



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 28 MAY 2013

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 THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 28 MAY 2013

IN COUNCIL CHAMBERS AT
13 WALDECK STREET, DONGARA WA

The Shire President invites Guests, Councillors, staff and partners to Dinner following the meeting, at the Dongara Hotel Motel from 6pm.



Darren Simmons
Chief Executive Officer

23 May 2013

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.

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AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 28 MAY 2013 COMMENCING AT 4.00PM

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth (Deputy President) Cr J B Fitzhardinge Cr R T McClurg Cr R J 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 and Community Mr F A Neuweiler – Manager Community Safety Mr A S Wootton – Manager Works Mrs H M Sternick – Manager Corporate Services Mrs C M Palmer – Manager Community Services Mrs N Nelson – Manager Library and Tourism Services Mr L G Smith – Manager Recreation Services Ms E Greaves – Executive Assistant Miss L E Tunbridge – Research and Projects Officer
GUESTS:		Mr Shane Love MLA, Member for Moore and Mrs Karen Love
APOLOGIES:		Mr G F Coaker – A/Director Planning and Infrastructure
LEAVE OF ABSENCE:		-

- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4. PUBLIC QUESTION TIME**
- 5. APPLICATIONS FOR LEAVE OF ABSENCE**
- 6. PETITIONS**

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 FEBRUARY 2013

A copy of the Minutes of the Ordinary Council Meeting held on 23 April 2013 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 23 April 2013, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 05/13

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
Date of Report: 20 May 2013
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during April 2013.

Officer's Recommendation:

That the Accounts paid during April 2013, represented by Municipal Cheque Numbers 30105-30135, EFT payment numbers 14414-14532 totalling \$443,336.54, Police Licensing Payment No's PL020413– PL260413 totalling \$44,210.50, Credit Card payment \$2,590.80 and Vehicle Lease payment \$853.51 be received.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of April 2013.

Officer's Comment:

Nil

Financial Implications:

Nil

Statutory Implications:

13. Lists of accounts

- (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 C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

CORPORATE AND COMMUNITY

CC02 – 05/13

Subject: Financial Statements for the Period ending 30/04/2013
Reporting Officer: Manager Corporate Services
Date of Report: 21 May 2013
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2012 to 30 April 2013.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2012 to 30 April 2013 be received.

Background:

The Monthly Financial Report to the 30 April 2013 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Cash Flows
- Schedules 3 – 14 Budget vs Actuals Comparison
- Graphical Representation – Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Receivables
- Cash Backed Reserves
- Information on Borrowings
- Capital Disposals and Acquisitions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

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

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
 - (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil.

Strategic Implications:

SCP Outcome 4.2.1 Ensure compliance whilst embracing innovation and best practice principles
SCP Outcome 4.3.3 Adopt best practice processes to achieve a high standard of governance and accountability.

PLANNING AND INFRASTRUCTURE

PI 01 – 05/13

Subject: Memorial Park
Reporting Officer: Manager Community Safety
Date of Report: 8 May 2013
File Reference: CS.SP.23
Voting Requirements: Simple Majority

Report Purpose:

The RSL Sub-Branch seeks Council's approval to build a limestone memorial wall on the eastern boundary of the Dongara Memorial Park.

Officer's Recommendation:

That Council consents to the construction of a limestone Memorial Wall at the eastern boundary of Lot 12, being the Memorial Park, Dongara, subject to:

- 1. Engineer certification in accordance with the Local Law Relating to Fencing; and**
- 2. Obtaining of a building permit prior to the installation of the wall.**
- 3. The project is being funded by the Dongara RSL Sub-Branch.**

Background:

Lot 12, 40 Moreton Terrace is free hold land owned by the Shire of Irwin. The owners of the neighbouring property elevated the ground level along the fence with fill without retaining it, which caused the 'Super 66' boundary fence to lean. It is currently being propped up with stakes. The RSL Sub-Branch proposes to replace this fence on the eastern boundary of the park with a 2.2m high limestone wall (please refer to the attachments).

Officer's Comment:

In addition to its intended purpose as a memorial wall the new limestone wall will improve the visual amenity of the park.

Financial Implications:

The Dongara RSL Sub-Branch obtained funding from APA Ltd for this project.

Statutory Environment:

Shire of Irwin's Local Law Relating to Fencing:

6 (4) Notwithstanding any other provisions in these Local Laws, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where:

- (a) it is greater than 1800mm in height; or
- (b) the Building Surveyor so requires.

Policy Implications:

Nil.

