trading restriction. It is

located in the 'Old Port Trail' precinct which starts at the parkland near the bridge which is the most visible 'gateway' to the trails.

This site is considered more suitable for trading given the future intent is to define parking bays and create low-key nature play, seating, and signage at the trail head near the bridge.

An extract from the Masterplan is contained in ID04-08/24 Attachment 2.

Consultation:
The application was anecdotally discussed with the proprietors of the 'Poppys at the Park' café. They expressed concerns about traders being permitted to operate less than 300m from the café.

Statutory Environment:
The *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* governs trading in thoroughfares and public places. In accordance with cl. 7.2(1) the local government may approve an application for a permit unconditionally or subject to any conditions or refuse to approve an application for a permit.

Policy Implications:
Nil.

Financial/Resource Implications:
Nil, however costs may be imposed on the Shire should the applicant review Council's decision through the State Administrative Tribunal.

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 2.1.1 Continuously improve approval processes

Attachments:
Attachment Booklet – August 2024
ID04-08/24 Attachment 1: Aerial Site Plan
ID04-08/24 Attachment 2: Irwin River Walking Trail Masterplan (extract)

OFFICER RECOMMENDATION

MOVED: Cr Gillam **SECONDED: Cr Wyse**

That Council, by Simple Majority refuse the application for a traders permit on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison for the following reasons:

1. **The location of the site is not compliant with cl. 6.8(2)(a) of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.**

2. **The applicant has an alternative site on the opposite side of the Point Leander Drive bridge that is considered more suitable for the proposed activity.**

Cr Wyse proposed an alternative motion.

The Shire President invited the Mover and Seconder of the alternative motion to speak and called for members to speak against the motion.

ALTERNATIVE MOTION	
MOVED: Cr Wyse	**SECONDED: Cr Scott**

That Council, by Simple Majority:

1. **Adopts the methodology for calculating the distance as prescribed in cl. 6.8(2)(a) of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* as the distance measured along a direct and accessible pedestrian route from the main entrance of the shop or permanent place of business.**

2. **Approve the application for a traders permit on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison subject to trading being restricted to Wednesdays only.**

VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

The Shire President invited the Mover and Seconder of the Alternative Motion to speak.

The Mover did not speak.

The Seconder confirmed that the Alternative Motion reflects the concerns Councillors discussed at the Agenda Forum held on 20 August 2024.

The Shire President called for members to speak for or against the Alternative Motion.

The Alternative Motion then became the Substantive Motion.

SUBSTANTIVE MOTION AND COUNCIL DECISION	
MOVED: Cr Wyse	**SECONDED: Cr Scott**

That Council, by Simple Majority:

1. **Adopts the methodology for calculating the distance as prescribed in cl. 6.8(2)(a) of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* as the distance measured along a direct and accessible pedestrian route from the main entrance of the shop or permanent place of business.**

2. **Approve the application for a traders permit on Lot 5 on Diagram 1935 St. Dominics Road, Port Denison subject to trading being restricted to Wednesdays only.**

VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

Reasons for change to Officer Recommendation:
Council considers the methodology of measuring a direct and accessible pedestrian route to be more appropriate in the circumstances of cl. 6.8(2)(a) of the *Shire of Irwin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000.*

INFRASTRUCTURE AND OPERATIONS	IO01-08/24
Subject:	**IO 01-08/24 WALGA invitation to register as a RoadWise Council**
Author:	**M Jones, Manager Operations**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0723**
Voting Requirements:	**Simple Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
Council is requested to consider the invitation from WALGA to register as a RoadWise Council, this will demonstrate leadership towards initiatives and actions to improve road safety outcomes for our community.

Background:
Correspondence has been received from WALGA inviting the Shire of Irwin to sign up to a new initiative and register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach WALGA's road safety team takes in supporting Local Governments in working towards delivering best practice road safety. The Framework takes into account the elements which determine the level of safety of the road transport system within the context of Local Governments.

To register, Local Governments can accept the invitation by providing a Council resolution or a written declaration of commitment to road safety and nominating at least two personnel (Officers and/or Elected Members) to be the primary point of contact for road safety matters.

