



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

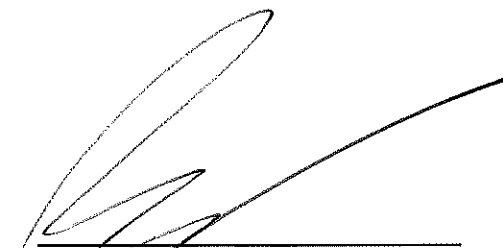
TUESDAY, 24 JUNE 2014

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, 24 JUNE 2014
IN THE OCEAN ROOM AT THE IRWIN REC,
RIDLEY STREET, PORT DENISON WA



Geoff Peddie
Acting Chief Executive Officer

20 June 2014

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 OCEAN ROOM, IRWIN REC
ON TUESDAY, 24 JUNE 2014
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler
	Councillors	Cr I F West (Deputy President) Cr D R Kennedy - <i>via City of Fremantle (phone conference)</i> Cr R J Porteus Cr M T Smith Cr B C Scott Cr M Leonard
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Ms S van Aswegen – Director Planning and Infrastructure Mr F A Neuweiler – Manager Community Safety Mrs C M Palmer – Manager Community Services Mrs H M Sternick – Manager Corporate Services Mr D Fotheringham – Manager Planning Services Mr L G Smith – Manager Recreation Services Ms N M Nelson – Manager Tourism and Library Services Mr A S Wootton – Manager Works Miss L E Tunbridge – Research and Projects Officer Ms E Greaves – Executive Assistant
LEAVE OF ABSENCE:		Cr K J Hepworth

- 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 27 MAY 2014

A copy of the Minutes of the Ordinary Council Meeting held on 27 May 2014 has been provided to all Councillors under separate cover and a hyperlink is provided below.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 27 May 2014, be confirmed as a true and accurate recording of that meeting.

[Minutes of Ordinary Council Meeting held on 27 May 2014](#)

[Attachment Booklet of Ordinary Council Meeting held on 27 May 2014](#)

[CEO01 – 05/14 Attachment Delegations Register 2014](#)

[CEO01 – 05/14 Attachment Policy Manual 2014](#)

7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 10 JUNE 2014

A copy of the Minutes of the Special Council Meeting held on 10 June 2014 has been provided to all Councillors under separate cover and a hyperlink is provided below.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Special Council Meeting, held on 11 June 2014, be confirmed as a true and accurate recording of that meeting.

[Minutes of Special Council Meeting held on 10 June 2014](#)

[CC01 – 06/14S Attachment Sample Properties Showing Rate Increase Scenarios](#)

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 06/14

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
Date of Report: 17 June 2014
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during May 2014.

Officer's Recommendation:

That the Accounts paid during May 2014, represented by Trust EFT payment number 16166 and Cheques 3029 - 3030 totalling \$3,000, Municipal Cheque Numbers 30524-30555 and EFT payment numbers 16142-16273 totalling \$591,007.96, Police Licensing Payment numbers PL290414 – PL280514 totalling \$56,447.05, Credit Card Payment \$2,459.73 and Vehicle Lease Payment \$853.51, be received.

Attachment:

[Accounts for Payment – May 2014](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of May 2014.

Officer's Comment:

Nil.

Stakeholder Engagement:

Nil.

Financial / Resource Implications:

Nil.

Statutory Environment:

Local Government (Financial Management) Regulations 1996

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.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;

and

- (b) the date of the meeting of the council to which the list is to be presented.
- (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.

Risk Implications:

There are no risks to be considered.

Strategic Implications:

Strategic Community Plan outcome:

4.2.1 - Ensure compliance whilst embracing innovation and best practice principles.

CORPORATE AND COMMUNITY

CC02 – 13/14

Subject: Financial Statements for the Period ending 31/05/2014
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Date Prepared: 17 June 2014
Voting Requirements: Simple Majority

Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2013 to 31 May 2014.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2013 to 31 May 2014 as outlined in the Attachments Booklet – June 2014 under separate cover, be received.