Strategic Implications:

SCP Outcome 3.1.1 Continue to monitor community infrastructure needs and infrastructure utilisation

PLANNING AND INFRASTRUCTURE

PI 02 – 05/13

Subject: Illegal Building Works
Reporting Officer: Manager Community Safety
Date of Report: 17 May 2013
File Reference: DB.BD.3
Voting Requirements: Simple Majority

Report Purpose:

On his regular patrols the Shire's Ranger discovered an illegal building at a location known as 'Bees Hollow' near 'Fresh Water Point'.

Officer's Recommendation:

- 1. That Council, taking into consideration Mr Hicks' submission and the Vesting Order, consents to the issuing of a Building Order in accordance with section 110 of the Building Act 2011 to direct Mr Hicks to remove his cottage from Reserve 43078 and rehabilitate the area; and**
- 2. that legal proceedings against Mr Hicks for illegal building works be initiated.**

Background:

'Bees Hollow' is located on Reserve 43078, Victoria Location 11982. The Reserve is vested in the Shire of Irwin for the purpose of "Parkland, Recreation and the letting of cottages existing thereon on February 1994..." (please refer to the attachment).

The Schedule of the vesting order provides that no new cottages will be allowed to be constructed within the reserve.

No planning approval, certificate of construction for a septic tank, or building permit was issued for that building by Shire officers.

Section 110 of the Building Act 2011 allows a permit authority to make a building order. Section 111 requires that prior to issuing a building order a Notice of Proposed Building Order is to be issued to provide the person affected an opportunity to make a submission in relation to the proposed order within 14 days of the date of the notice.

As the owner of the building was not initially known the Shire's Ranger and Building Maintenance Officer attached the relevant Notice to the building in question. Once the person responsible for the building works was identified a copy of the Notice was also handed to Mr Hicks.

Mr Hicks replied to the Notice within the 14 days (see attachment) but was not able to produce a lease agreement or any other form of land tenure.

Officer's Comment:

In his reply Mr Hicks claims that he reclad an existing cottage. However, according to the Shire Ranger there was only a concrete slab at that location prior to the erection of the new building. The new timber frame and other new building material support that statement.

It appears that Mr Hicks has no land tenure and that he erected a cottage without the necessary approvals and permits. It is therefore recommended that a Building Order be issued to remove the cottage and that he rehabilitates the land.

It is proposed to seek legal advice to check the building order and to instigate legal proceeding for the unauthorised building work in contravention of the Building Act 2011.

Financial Implications:

Cost of legal advice.

Statutory Environment:

The Vesting Order was issued in accordance with the Land Act 1933 by the Governor.

Relevant excerpts from the Building Act 2011:

110. Building orders

- (1) A permit authority may make an order (a *building order*) in respect of one or more of the following—
 - (a) particular building work;
 - (b) particular demolition work;
 - (c) a particular building or incidental structure, whether completed before or after commencement day.
- (2) A building order must be in an approved form and must be directed to any one or more of the following persons as is appropriate in the case —
 - (a) if a building permit is in effect for the particular building work, the person named as the builder on the permit;
 - (b) if a demolition permit is in effect for the particular demolition work, the person named as the demolition contractor on the permit;
 - (c) a person who is an owner of the land on which the particular building or demolition work is being, or has been, done;
 - (d) a person who is an owner or occupier of the land on which the particular building or incidental structure is located.

111. Notice of proposed building order other than building order (emergency)

- (1) Before making a building order a permit authority must —
 - (a) give each person to whom the order is proposed to be directed written notice of the terms of the proposed order and the reasons for it; and
 - (b) advise each person to whom the order is proposed to be directed that the person has 14 days from the day on which the notice is received in which to make submissions in relation to the proposed order; and
 - (c) consider each submission received within that period.
- (2) Subsection (1) does not apply if there is an imminent and high risk to people, property or the environment arising from building or demolition work or from the dangerous state of a building or incidental structure.

Policy Implications:

Policy B 13 Illegal Building Works

Strategic Implications:

SCP Outcome 1.2.1 Review, regulate and monitor access to our natural assets

SCP Outcome 2.3.2 Continue to maintain Shire Reserves

PLANNING AND INFRASTRUCTURE

PI 03 – 05/13

Subject: Tender 4/2012-13; Council Chambers Renovations
Reporting Officer: Manager Community Safety
Date of Report: 20 May 2013
File Reference: FM.TE.3
Voting Requirements: Simple Majority

Report Purpose:

To select a builder and accept a tender for stage one of the Council Chambers renovations.

Officer's Recommendation:

That Council accept the tender of \$407,700 excluding GST and enter into a contract with Nordic Builders for stage one of the Council Chambers Renovations.

Background:

The renovations of the old administration centre were identified in the asset management plan as urgent due to roof leaks and associated damage to the building.

