



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

HELD ON

MONDAY, 24 AUGUST 2015

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

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I certify that this copy of the Minutes is a true and correct record of the meeting held on
24 August 2015

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE OCEAN ROOM, IRWIN REC ON
MONDAY, 24 AUGUST 2015
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler
	Councillors	Cr I F West (Deputy President) Cr R J Porteus Cr M T Smith Cr B C Scott Cr D R Kennedy
	Staff	Mr D J Simmons - Chief Executive Officer Mr G M Peddie – Director Corporate and Community Mrs H M Sternick – Manager Corporate Services Mr D Fotheringham – Manager Planning Services Mr L G Smith – Manager Recreation Services Mr A S Wootton – Manager Works Miss L E Tunbridge – Coordinator Organisational Performance Ms E Greaves – Coordinator Executive Services
APOLOGIES:		Cr M Leonard Ms S van Aswegen – Director Planning and Infrastructure
GALLERY:		Mr K Dennis and Mr J Rossiter

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- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
 - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

- 4. PUBLIC QUESTION TIME**

Mr Rossiter asked the following questions;

- 1. What will be the benefit to the residents and ratepayers from the \$56,000 Service and Organisational Review?*

The Shire President advised that the Service and Organisational Review (SOR) is still in progress therefore detail on the achieved outcomes is not yet available.

The CEO also advised that, in broad terms, it was anticipated that the SOR will increase efficiencies, reduce costs and provide improved service delivery.

2. *What qualifications does the Manager Community Services have in coordinating the refurbishment of the Port Denison Retirement Village (The Village)?*

The Shire President outlined that the Manager Community Services is an experienced local government officer and is not required to have any formal qualifications to coordinate the refurbishment work at The Village. However, she does have qualifications and experience in Project Management and general business acumen.

3. *Is there an ulterior motive to there being no public facilities remaining in the Town Hall? Has the plans been developed based on a needs brief?*

The Shire President reiterated previous advice that Council approved the plans, on the recommendation of the Administration Centre Refurbishment Committee, prior to the project commencing. The Shire is yet to engage with the Autumn Centre in regards to future use of the Town Hall but he was of the view that the discussions will include public use facilities.

4. *Would I be correct in saying that the following represents an approximate timeline for the Avenue of Trees Project;*

- *A senior staff member decided there would be an avenue of trees (Norfolk Pines) along the boardwalk on Ocean Drive and that the trees were ordered.*
- *The proposal was advertised in the Local Rag requesting submissions, which was a shock to both the RSL and elected members.*

The CEO advised that the provided timeline is not correct. The proposal for the Avenue of Trees came from the Dongara RSL and was referred to the Tidy Towns Sustainable Committee. Council reviewed the proposal and decided to go out for public comment prior to proceeding.

5. *Where did the idea that Norfolk Pines were known as a memorial tree, as stated by the Manager Community Services?*

The Shire President responded that the Dongara RSL identified the Norfolk Pines as an appropriate memorial tree.

Mr Kevan Dennis asked the following questions;

1. *What is the significance of the LGIS Excellence Award received by the Shire of Irwin at the recent WALGA convention?*

The Shire President advised that the inaugural LGIS Excellence Award (established as part of LGIS's 20 year anniversary) was presented to the Shire of Irwin as LGIS (Council's insurer and that of another 138 Western Australian local governments) had determined that the Shire was considered leaders in its region based on its commitment to occupational health and safety, risk management and an exemplary insurance claims experience over the last 10 years.

The CEO, in congratulating all involved, indicated that the local community had benefited over this period through reduced premiums for the Shire's insurance services.

2. *Are elected members and staff required to report to Council on meetings/conferences/training sessions they have attended? Are these reports available on request?*

The Shire President outlined that events such as the recently attended Local Government convention are more about networking, liaison with external stakeholders and politics therefore a formal report would not be appropriate. Other training sessions attended by elected members and some staff provide for improved skill and know-how in a particular area and any benefit would be seen through personal development and understanding.

The question was then referred to the CEO who outlined that staff are often invited to report in-house e.g. the Planning Officer recently attended a customer service focused training and provided a presentation on the outcomes of the training session to staff at a general staff meeting. He also advised that, where appropriate, reports were regularly presented to Council with an example being when the Director Planning and Infrastructure attended the 2015 Australian Coastal Councils Conference and provided a Council report at the 28 April 2015 Ordinary Council meeting. (Being accessible from the Shire's website, the CEO offered to provide Mr Dennis with a link to the report).