Attachment:

[Financial Statements for the Month Ending 31 May 2014](#)

Background:

The Monthly Financial Report to the 31 May 2014 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
- Major Variances
- 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
- Non Operating Grants and Contributions
- Trust Fund
- Budget Amendments
- Restricted Assets
- Port Denison Retirement Village Operating Statement

Officers Comment:

The financial position to the end of May 2014 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$8,273,833	1.1% positive variance
Operating Expenditure	\$6,317,937	2.2% positive variance
Net Operating	\$1,955,896	
Capital Revenue	\$1,527,795	0.1% negative variance
Capital Expenditure	\$2,178,266	0.6% negative variance
Cash at Bank – Municipal	\$3,266,893	
Cash at Bank – Reserve	\$2,814,701	

Total Funds Invested \$5,179,286
Net Rates Collected 97.78%

Receivables Outstanding \$167,704

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Stakeholder Engagement:

Nil

Financial / Resource Implications:

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

Statutory Environment:

Local Government Act 1995 - Section 6.4

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

Section 34 Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
 - (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil

Risk Implications:

There are no risks to be considered.

Strategic Implications:

Strategic Community Plan outcomes:

4.2.1 - Ensure compliance whilst embracing innovation and best practice principles.

4.3.3 - Adopt best practice processes to achieve a high standard of governance and accountability.

CORPORATE AND COMMUNITY

CC03 – 06/14

Subject: Reconciliation Action Plan
Reporting Officer: Manager Community Services
Date of Report: 16 June 2014
File Reference: CM.PL.2
Voting Requirements: Simple Majority

Report Purpose:

To present to Council the Shire of Irwin Reconciliation Action Plan Final Report for consideration and adoption.

Officer's Recommendation:

That Council adopt the Reconciliation Action Plan, as provided in the Attachments Booklet – June 2014 under separate cover.

Attachment:

[Reconciliation Action Plan](#)

Background:

The Community Engagement Process undertaken in the development of the Shire of Irwin Strategic Community Plan (SCP) 2012 – 2022 outlined the community's desire to 'recognise and retain our places of heritage value'. Outcome 2.1.4 of the adopted SCP, being to Develop and implement an Indigenous Reconciliation Plan, is an important strategy in achieving this objective.

A Reconciliation Action Plan (RAP) is a strategic plan that allows the Shire of Irwin to maintain relationships, show respect and increase opportunities. It includes defined timelines and targets as well as assigning actions to those responsible for the relevant outcomes.

The traditional owners of the land in the Mid West region consist of several language groups including the Amangu, Naaguja, Wadjarri, Nanda, Badimia and Western Desert people. Collectively they are known as Yamaji, this group's history in the Mid West dates back at least 40,000 years. Yamaji continue to have a strong presence in the region and as such the Shire of Irwin has a major focus to engage and consult with these community groups on all key aspects pertaining to culture and to develop a united community that is working towards a multi-cultural sustainable future.

Through the Strategic Community Plan the Shire of Irwin has committed to recognising the cultural protocols of the Traditional Owners of Yamaji Country, to have an understanding of the local Aboriginal history and the preservation of heritage and significant sites in the Midwest.

The Shire of Irwin values the diversity of the people within our community and understands that through respectful and genuine relationships we can learn from each other.

Officer's Comment:

The Shire's vision for reconciliation is to help build a community that welcomes diversity and celebrates difference.

A RAP is a 'living' document and an ongoing commitment, which means the Shire of Irwin, will review it regularly, report on it annually and closely track its implementation.

The RAP framework is based on three key areas:

- Relationships.
- Respect.
- Opportunities.

Building Relationships – The Shire of Irwin commits to developing and strengthening relationships between Aboriginal and Torres Strait Islander people and Councillors and staff, as well as facilitating and fortifying relationship within its spheres of influence in the community.

Fostering Respect – The Shire of Irwin commits to fostering mutual respect between Councillors, staff and Aboriginal and Torres Strait Islander peoples. This includes building capacity to provide a culturally secure service, and working together towards a deeper understanding of culture.

Developing Opportunities – The Shire of Irwin creates, supports and facilitates opportunities for, and with Aboriginal and Torres Strait Islander peoples, through joint examination of the existing gaps and advocating for opportunities to close them.

The Reconciliation Action Plan empowers the Shire of Irwin to engage in building relationships within the community, fostering mutual respect and supporting and facilitating opportunities for Aboriginal, non Aboriginal and Torres Strait Islander people.

Stakeholder Engagement:

The Senior Management Team was provided an opportunity to review and discuss the Draft Reconciliation Action Plan at a Senior Management Meeting in May 2014 and officers were consulted further in the lead up to the preparation of this report. A copy was also forwarded to Cr Porteus for comment.