The benefits for Local Governments that register as RoadWise Councils include:

- use of the RoadWise logo,
- priority access to WALGA's road safety services and products,
- exclusive quarterly meetings and support from a Road Safety Advisor,
- priority access to participate in WALGA's road safety policy development, training, professional development forums and knowledge-sharing workshops offered by WALGA,

- access to incentives and sponsored programs, and
- participation in the new RoadWise Recognised initiative.

The Roadwise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions.

RoadWise Recognised will assist Local Governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information.

Local Governments are encouraged to remain registered RoadWise Councils to ensure they have access to specialist advice and assistance in managing road safety at a local level to the best of their capacity and capability.

Officer's Comment:
Officers believe that it would be beneficial for Council to accept the invitation from WALGA to register as a RoadWise Council.

The Shire has significantly improved the safety of the road network over many years, and being a RoadWise Council would enable the Shire to benchmark its efforts and identify opportunities to further improve road safety.

Other benefits of being a RoadWise Council is that it would support officer professional development and in turn support Councils ongoing commitment to road safety with-in the Shire.

Consultation:
Some initiatives or outcomes may require community consultation which will occur when and if required.

Statutory Environment:
Road authorities owe all road users a duty of care and must do what is reasonable to be aware of deficiencies in the road transport system, to assess and prioritise them, and have a system for remedying them[1].

Policy Implications:
This decision may need to be reflected in the implementation of existing or new council policies.

Financial/Resource Implications:
There are no budget implications to register as a RoadWise Council.

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

Attachments:
Nil

[1] Austroads (2021). Guide to Road Safety Part 1: Introduction and the Safe System. https://austroads.com.au/publications/roadsafety/agrs01

COUNCIL DECISION	
MOVED: Cr Gillam	**SECONDED: Cr Tunbridge**
That Council by Simple Majority, support the invitation by WALGA to register as a RoadWise Council.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

OFFICE OF CEO	CEO01-08/24
Subject:	**CEO01-08/24 Community Assistance Scheme & Events Committee Representative**
Author:	**S Mearns, Executive Assistant**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0230**
Voting Requirements:	**Absolute Majority**

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., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
The purpose of this report is to seek Council approval to appoint a Council delegate to the Community Assistance Scheme & Events Committee (CASE Committee) for a two (2) year term.

Background:
At the Ordinary Council Meeting held on 24 October 2023, Ms Hayley Palmer was elected as a representative on the Community Assistance Scheme & Events Committee. Ms Palmer then resigned as an Elected Member in January 2024. This has left the CASE Committee with only the one (1) Elected Member (Voting member).

The Membership of the Community Assistance Scheme & Events Committee (CASE) consists of:

- *Voting Members*
  Cr Tunbridge
  Cr _____
  Community Member
  Community Member
- *Non-voting Members*
  Manager Community Services
  Community Development Officer

The purpose of the Community Assistance Scheme and Events Committee is to administer, assist and evaluate the distribution of the Community Assistance Scheme funding within budgetary

guidelines which are approved annually by Council. The Committee assesses applications received against the selection criteria before being submitted to Council for deliberation.

The Community Assistant Scheme & events Committee meet no less than twice per financial year or as required.

There is a requirement for Council to appoint representatives to each Council Committee. These appointed representatives are then formally appointed under section 5.10 of the *Local Government Act 1995*.

As there is now a full contingent of Elected Members of Council following the Extraordinary Election held in July 2024, nominations will be sought for a second Voting Member of the Community Assistance Scheme & Events Committee.

Officer's Comment:
Councillors have been provided an opportunity to consider these appointments and have been asked to forward any expressions of interest prior to the meeting.

The designated responsible officers have been named to clarify the current representation, however, Councillor appointments have been left blank for Council to consider at this meeting.

An expression of interest was received by Cr Barry Wyse to be appointed as the second Council Delegate on the CASE Committee. No further expressions of interest were received.

Consultation:
All Councillors were invited to submit an expression of interest via email prior to the meeting.

Statutory Environment:
Local Government Act 1995
- *Section 5.9*
- *Section 5.10*
- *Section 5.11*

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 4.1.2 Utilise contemporary communication strategies and tools to enhance public participation
Strategy 4.1.3 Maintain effective working relationships with relevant stakeholders

Attachments:
Nil

COUNCIL DECISION	
MOVED: Cr Tunbridge	**SECONDED: Cr Summers**
That Council, by Absolute Majority, appoints Cr Wyse as the second Community Assistance Scheme & Events Committee (CASE) delegate for a two (2) year term.	

VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

10.2 Committee Reports

Items 10.2.1 – 10.2.4 were endorsed en-bloc.

10.2.1 Bush Fire Advisory Committee (BFAC) Meeting

The Minutes of the Bush Fire Advisory Committee (BFAC) Meeting held Monday 8 July 2024 have been provided as Attachment 10.2.1 in Attachment Booklet – August 2024.

COUNCIL DECISION	
MOVED: Cr Wyse	**SECONDED: Cr Summers**
That Council receives the Minutes of the Bush Fire Advisory Committee Meeting held Monday 8 July 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

10.2.2 Work Health and Safety Committee Meeting

The Minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 7 August 2024 have been provided as Attachment 10.2.2 in Attachment Booklet – August 2024.

COUNCIL DECISION	
MOVED: Cr Wyse	**SECONDED: Cr Summers**
That Council receives the minutes of the Shire of Irwin Work Health and Safety Committee Meeting held 7 August 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

10.2.3 Local Emergency Management Committee (LEMC) Meeting

The Minutes of the Shire of Irwin Local Emergency Management Committee meeting held 6 August 2024 have as Attachment 10.2.3 in Attachment Booklet – August 2024.

COUNCIL DECISION	
MOVED: Cr Wyse	**SECONDED: Cr Summers**
That Council receives the minutes of the Shire of Irwin Local Emergency Management Committee Meeting held 6 August 2024.	
VOTING DETAILS:	**CARRIED: 7/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against:	**Nil**

10.2.4 Community Assistance Scheme & Events (CASE) Committee

The Minutes of the CASE Committee Meeting held 9 August 2024 have been provided to all Councillors as Attachment 10.2.4 in Attachment Booklet – August 2024.

COUNCIL DECISION
MOVED: Cr Wyse **SECONDED: Cr Summers**
That Council receives the 'flying' Minutes of the Community Assistance Scheme & Events Committee Meeting held 9 August 2024.
VOTING DETAILS: **CARRIED: 7/0**
For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**
Against: **Nil**

10.2.5 Community Assistance Scheme & Events (CASE) Committee Recommendation

Resultant from the CASE Committee Meeting held 9 August 2024, the following recommendation is presented to Council for approval.

COUNCIL DECISION

MOVED: Cr Wyse **SECONDED: Cr Summers**

That Council approves the following funding allocation from the Community Assistance Scheme from the 2024/2025 financial year budget.

ORGANISATION	PROJECT DESCRIPTION	GRANT
Irwin District Historical Society	Towards costs relating to the 2024 State History Conference being hosted in Dongara by the Irwin District Historical Society in September 2024	**$3,400**

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

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**

Against: **Nil**

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

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

14.1 CEO02-08/24 – Annual CEO Performance Review

The matter at CEO02-08/24 is to be considered behind closed doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* as it relates to a matter affecting an employee to be discussed at the meeting.

The Confidential Schedule "CEO Annual Performance Review 2024/25" was forwarded by email to all Councillors on 19 August 2024. This was the final report from the CEO Performance Review workshop held in the Council Chambers on 13 August 2024.

COUNCIL DECISION

MOVED: Cr Scott **SECONDED: Cr Summers**

That Council move behind closed doors as per Section 5.23(2)(c) of the *Local Government Act 1995* to discuss item CEO02-08/24 – CEO Performance Review at 7.28pm.

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

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**

Against: **Nil**

Gallery members left the Chambers at 7.28pm.

COUNCIL DECISION

MOVED: Cr Scott **SECONDED: Cr Summers**

That Council by Simple Majority, adopts the Confidential Schedule as provided to Council Members on 19 August 2024.

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

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**

Against: **Nil**

COUNCIL DECISION

MOVED: Cr Scott **SECONDED: Cr Summers**

That Council move out from behind closed doors at 7.29pm.

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

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge, Cr Melsom**

Against: **Nil**

15. CLOSURE

There being no further business, the Shire President closed the meeting at 7.30pm.