3. *Is the Shire pursuing to have dingoes inserted in the Dog Act? Does the Shire have a dingo problem?*

The CEO responded that a recommendation was made to a Northern Country Zone meeting in June 2015 that WALGA lobby the State Government to have the Dog Act amended to define 'dog', particularly in respect to domestic dingoes.

The Shire has not identified a dingo problem but wishes to clarify how dingoes are dealt within a domestic setting as it appears existing legislation does adequately provide for this.

4. *What planning was done prior to works beginning at the Obelisk?*

The CEO acknowledged that whilst initial Obelisk works were problematic he indicated that he would arrange for Mr Dennis to be provided with a internet link to the relevant Council meeting minutes which outlined the planning, consultation and decisions made by Council as facilitated by the Shire's Obelisk Precinct Working Committee.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 JULY 2015

A copy of the Minutes of the Ordinary Council Meeting held on 28 July 2015 has been provided to all Councillors under separate cover.

COUNCIL MOTION 010815:

MOVED: Cr Scott

SECONDED: Cr Porteus

That the Minutes of the Ordinary Council Meeting, held on 28 July 2015, be confirmed as a true and accurate recording of that meeting.

VOTING DETAILS:

CARRIED 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

- 11 August Shire President and CEO attended the Shire of Irwin Oral History Launch
- 17 August The Shire President and CEO hosted a meeting on Aged Care with Shane Love MLA, Member for Moore and Jake Ash, Electorate Officer, Gavin Treasure, CEO of Mid West Development Commission (MWDC), Margaret Denton, Regional Director WA Country Health Service (Midwest), Di Franklin, Manager Aged and Community Care and Andrew Klien, District Operations Manager.
- 19 August CEO attended the Dongara Fishermans Association AGM
- 20 August Shire President, CEO and Acting Manager Community Safety attended the Toxfree Regional Collection Contract launch in Geraldton

Announcements

Councillor Information Session

The Shire is hosting a Councillor Information Session following this Council Meeting at 6:30pm. The Chief Executive Officer will provide an overview of the Shire as an organisation and key information on becoming a Councillor. Mr Zubin Ardeshir from the WA Electoral Commission will be providing a presentation on the election process and will be available for questions following, as will Returning Officer, Robert Mark.

WA Weekender Episode featuring Dongara Port Denison

WA Weekender will be airing an episode featuring the Indian Ocean Drive, in partnership with Australia's Coral Coast including Dongara and Port Denison. The episode will include a story on Doyle's famous award-winning pies, the Priory Hotel and the Visitors Centre. The episode should air Saturday, 5 September at 5:30pm and a copy will be loaded to the visitor's centre website.

Awards & Recognition

Inaugural LGIS Excellence Award

As mentioned earlier, the Shire of Irwin was the recipient of the inaugural LGIS Excellence award at last week's WALGA Convention. The Shire of Irwin was considered to have shown remarkable and long standing leadership in the region in the areas of risk management and safety and have also achieved an exemplary claims experience over the last decade. The Chief Executive Officer received the award on behalf the Shire.

CEO Mentors Program

The Department of Local Government and Communities and Local Government Managers Australia WA have asked Darren Simmons, Chief Executive Officer to mentor the new CEO, Ms Diane Daniels of the Shire of Murchison. Darren will be visiting Ms Daniels onsite on 7-8 September 2015.

The Shire President acknowledged and congratulated Darren, as being chosen as a mentor for this program demonstrates his high standing amongst his sector peers.

9. REPORTS

CORPORATE AND COMMUNITY

CC01 – 08/15

Subject: Accounts for Payment
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during July 2015.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 020815:

MOVED: Cr Porteus

SECONDED: Cr Kennedy

That the Accounts paid during July 2015, represented by Trust Cheques 3072-3074 totalling \$2,229.82 Municipal Cheques 30937-30962, EFT 17957-18126 totalling \$940,590.88 Police Licensing PL300615 – PL300715 totalling \$56,292.30, Credit Card Payments \$590.00, Vehicle Lease \$853.51 and Click Super \$32,643.10, be received.

VOTING DETAILS:

CARRIED 7/0

Attachment:

[Accounts for Payment – July 2015](#)

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of July 2015.

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.

- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

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

Risk Implications:

This report covers past events therefore the risk implications are low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

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

CORPORATE AND COMMUNITY

CC02 – 08/15

Subject: Financial Statements for the Period ending 31 July 2015
Reporting Officer: Manager Corporate Services
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the Monthly Financial Statements for the period 1 July 2015 to 31 July 2015.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 030815:

MOVED: Cr West

SECONDED: Cr Porteus

That the Monthly Financial Statement for the period 1 July 2015 to 31 July 2015 as outlined in the Attachments Booklet – August 2015 under separate cover, be received.