The Draft Reconciliation Plan was discussed at the Corporate and Community Directorate meeting in May and comments were considered from both meetings and amendments included in Final Report.

A copy of the Draft Reconciliation Plan was forwarded to the Yamatji Marlpa Aboriginal Corporation for comment with no response received.

Financial/Resource Implications:

As per 2013/14 Budget allocation

Statutory Environment:

Local Government Act 1995

Policy Implications:

The development and implementation of protocols for acknowledging traditional custodians may need to be incorporated into the Shire of Irwin policies and procedures.

Risk Implications:

Effective reconciliation underpins successful working relationships and develops an inclusive, strong and healthy community that celebrates difference and diversity through respect.

Strategic Implications:

Strategic Community Plan outcome:

2.1.4 - Develop and Implement an Indigenous Reconciliation Plan

CORPORATE AND COMMUNITY

CC04 – 06/14

Subject: Establishment of Events Committee
Reporting Officer: Manager Community Services
Date of Report: 13 June 2014
File Reference: CM.PL.2
Voting Requirements: Absolute Majority

Report Purpose:

To seek Council consideration to establish an Events Committee and adopt the Events Committee Terms of Reference (TOR).

Officer's Recommendation:

That Council:

- 1. Establishes an Events Committee and adopts the Terms of Reference, as provided in the Attachments Booklet – June 2014 under separate cover.**
- 2. Appoints three elected members, being Cr _____, Cr _____ and Cr _____ and the following staff delegates to the Events Committee:**
Manager Community Services
Manager Community Safety
Manager Tourism

Attachment:

[Draft Events Committee Terms of Reference](#)

Background:

The purpose of the Events Committee and Terms of Reference is to plan, develop and administer community, recreational, and cultural events for the Shire of Irwin within budgetary guidelines approved annually by council and to provide advice to Council on short term issues and long term planning related to these events. The committee will strive to stimulate and encourage events that meet the needs of the community and offer the best opportunity to provide economic benefits and potential to market Dongara Port Denison outside the Shire.

Officer's Comment:

The community play a critical role in providing a range of community events in town. It was highlighted in the community engagement sessions for the Draft Community Development Plan that these are highly valued by the residents. Local community groups outlined that they are happy to partner with the Shire of Irwin to continue these events.

The Events Committee will provide Council with a strategic direction and event management for the planning of current and new events in the future.

The community highlighted that the large events provided by the Shire are improving with strong partnerships with the community. The recent Australia Day Fireworks was viewed as a huge success and similar events would attract more visitors to the town.

The Objectives of the Events Committee is as follows:

- Provide advice and direction (when required) to Council on all event proposals;
- Ensure that Events within the Shire of Irwin provide measurable benefits.

The function and responsibilities of the Events Committee is to:

- Advise Council on recommendations for Council Expenditure prior to the annual budget cycle;
- Funds or co-funding any capital and maintenance improvements, within agreed budgets and delegations of staff;
- The development and attraction of new events;
- Seek partnerships to develop new events;
- Provide advice when required regarding Councils major Events;
- Ensure events meet the requirements of the Shire of Irwin *Events Application Form*;
- Evaluate events at their completion and make recommendations to Council if required.

Under the Terms of Reference the Events Committee has the ability to establish sub committees for the purpose of planning and conducting events within the Shire of Irwin, these events may be an annual event or one off activities. Sub Committees may be established at the discretion of the Events Committee. Annual events that may have Sub Committees are:

- Larry Lobster Festival;
- Kitestock (Associated Activities);
- Easter Races (Associated Activities);
- New Events.

Stakeholder Engagement:

Consultation was undertaken in the preparation of Events Committee Terms of Reference with the Senior Management Group and at a Corporate and Community Directorate Meeting. The Terms of Reference were circulated for review and feedback requested. Any feedback has been incorporated into the Terms of Reference.

Financial/Resource Implications:

The Events Committee does not have the delegated authority to commit Council to the provision of funding or other resources.

Statutory Environment:

The Terms of Reference have been prepared in accordance with the provisions of the Local Government Act 1995 and the Events Committee under *Section 5.8 of the Act, which provides;*

Establishment of committees:

‘A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees’.

** Absolute majority required.*

Policy Implications:

A new policy may need to be created to provide Council with policy direction for the Events Committee.