Council's Administration Centre Refurbishment Committee has explored several options to best utilise available funding to renovate the old administration centre. It was decided to carry the renovations out in two stages. The first stage involves:

- removal and re-cladding of the roof, excluding the adjacent Shire Hall and Autumn Centre;
- removal of internal walls, timber floor and floor coverings;
- installation of external limestone wall cladding and timber frame windows to match adjacent building;
- removal and replacement of the verandahs; and
- putting in place new floor and pre-laying of plumbing for the new ablutions.

Stage two will involve the buildings internal fit-out:

- New Council Chambers;
- Entertainment area;
- New ablutions;
- Seven new offices and reception; and
- New strong room.

A request for tenders to carry out stage one of the renovations was advertised in the West Australian Newspaper on Saturday, 3 April 2013.

Council received one tender:-

Builder	Cost \$, incl. GST	Use of local labour	Background/Experience
Nordic Builders	448,4709	Employs local staff and subcontractors	Established local builder with 16 years experience in domestic and commercial building projects.

Officer's Comment:

Nordic Builders Pty Ltd is a local business established in 1997 with a sound record in both, the domestic and commercial building industry as well as renovations. The cost of \$407,700 excluding GST is realistic and falls within the forecast costing. It is therefore recommended that this tender be accepted.

During the renovations Council Forums and Meetings will need to be held at an alternative site, such as the Irwin Recreation Centre. To enable Shire staff to prepare the old administration centre site for the demolition works it is recommended that future meetings be held at the Recreation Centre.

Financial Implications:

The Shire of Irwin submitted two CLGF Royalties for Regions (individual component) funding applications.

2011/12	\$394,269 ex-GST	Approved Financial Assistance Agreement.	\$350,000 to replace roof (stage 1). \$44,269 to upgrade services.
2012/13	\$394,269 ex-GST	Application for FAA assessed and awaiting information from the Shire of Irwin regarding evidence that 11/12 project has commenced.	\$344,269 for fit out \$50,000 for landscaping.

Statutory Environment:

Tenders were called in accordance with the Local Government (Functions and General) Regulations 1996 using a WALGA template.

Policy Implications:

Policy A5 – Localised Purchasing: The price preference offered to suppliers within the Shire and/or Mid West Region can be up to 5% of the value of goods and services. The maximum value of the price preference cannot exceed \$10,000.

Strategic Implications:

SCP Outcome 2.5.4 Continue to provide a high standard of maintenance and presentation in the Town Centres.

SCP Outcome 2.6.2 Develop and implement an Asset Management Plan

PLANNING AND INFRASTRUCTURE

PI 04 – 05/13

Subject: New Policy R1 – Shark Sightings Policy
Reporting Officer: Manager Community Safety
Date of Report: 21 May 2013
File Reference: CM.PO.1
Voting Requirements: Simple Majority

Report Purpose:

To seek Council's consent to add a new policy to Council's Policy Manual.

Officer's Recommendation:

That Council approves the new Policy R1 – 'Shark Sightings Policy' to be enclosed in Council's Policy Manual.

Background:

With the recent media focus on shark sightings and shark attacks the need for a local response policy, which reflects the State policy and local needs, was identified.

Officer's Comment:

The policy was modelled on the State response procedure. During the drafting feedback from local stakeholders was also obtained. The current State wide response procedure is to ring the water police when a shark near a swimming beach is sighted, as they operate their phones 24/7. However, the lead agency is the Department of Fisheries.

Local Governments and the Surf Life Saving Clubs assist with closing the beaches. Surf Life Saving WA have their own response plan to deal with shark sightings during their beach patrols. However, when a shark attack has occurred the procedure is to dial 000 rather than ringing the water police (please refer to the attachment).

In addition to shark sightings or attacks beaches may also need closing when the river breaks through the sand bank and turbid water drifts towards nearby beaches. Swimmers and surfers could then be exposed to risks, such as elevated bacterial levels, submerged objects and shark attacks.

Beach closures will be made public by use of advisory signs only. If the signs are ignored Shire officers will not be able to enforce the beach closure for practical reasons.

Financial Implications:

Nil

Statutory Environment:

Nil

Policy Implications:

New Policy R1 – SHARK SIGHTINGS POLICY

Strategic Implications:

SCP Outcome 2.2.2 Review, regulate and monitor access to our natural assets

PLANNING AND INFRASTRUCTURE

PI 05 – 05/13

Subject: North Coast Development Analysis
Reporting Officer: A/Director Planning and Infrastructure
Date of Report: 21 May 2013
File Reference: LP.SU.2.2
Voting Requirements: Simple Majority

Report Purpose:

To receive the North Coast Development Analysis report, as prepared by GHD on behalf of the Shire of Irwin.