VOTING DETAILS:

CARRIED 7/0

Attachment:

[Financial Statements for the Month Ending 31 July 2015](#)

Background:

The Monthly Financial Report to the 31 July 2015 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 July 2015 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$5,584,038	0.9%	negative variance
Operating Expenditure	\$535,159	20.6%	positive variance
Net Operating	\$5,048,879		
Capital Revenue	\$0	0.0%	variance
Capital Expenditure	\$1,281	1.5%	positive variance

Cash at Bank – Municipal	\$824,847
Cash at Bank – Reserve	\$3,704,534
Total Funds Invested	\$0
Net Rates Collected	3.52%
Receivables Outstanding	\$121,549

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:

Due to the monthly financial statements reporting past events the risk implications are low.

Strategic Implications:

Strategic Community Plan 2012-2022

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

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

CORPORATE AND COMMUNITY

CC03 – 08/15

Subject: CSRFF Grant Application Storage Facility
Reporting Officer: Manager Recreation Services
File Reference: GS.PR.1
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider submitting a Department of Sport and Recreation (DSR) Community Sport and Recreation Facilities Fund (CSRFF) grant application for a multi-use storage facility at the Irwin Recreation Centre.

OFFICER’S RECOMMENDATION AND COUNCIL MOTION 040815:

MOVED: Cr Scott

SECONDED: Cr Porteus

That Council approves the application to the Department of Sport and Recreation (DSR) for funding under the Community Sport and Recreation Facilities Fund (CSRFF) for a Recreation Centre Storage Facility.

VOTING DETAILS:

CARRIED 7/0

Attachment:

[Recreation Centre Storage Facility Project Initiation Form](#)

Background:

Lack of storage facilities for local clubs has long been an issue with clubs relying on committee members to store club equipment, records and history in private homes and sheds.

The Shire of Irwin Recreation Needs Analysis Final Report 2013, as prepared by A Balanced View Leisure Consultants, identified a weakness through their SWOT analysis of the Irwin Recreation Centre as “Lack of equipment storage for clubs.”

Several attempts to fund this project have been made in the past few years. A July 2013 Federal Government funding application for the facility was unsuccessful due to the change of government following the Federal election and the subsequent withdrawal of Round Five of the Regional Development Australia Fund (RDAF). Recreation Services made provision for the project in the 2014/15 draft Budget, however, because of budget pressures it was not included in the final adopted Budget.

Officer’s Comment:

The Irwin Recreation Centre is a modern multi use facility providing the community a great range of sporting and recreation opportunities. Recreation Centre design has the primary goal of providing physical activity opportunities, not storage. A lack of appropriate storage facilities for clubs has an impact on clubs and also the operational efficiency of the Irwin Recreation Centre. A storage facility located at the Irwin Recreation Centre would provide clubs with a central and secure location to store equipment, records and important club history.

Stakeholder Engagement:

This item was discussed at the Council Forum held on Tuesday 9 June 2015.

Contact and feedback has also been sought from the effected clubs; Dongara Senior Football Club, Dongara Junior Football Club, Dongara Netball Club, Dongara Senior Basketball Club and Dongara Junior Basketball Association.

Financial/Resource Implications:

The Department of Sport and Recreation's contribution to successful CSRFF grant submissions is one third of the project cost with one third contributions from the applying sporting organisation and the local government. As this is a Shire of Irwin application Council will be required to fund two thirds of the project costs. Funding has been allocated in the Shire of Irwin 2015/16 Budget adopted at its Ordinary Council Meeting on Tuesday, 28 July 2015.

Statutory Environment:

Local Government act 1995.

Policy Implications:

Nil

Risk Implications:

The CSRFF grant application process requires applications to be lodged with the local government, in the event multiple applications are received in the same funding round Council is required to rank each application before being submitted to DSR. As this is the only Irwin application for this funding round the likelihood of any risk to reputation in submitting the application is expected to be rare. Therefore, the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.6.6 Undertake a Recreation Needs Analysis.

CORPORATE AND COMMUNITY

CC04 – 08/15

Subject: BMX Track Removal
Reporting Officer: Manager Recreation Services
File Reference: CR.CO
Voting Requirements: Simple Majority

Report Purpose:

To present to Council a Project Initiation Form for the Removal of the BMX Track and consent for advertising for public comment.