Risk Implications:

The Terms of Reference will ensure that the Events Committee understands the scope of its role, therefore mitigating the risk of the Committee acting outside of its role.

Strategic Implications:

Strategic Community Plan outcomes:

1.5.3 - Develop and Implement a Community Development Plan

3.6.5 - Continue to support and fund community events such as Larry Lobster Community Festival, Australia Day Celebrations, Kite Stock, Easter Saturday Races and others.

CORPORATE AND COMMUNITY

CC05 – 06/14

Subject: Community Development Plan 2014 - 2019
Reporting Officer: Manager Community Services
Date of Report: 13 June 2014
File Reference: CM.PL.2
Voting Requirements: Simple Majority

Report Purpose:

To present to Council the Shire of Irwin Community Development Plan Final Report for consideration.

Officer's Recommendation:

That Council adopt the Community Development Plan 2014 - 2019 prepared by Building Better Communities Consultants, as provided in the Attachments Booklet – June 2014 under separate cover.

Attachment:

[Community Development Plan - Schedule of Submissions](#)
[Community Development Plan 2014 – 2019](#)

Background:

The Community Engagement Process undertaken in the development of the Shire of Irwin Strategic Community Plan (SCP) 2012 – 2022 outlined the community desire for “plenty of facilities in all age groups, good retirement homes, good medical facilities, good sporting facilities and entertainment”. Outcome 1.4.1 of the adopted SCP, being to “Develop and Implement a Community Development Plan” is an important strategy in achieving these outcomes.

Advertising of the Shire of Irwin Community Development Plan Consultants Brief resulted in 11 submissions, of these Building Better Communities were appointed.

The Shire of Irwin Community Development Plan prepared by Building Better Communities was presented to Council at the Council Forum 13 May 2014.

With Council's resolution, through the May 2014 ordinary meeting, the Draft Community Development Plan was advertised for a period of 21 days for public comment.

Officer's Comment:

The 21 day public comment period of the Draft Community Development Plan resulted in 1 formal submission being received.

As a result of feedback minor changes were made to the draft final report, including rewording of actions and moving of the dates.

An adopted Community Development Plan will enable the Shire of Irwin to take an integrated and co-ordinated approach to long term planning of our community development needs for the key focus areas and assess the need for additional facilities and programs to meet the long term needs of the Shire's growing population.

Stakeholder Engagement:

The community engagement consultation process resulted in 202 people being engaged on the community aspirations for this plan. This included:

- Community Workshops;
- Stakeholder Meetings;
- Telephone Interviews;
- Online Community Survey; and
- Online Youth Survey.

The Senior Management Team was provided an opportunity to review and discuss the Draft Community Development Plan at a Senior Management Meeting in April 2014 and officers were consulted further in the lead up to the preparation of this report.

The Draft Community Development Plan was presented to Council at the Council Forum in May and at the ordinary Council meeting in May and advertised for public comment for a period of 21 days.

Financial/Resource Implications:

The adoption of the Community Development Plan contains projects that are funded in the 2013/14 budget as well as planned projects that are incorporated in the Corporate Business Plan and Long Term Financial Plan. The Community Development Plan also contains recommendations for new projects that are presently unfunded and will require additional funding to be obtained for their implementation.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

New policies for Art Acquisition should be created to provide Council with policy direction for the purchase of art for the Shire and Council Buildings and create new Community Development policies and procedures.

Risk Implications:

Community Development is a crucial function of local government and adds benefit to all projects delivered within the Shire locality. These benefits include ensuring projects and services meet local needs, building the strength of the community to become self-reliant, facilitating open communication with residents and developing a reputation of being open and transparent.

Strategic Implications:

Strategic Community Plan outcome:

1.4.1 - Develop and Implement a Community Development Plan.

PLANNING AND INFRASTRUCTURE

PI 01 – 06/14

Subject: Shire of Irwin Bicycle Plan (2014 – 2024)
Reporting Officer: Manager Works
Date of Report: 10 June 2014
File Reference: RD.DE.1
Voting Requirements: Simple Majority

Report Purpose:

To present to Council for their consideration, the final Shire of Irwin Bicycle Plan.

Officer's Recommendation:

That Council adopt the Shire of Irwin Bicycle Plan prepared by Hames Sharley, as provided in the Attachments Booklet – June 2014 under separate cover.