Officer's Recommendation:

That Council receives the Shire of Irwin North Coast Development Analysis planning report dated May 2013, as prepared by GHD on behalf of the Shire.

Background:

In May of 2012 the Shire of Irwin received funding from the Department of Planning through the Northern Planning Program – Local Government Assistance package to undertake a planning project of strategic significance within the Shire.

The funding was primarily made available to prepare a District Structure Plan for the Dongara and Port Denison urban area and environs. That project was reported to Council at the February 2013 meeting.

A portion of the funding however, was also made available to complete a development analysis of the Shire's northern coastline, covering the area bounded by Brand Highway to the east, private freehold lots adjacent to Five Mile in the south, the Indian Ocean to the west and the Shire's boundary with the City of Greater Geraldton to the north. The project has been given the title of 'Shire of Irwin North Coast Development Analysis' (NCDA).

The project is essentially the next iteration of the strategic planning work that has been undertaken for this coastline, including most recently the conclusion of the Dongara to Cape Burney Coastal Strategy which failed to reach a resolution on a preferred development approach for the whole coastline between Dongara and the Greenough River mouth.

In light of the previous difficulties in preparing a strategy for this section of coast, the funding has been made available to appoint an independent consultant to analyse and report on the potential or otherwise for this coast to be developed and what might be a realistic and logical way forward in preparing a strategic land use planning position for this coast.

Requests for tenders to prepare both the District Structure Plan and the North Coast Development Analysis were sought in April 2012, through the Western Australian Local Government Association's (WALGA's) preferred supplier panel system, with GHD being awarded the contract.

Officer's Comment:

A copy of the final North Coast Development Analysis planning report is attached for Council's consideration. It should be noted that there is no requirement for this document to be adopted or endorsed by Council or by the Western Australian Planning Commission. It is intended purely as information to be received.

In this regard, it is expected that the analysis and information contained in the document could be utilised to inform a revision of the Shire's Local Planning Strategy, particularly in relation to the strategies and actions for Policy Area E (to which the study area corresponds), and which would then provide the strategic basis for a new approach to the planning of this coastline.

The format of the document is split into six sections including:

- Introduction;
- Planning Framework;
- Context Appreciation;
- Project Principles;
- Concept Options; and
- Implementation Pathway.

The Planning Framework and the Context Appreciation establish the relevant background information. The Project Principles, Concept Options and Implementation Pathway then provide the specific analysis.

In particular, the document includes two concept options for the possible development of the study area. It is important to note that these are designed to compare the development of the landforms against the project principles (or criteria) as opposed to comparing the land uses themselves. As such, the concept options are differentiated by where they draw the boundary between conservation and development as follows:

- Concept 1; identifies a line between the cleared vegetation and remnant vegetation; and
- Concept 2; identifies a line between the dune system and the flat coastal plain.

Each option is then assessed (see Table pages 20 and 21) against the criteria established under the Project Principles in Section 4, with the end result being a number of positives and negatives for both scenarios. Essentially this highlights the difficulty in planning for an area with as many competing variables as this study area, including dune versus plain, cleared vegetation versus remnant vegetation, development versus conservation, access versus containment etc.

This is the key message to be taken from the report, that there are many competing interests at play and perhaps there is no one best fit approach to planning for this area, in terms of establishing a set of provisions or policy requirements to guide development of the whole area. This may also go some way to explaining why planning and development of this coast has stalled and met with difficulty in the past.

Based on this overarching issue, Part 6 of the report, under Implementation Pathway then provides a suggested way forward. Specifically, it suggests a suitable approach may be to use structure planning to develop a comprehensive framework specific to this coast to guide and coordinate subdivision and land use, rather than a blanket policy provision.

Under this approach, it would be expected that the Shire would be best placed to prepare the structure plan, which although would incur some costs, would afford more control over the planning direction as opposed to being guided by proposals from individual developers.

Considering the Shire has recently resolved to introduce a new 'Development' zone into the Scheme, which by virtue of the provisions included with it requires comprehensive structure planning prior to subdivision or development, the report suggests that a rezoning of the NCD A area to 'Development' zone may be appropriate.

As previously mentioned, the report is presented as information to be received only. There is no requirement for Council at this stage to endorse the suggestions made in the report as its preferred approach. It is acknowledged however, that the suggested approach does provide another option for the Shire in considering its long term strategy for the northern coastline, and one that includes positives such as providing the Shire with greater control over subdivision design and development control, and one that allows greater flexibility to tailor an outcome which addresses the varied and complex issues involved.

Financial Implications:

Nil.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Strategic Implications:

SCP Outcome 2.3.9 – Develop the North Coast Development Analysis.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE

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

_____.