OFFICER’S RECOMMENDATION AND COUNCIL MOTION 050815:

MOVED: Cr Kennedy

SECONDED: Cr Smith

That Council advertises the proposed BMX track removal for a period of 28 days for public comment and, subject to no objections being received, authorises the Chief Executive Officer to undertake the BMX track removal and associated skate park cleanup works.

VOTING DETAILS:

CARRIED 7/0

Attachment:

[Project Initiation Form - BMX Track Removal and Skate Park Cleanup](#)

Background:

The BMX Track - Skate Park precinct has been a point of debate for many years and in its current state the need for a cleanup of the area has become increasingly obvious. The Shire of Irwin Recreation Needs Analysis, prepared by A Balanced View Leisure Consultancy Services, made two recommendations for the Skate Park-BMX Track.

Recommendation 12 - Remove the BMX Track and conduct some landscaping to beautify the area and provide a buffer between the skate park and residential housing.

Recommendation 13 - Investigate the installation of portable ramps onto the outdoor hard courts focussed towards BMX riders.

Officer’s Comment:

The BMX Track has undergone several rebuilds over the years in an attempt to reignite enthusiasm for the sport and facility. Any increase in participation was short lived as BMX riders appear to prefer freestyle riding in the skate park.

The removal of the BMX track will have many positives for the area. It will open up the skate park to the old outdoor courts where mobile ramps aimed at BMX riders can be placed in future, provide room for future extension of the skate park facility, divert late night antisocial behaviour away from the bordering holiday units and greatly improve the visual appearance and usability of the area.

Stakeholder Engagement:

Community consultation was undertaken through the Shire of Irwin Recreation Needs Analysis prepared by A Balanced View Leisure Consultancy Services.

An on-site meeting was also held with the Manager/Owner of the Port Denison Beach Resort.

Financial/Resource Implications:

As per the 2015/16 budget allocation.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Nil

Risk Implications:

The likelihood of risk associated with advertising the proposed removal of the BMX track for public comment is considered to be rare and therefore rated as low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 3.1 High quality and well maintained community infrastructure.

Strategy 3.6.6 Undertake a Recreation Needs Analysis.

Council resolved, at the 28 July Ordinary Council Meeting to lay Item PI02 – 07/15 Local Planning Policy for Developer Contributions for Roads and Footpaths on the table for a future Council meeting. Further information has been provided to Council at the 11 August 2015 Council Forum and the item is now presented for Council consideration.

PLANNING AND INFRASTRUCTURE

PI01 – 08/15

Subject: Local Planning Policy for Developer Contributions for Upgrades to Roads & Footpaths
Reporting Officer: Manager Planning Services
File Reference: LP.PL
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider advertising a Local Planning Policy (LPP) for Developer Contributions for Upgrades to Roads & Footpaths.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 060815:

MOVED: Cr West

SECONDED: Cr Kennedy

That Council, pursuant to Clause 2.4 of the Shire of Irwin Local Planning Scheme No.5, resolves to advertise the draft Local Planning Policy: Developer Contributions for Upgrades to Roads & Footpaths, as presented in the Attachments Booklet August 2015 provided under separate cover.

VOTING DETAILS:

CARRIED 7/0

Attachment:

[Attachment A - Draft LPP: Developer Contributions for Upgrades to Roads & Footpaths](#)
[Attachment B - Proposed Developer Contribution Rates for 2015-16](#)

Background:

At the Ordinary Council Meeting (OCM) on 28 July 2015, Planning Services proposed a new draft LPP for Developer Contributions for Upgrades to Roads & Footpaths. The LPP is intended to replace Council Policy P3 – Roadwork's Contributions. Council determined to lay the draft LPP item on the table to allow the policy to be workshopped at a future Council Forum. Following the OCM, Planning Services carried out some more research and reviewed some more contemporary policies that are currently being implemented by other local governments. The draft LPP was then modified and workshopped with Councillors at the August Council Forum.

Officer's Comment:

Similar to Council Policy P3, the initial draft LPP required developers to contribute to 50% of the whole of life costs of the road fronting the subject land. The modified draft LPP is different in that it utilises a formula to calculate the level of developer contribution based on the percentage of traffic impacts likely to be generated by the proposed subdivision/development when considering all existing and projected traffic impacts. This is considered a more equitable methodology for calculating the contributions.