Attachment:

[Shire of Irwin Bicycle Plan – June 2014](#)

Background:

The Community Engagement Process undertaken in the development of the Shire of Irwin Strategic Community Plan (SCP) 2012-2022 outlined the community needs, which provided for more pathways to be constructed through the town sites of Dongara/Port Denison.

Council was successful in obtaining a grant for the sum of \$15,000 from the Department of Transport and contributed \$15,000 of their own funding for this Plan. Tenders were called in early October 2013 for the works on the Bike Plan and Hames Sharley were chosen as the best fit and value to undertake consultancy work for Council's Bicycle Plan.

A consultation process was undertaken in late November, which included a community Bike Planning workshop, meetings with relevant stakeholders and a saddle survey of the current pathways throughout the townships. Feedback was also received from the Department of Transport and included in the Final Draft Bicycle Plan.

With Council's consent through the April 2014 Ordinary Meeting, the Draft Shire of Irwin Bicycle Plan was advertised for a period of 14 days for public comment. No public comments were received during this period and as such no amendments have been made to the final Bicycle Plan.

Officer's Comment:

The final Shire of Irwin Bicycle Plan provides the strategic vision for cycling within the Shire of Irwin for the next ten years. The Bicycle plan will assist Council in planning and implementing cycle related infrastructure whilst also providing the foundation for future cycle related funding through the Department of Transport.

Stakeholder Engagement:

Consultation was undertaken in the preparation of the report with the Shire of Irwin, the Shire of Irwin Tourism Department, Department of Transport, Main Roads WA, Dongara District High School and local residents through a community consultation workshop held on the 30 November 2013.

Financial/Resource Implications:

The Department of Transport has various funding mechanisms which may be applicable to the Shire of Irwin Bicycle Plan. In particular the Bicycle Network Grants and the Connecting Schools Grant may provide the financial assistance needed to initiate and implement the Bicycle Plan.

Statutory Environment:

Local Government Act 1995

Policy Implications:

The adoption of the Bicycle Plan will provide future direction for the bicycle network over the next ten years.

Risk Implications:

Without a Council adopted Bicycle Plan future funding through the Department of Transport would be jeopardised.

Strategic Implications:

Strategic Community Plan outcome:

2.4.3 - Review and Update the Shared Footpath and Cycle Network Plan.

PLANNING AND INFRASTRUCTURE

PI 02 – 06/14

Subject: Draft Town Centre Revitalisation Plan 2014
Reporting Officer: Manager Works
Date of Report: 11 June 2014
File Reference: LP.PL.4
Voting Requirements: Simple Majority

Report Purpose:

To present to Council the Draft Town Centre Revitalisation Plan for consent to advertise.

Officer's Recommendation:

That Council consent to the Draft Town Centre Revitalisation Plan, as prepared by GHD Consultants as provided under separate cover in the Attachments Booklet – June 2014, being advertised for a period of 28 days for public comment.

Attachment:

[Draft Town Centre Revitalisation Plan 2014](#)

Background:

The community engagement process undertaken in the development of the Shire of Irwin Strategic Community Plan (SCP) 2012-2022 outlined a need for the development of a Town Centre Revitalisation Plan.

Council allocated \$70,000 in the 2013/14 budget for the planning stage of the Town Centre Revitalisation Plan and on 3 October 2013 tenders were invited from prospective consultants to undertake an investigation into the Town Centre precinct incorporating a community consultation process to produce detailed concept plans.

GHD Pty Ltd was selected as the successful tender and undertook an initial project visioning consultation in November 2013. The consultation process involved direct communication with all business owners within the Town Centre to establish project goals and objectives. Key stakeholders were also contacted via phone and email to establish individual meetings. For key stakeholders not available for individual meetings and for the general community a workshop was held on 30 November 2013. 18 Members of the community attended this meeting.

Following a review of the existing planning documents, the initial project visioning consultation, and a site analysis, two concept options were developed. These options addressed the key objectives and visions highlighted during the first round of consultation.

A second community consultation workshop was held on 22 February 2014, including a presentation of the two concept options followed by individual group sessions with a GHD facilitator to allow the community to give direct feedback. The two initial concept options were then advertised for a period of three weeks for public comment.

The final Draft Town Centre Revitalisation Plan is a hybrid of the two concept options taking into consideration the feedback from various stakeholders, business owners, the Shire of Irwin and community members.