The modified draft LPP also contains more guidance, which is aimed at assisting the assessment of proposals to vary the provisions of the policy. The only other modification is to ensure that the level of service for roads within the Special Residential zone is the same as within the Rural Residential and Rural Smallholdings zones – to be consistent with state planning policy.

The purpose of the Draft LPP remains the same i.e. is to provide a method for seeking contributions for the upgrading of the Shire's road and footpath network, as a result of the subdivision and development proposals. The objectives of the policy are:

1. to ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
2. to provide clear and consistent advice on the local government's expectations for road and footpath upgrading.

If Council agrees to advertise the policy, a newspaper advertisement will be placed seeking public comment and referrals will be sent to various state agencies, including the Western Australian Planning Commission. Feedback received during the advertising period will be considered before finalising the policy for Council's consideration to adopt.

Stakeholder Engagement:

The draft policy has the support of the Shire's Development Control Unit. As part of the advertising procedure, the policy will also be referred to relevant government agencies.

Financial/Resource Implications:

The advertising costs are provided for within the Planning Services budget.

Statutory Environment:

Shire of Irwin Local Planning Scheme No.5. Clause 2.4.1 states:

If a local government resolves to prepare a Local Planning Policy, the local government

-
- a) *is to publish a notice of the proposed Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of –*
 - i) *where the draft Policy may be inspected;*
 - ii) *the subject and nature of the draft Policy; and*
 - iii) *in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
 - b) *may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.*

Policy Implications:

The proposed policy will provide clear and consistent advice for road and footpath upgrading.

Risk Implications:

The likelihood of risk arising from Council advertising the draft policy is expected to be rare and the consequences would be insignificant. Therefore the risk is low.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 1.1.1 Implement an efficient and effective approval process.

Council resolved, at the 28 July Ordinary Council Meeting to lay Item PI03 – 07/15 Shacks on Reserve 43078 on the table for a future Council meeting. Further information has been provided to Councillors at the Council Forum on 11 August 2015 and new correspondence has been received from the Department of Land (as referred below).

The CEO, through the Shire President, is also aware of Councillor concerns in respect to potential adverse impacts for the local fishing industry and whilst the July 2015 item is again presented for Council consideration, it is suggested that Council may wish to consider an alternative motion such as follows:

“That, with regard to Reserve 43078, Council resolves to:

- 1. advise the current payees of shack fees that Council will place a moratorium on the removal of their shacks until 30 June 2017;*
- 2. undertake a review of the Coastal Development Strategy, the preparation of a development plan identifying development nodes and detailing the management of the nodes (including lease and on-going service issues);*
- 3. authorise the Chief Executive Officer to facilitate the removal of all other shacks as soon as practicable; and*
- 4. advise the Department of Lands of the course of action outlined in points 1 to 3 above and seek an extension to its 6-month development plan timeframe”.*

PLANNING AND INFRASTRUCTURE

PI02 – 08/05

Subject: Shacks on Reserve 43078
Reporting Officer: Manager Planning Services
File Reference: A7237
Voting Requirements: Simple Majority

Report Purpose:

To determine Council’s position regarding shacks on Reserve 43078, and to advise the Department of Lands accordingly.

COUNCIL MOTION 060815:

MOVED: Cr West

SECONDED: Cr Smith

That, with regard to Reserve 43078, Council resolves to:

- 1. advise the current payees of shack fees that Council will place a moratorium on the removal of their shacks until 30 June 2017;**
- 2. undertake a review of the Coastal Development Strategy, the preparation of a development plan identifying development nodes and detailing the management of the nodes (including lease and on-going service issues);**
- 3. authorise the Chief Executive Officer to facilitate the removal of all other shacks as soon as practicable; and**
- 4. advise the Department of Lands of the course of action outlined in points 1 to 3 above and seek an extension to its 6-month development plan timeframe.**

VOTING DETAILS:

CARRIED 7/0

Note: As outlined in the preamble to this report, Council were provided with an alternative motion which was subsequently accepted due to the consideration it gave to the local fishing industry.

OFFICER'S RECOMMENDATION:

That Council resolves to:

1. advise the current payees of shack fees to remove their shacks by 30 June 2016, failure of which will result in the Shire removing the shacks at the cost of the payees;
2. advise occupiers of all other standing shacks to remove those shacks by 30 June 2016, failure of which will result in the Shire removing the shacks at the cost of the occupiers;
3. direct the Shire to remove all dilapidated shacks;
4. review the Coastal Development Strategy and lease issues, after 30 June 2016, once all shacks have been removed; and
5. advise the Department of Lands of the course of action outlined in points 1 and 2 above.