Officer's Comment:

Community members were generally supportive of restricting access on to Moreton Terrace to a one way arrangement, creating a pedestrian friendly street with wide verges and alfresco opportunities. However there was mixed support for relocating the entrance off Brand Highway onto Martin Street, and therefore in the short term the existing entrance has been retained with the intention that the Shire can investigate the feasibility of the alternative entry further as a future project dependent on

development of the site earmarked for proposed redevelopment. The plan also allocates for additional parking to reflect a large concern of the community regarding future parking limitations.

Stakeholder Engagement:

Consultation was undertaken in the preparation of the Town Centre Revitalisation Plan with the Shire of Irwin, key business owners along with two community consultation workshops held in November 2013 and February 2014.

Financial/Resource Implications:

\$70,000 from the 2013/14 Budget for consultant expenses.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil

Risk Implications:

The Town Centre Revitalisation Plan has the potential to significantly affect the community and character of the Town Centre. If consent for advertising is not endorsed, Council runs the risk of negatively impacting on their reputation as an open, honest and accountable Shire which engages with the community.

Strategic Implications:

Strategic Community Plan outcome:

2.5.1 - Develop a Town Centre Revitalisation Plan.

PLANNING AND INFRASTRUCTURE

PI03 – 06/14

Subject: District Structure Plan
Reporting Officer: Manager Planning Services
Date of Report: 17 June 2014
File Reference: LP.PL.8
Voting Requirements: Simple Majority

Report Purpose:

To consider:

- submissions received from government agencies and the public, and related recommended modifications to the Port Denison District Structure Plan (DSP) and associated District Water Management Strategy (DWMS);
- adoption of the proposed final DSP and DWMS ; and
- forwarding the DSP and DWMS to the Western Australian Planning Commission for final approval.

Officer's Recommendation:

That Council:

1. **Adopt the proposed final Dongara and Port Denison District Structure Plan and associated District Water Management Strategy as presented in the Attachment Booklet – June 2014 under separate cover; and**
2. **Forwards the Dongara and Port Denison District Structure Plan and associated District Water Management Strategy to the Western Australian Planning Commission for final approval.**

Attachment:

[Summary of submissions and recommended modifications
District Structure Plan and District Water Management Strategy](#)

Background:

On 27 November 2013 Council resolved to consent to the advertising of the draft DSP and DWMS. Council now has the opportunity to consider the summary of the submissions received and the recommended modifications (Attachment 1), and the proposed final DSP and DWMS (Attachment 2), then determine whether these documents are to be submitted to the WAPC for final approval.

Officer's Comment:

The analysis of the submissions and the recommended modifications were prepared by the consultants following discussions with the Director of Planning and Infrastructure and the Manager Planning Services. The analysis, modifications and proposed final DSP and DWMS are supported by Planning Services.

Outcomes from the DSP and DWMS include future planning and key strategies that will be developed and implemented through the Local Planning Strategy Review, the subsequent (next) planning scheme, other Shire strategies (Town Centre Revitalisation, Tourism Plan etc) and local structure plans (generally prepared by developers).

Stakeholder Engagement:

Advertising occurred between 16 January 2014 and 28 February 2014. During the course of advertising a total of 26 submissions were received representing both service authorities and local community comments.

Financial/Resource Implications:

As per 2013/14 Budget allocation

Statutory Environment:

Planning and Development Act 2005.

Policy Implications:

Nil.

Risk Implications:

In the absence of the DSP there may be ad-hoc land use and development.

Strategic Implications:

Strategic Community Plan outcome:

1.7.1 – Develop and implement a District Structure Plan.

PLANNING AND INFRASTRUCTURE

PI04 – 06/14

Subject: Omnibus Amendment to Planning Scheme
Reporting Officer: Manager Planning Services
Date of Report: 17 June 2014
File Reference: LP.PL
Voting Requirements: Simple Majority

Report Purpose:

To consider initiating the planning scheme amendment process for a proposed omnibus amendment to Local Planning Scheme No. 5.

Officer's Recommendation:

That Council, in accordance with Section 75 of the Planning and Development Act 2005, initiates the planning scheme amendment process for the Shire's proposed omnibus amendment to Planning Scheme No. 5 by:

- 1. Forwarding the modified planning scheme and the summary of proposed modifications and reasons, as presented in the Attachment Booklet – June 2014, to the Western Australian Planning Commission; and**
- 2. Subject to the Western Australian Planning Commission's response, publicly advertising and referring the modified planning scheme and the summary of proposed modifications and reasons to the relevant service authorities for a period of 42 days.**

Attachments:

[Summary of the proposed modifications and reasons](#)
[Modified Planning Scheme for advertising](#)

Background:

Planning Services have carried out a review of the Local Planning Scheme No. 5. The review considered inaccuracies within the scheme, the emerging Draft District Structure Plan (2014), the revised Residential Design Codes (2013), and other existing and emerging planning strategies and policies. As a result, Officers consider that a number of modifications are needed to update and consolidate the scheme text, and to improve operational efficiency and effectiveness.

A summary of the proposed modifications and reasons is at Attachment 1. The modified scheme is at Attachment 2, where the modifications are highlighted in yellow.

Officer's Comment:

The Omnibus Amendment proposes modifications to the scheme text only, not the scheme maps. The proposed changes include:

- modifications to the land use provisions and land use table;
- modifications to the development requirement provisions;
- modifications to the Special Use zones;
- incorporation of the acknowledged Scheme Heritage List within the scheme's schedules; and
- minor modifications to the text (re-numbering of clauses, updated definitions etc).

The most significant modifications include proposals:

- to reduce the need for business operators to apply for planning approval for a change of use in the Town Centre, General Industry and Light Industry zones by introducing interchangeable uses;
- to allow greater potential for the development of grouped dwellings within the residential zone by deleting restrictive provisions associated with Special Application of the Residential Design Codes;

- to simplify the Ancillary Accommodation provisions allowing for reasonable design requirements and appropriately sized ancillary dwellings for each zone;
- to simplify the Outbuildings provisions by;
- deleting onerous provisions for sizes in relation to external colours and materials;
- allowing for reasonable design requirements and appropriately sized sheds within the various zones;
- to allow for residential land uses to occur in Special Use zones SU9 & SU12; and
- to incorporate the Scheme Heritage List within the schedules of the scheme.

Stakeholder Engagement:

It is proposed to publicly advertise the omnibus amendment and refer it to the relevant service authorities for a period of 42 days.

Financial/Resource Implications:

Advertising costs have been accounted for within Planning Services 2013/14 budget allocation.

Statutory Environment:

Planning and Development Act 2005.

Policy Implications:

Nil.

Risk Implications:

If inaccuracies within Local Planning Scheme No. 5 are not adequately resolved, planning decisions may be challenged through the State Administrative Tribunal.

Strategic Implications:

Strategic Community Plan outcome:

1.1.1 – Implement an efficient and effective approvals process.

PLANNING AND INFRASTRUCTURE

PI05 – 06/14

Subject: Dog Exercise Areas
Reporting Officer: Manager Community Safety
Date of Report: 12 June 2014
File Reference: FM.TE.5
Voting Requirements: Absolute Majority

Report Purpose:

To seek Council consent to set declared dog exercise areas and dog prohibited areas and advertise the set areas for 28 days in accordance with the Dog Act 1976.

Officer's Recommendation:

That Council resolves to give 28 days notice of the intention to specify the following areas as declared dog exercise/prohibited areas in accordance with amended section 31 of the *Dog Act 1976*:

1. Dog Exercise Areas:

- The beach area extending north from the 'Surf Beach' car park, being within Reserves 41087 and 41088, with the exception of the area located between the Irwin River Estuary boardwalk beach access and the bird viewing rotunda;
- The beach area north of the 'South Beach' car park and south of the 'Obelisk' located within Reserve 42150;
- The beach area known as 'South Beach' located on Reserve 42150, commencing south of the beach access track;
- The Town Oval, being Lot 82, location 9518 and Reserve 211191; with the exception of land that has been set aside as a playground, a car park, or an area being used for sporting or other activities, as permitted by the local government, during the time of such use.

2. Dog Prohibited Areas:

- Where so indicated by a sign, a public building;
- All premises or vehicles classified as food premises or food vehicles under the Food Act 2008;
- The beach area extending north of the 'South Beach' access track to the northern end of the 'South Beach car park, located on Reserve 42150;
- The beach area known as 'Grannies Beach' located on Reserve 41087 between the Marina and the caravan park seawalls.

This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth) section 9(2)*.

Attachment:

[Current Shire of Irwin Dog Local Law, as amended.](#)

Background:

The dog exercise/prohibited areas were previously described in the Shire of Irwin Dogs Local Law. A recent Dog Amendment Act removed local government's ability to make local laws in respect of these two areas. To save local governments from amending their local laws the Dog Amendment Regulations 2014 provide a sunset date, the 31 July 2014, for the function of those clauses.

Officer's Comment:

The existing areas seem sufficient to meet the current needs of the community; therefore only minor changes were made to the two declared areas that are currently listed in the Dog Local Law.

Stakeholder Engagement:

This item was discussed at the Council Forum held on 10 June 2014 and also with Ranger Services.

Financial/Resource Implications:

As per 2013/14 Budget allocation.

Statutory Environment:

Sections 1.4, 1.7 and 1.9 of the Local Government Act 1995; and
Section 31 of the Dog Act 1976:

- (2B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
 - (a) at all times; or
 - (b) at specified times.
- (2) A dog is exempt from the requirements of subsection (1) if —
 - (a) it is in a dog exercise area specified under subsection (3A); or
 - (b) it is in a public place that is in an area of the State outside the metropolitan region or outside a townsite, and that is not a rural leashing area specified under subsection (3B); or
 - (c) it is in or on a vehicle; or
 - (d) it is being exhibited for show purposes;
- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place that is under the care, control or management of the local government to be a rural leashing area.
- (3C) At least 28 days before specifying a place to be —
 - (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
 - (b) a dog exercise area under subsection (3A); or
 - (c) a rural leashing area under subsection (3B),

a local government must give local public notice as defined in the *Local Government Act 1995* section 1.7 of its intention to so specify.

- (3) If a dog is at any time in any public place in contravention of subsection (1) or (2A), every person liable for the control of the dog at that time commits an offence unless the person establishes a defence under section 33B.
Penalty: a fine of \$5,000.
- (4) This section does not apply to a dangerous dog.
- (5) A local government must specify under subsection (3A) such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district.

Policy Implications:

Nil.

Risk Implications:

There is a risk that the Rangers may not be able to adequately patrol inaccessible areas, such as the river mouth.

Strategic Implications:

Strategic Community Plan outcome:

3.8 - Continue to provide a ranger service.

PLANNING AND INFRASTRUCTURE

PI06 – 06/14

Subject: Tender 4-2013/14 - Council Chambers Renovations Stage 2
Reporting Officer: Manager Community Safety
Date of Report: 17 June 2014
File Reference: FM.TE.5
Voting Requirements: Simple Majority

Report Purpose:

To consider awarding the tender for stage two of the Council Chambers renovations.

Officer's Recommendation:

That Council accepts the Tender received from Nordic Builders Pty Ltd for the submitted price of \$656,274, exclusive GST for Tender 4-2013/14 – Council Chambers Renovations Stage Two.

Attachment:

Tender 4-2013/14 Council Chambers Stage Two – Assessment matrix provided to Councillors under confidential cover.

Background:

Council received funding to undertake the Council Chamber renovation in two stages. Stage one of the Council Chambers renovations is drawing to a close. Council resolved at the May 2014 meeting to advertise the tender for the second stage.

Council received two conforming tenders:

Building Company	Tender Type
Nordic Builders Pty Ltd	Conforming
Coral Coast Homes & Construction	Conforming

Officer's Comment:

The tender is exclusive of landscaping and furniture.

Stakeholder Engagement:

The tender was advertised in the 'Western Australian' newspaper on the 28 May 2014.

Financial/Resource Implications:

Royalties for Regions Funding and Shire of Irwin funding through the Building Reserve:

Grant funding \$394,269
Spent to date on specifications, plans, electrical works, etc (\$22,100)
The balance of funding for the project may need to be accessed through the Building Reserve.

Statutory Environment:

Local Government Act 1995, s. 3.59 - Commercial enterprises by local governments
Local Government (Functions and General) Regulations 1996.

11A. *Purchasing policies for local governments*

A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.

11. *When tenders have to be publicly invited*

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000 unless subregulation (2) states otherwise.

Policy Implications:

F1 Localised Purchasing

F2 Purchasing

Risk Implications:

There is a risk that Council may lose the State Government funding if the project is not completed within the required timeframe.

Strategic Implications:

Strategic Community Plan outcome:

3.1 - High quality and well maintained community infrastructure.

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 _____.