Attachment:

[Letter dated 13 August 2015 from Department of Lands](#)

Background:

The Management Order for Reserve 43078 gave the Shire of Irwin power to lease land for the designated purpose of "Parkland, Recreation and the letting of Cottages" up until 30 June 2015. Council has not agreed to leases for any cottages on R43078 since the original shack leases expired in 2000. However, the Shire has been collecting annual fees from parties occupying fishermen's cottages associated with fishing licences which allowed fishermen to operate from the area.

Some shacks on this Reserve are considered bona fide (i.e. they are occupied by fishermen who are operating from the area). However, the fishing industry operating from this reserve appears to have declined significantly. Most shacks that are currently occupied are most likely being used for recreational purposes, and are unlikely being used by the original owners.

With regard to the future of leases after 30 June 2015, the Department of Lands requested that it would like the Shire to confirm that:

1. all structures not subject to a licensed fishermen's lease have been removed;
2. all other shack structures have been removed, and if not – the expected date of removal;
3. no new cottages/shacks have been built since 1994; and
4. Shires plans for R43708.

At the Ordinary Council Meeting (OCM) on 28 July 2015, Planning Services recommended that Council resolves to:

1. advise the current payees of shack fees to remove their shacks by 30 June 2016, failure of which will result in the Shire removing the shacks at the cost of the payees;
2. advise occupiers of all other standing shacks to remove those shacks by 30 June 2016, failure of which will result in the Shire removing the shacks at the cost of the occupiers;
3. direct the Shire to remove all dilapidated shacks;
4. review the Coastal Development Strategy and lease issues, after 30 June 2016, once all shacks have been removed; and
5. advise the Department of Lands of the course of action outlined in points 1 and 2 above.

Since the last OCM, the Department of Lands have advised the Shire that they will not consider an amendment to the Management Order to permit the Shire to lease the Reserve beyond 30 June 2015, and will not provide the Minister of Lands approval to any leasehold arrangements over the Reserve, until the Shire provides development plan(s) identifying development nodes and detailing

the management of the nodes within six months of 13 August 2015. The plans are expected to detail what services will be available and who will provide these services.

Officer's Comment:

Given the details outlined in the July OCM report and the advice from the Department of Lands, the Officer recommendation remains unchanged.

Stakeholder Engagement:

The Shire received advice from the Department of Lands by way of a letter received on 18 August. This letter is attached under separate cover.

Financial/Resource Implications:

Removal of the dilapidated and unauthorised shacks will incur costs that should be included in the 2016-17 Budget. The Shire will seek to recoup the costs incurred.

Statutory Environment:

Local Government Act 1995.
Land Administration Act 1997.

Policy Implications:

Nil.

Risk Implications:

The likelihood of risk arising from Council agreeing to remove shacks for which no leases have been issued is expected to be rare. However, the consequences of unhappy shack payees could be significant. Therefore the risk is medium.

Strategic Implications:

Strategic Community Plan 2012 - 2022
Strategy 2.3.2 Continue to maintain Shire Reserves

PLANNING AND INFRASTRUCTURE

PI03 – 08/15

Subject: Changes to Hepburn Street
Reporting Officer: Manager Works
File Reference: RD.ST
Voting Requirements: Simple Majority

Report Purpose:

For Council to consider changes to Hepburn Street.

OFFICER’S RECOMMENDATION AND COUNCIL MOTION 070815:

MOVED: Cr Scott

SECONDED: Cr Kennedy

That Council:

- 1. Changes Hepburn Street into a one way thoroughfare entering from Moreton Terrace and exiting onto Smith Street for a trial period of twelve (12) months; and**
- 2. Advertises approval of the above resolution for a period of 28 days prior to any changes being implemented.**

VOTING DETAILS:

CARRIED 7/0

Attachment:

[Community Feedback Summary Report](#)

Background:

Hepburn Street, in its current condition is not wide enough to allow parking on both sides of the road whilst traffic flows in both directions. By turning Hepburn Street into one way it will allow for more uniform parking and improve traffic flow. Additionally it will alleviate visibility problems that are present at the Moreton Terrace intersection.

Greenfields Technical Services conducted a site visit of the area on 7 May 2015 and have confirmed, through correspondence, that the proposal to turn Hepburn Street into a one way thoroughfare is both practical and will ultimately improve safety.

As per Councils Community Engagement and Public Consultation Policy the proposed changes to Hepburn Street were advertised for a period of 28 days to obtain community feedback.

Officer’s Comment:

Seven (7) comments were received during the public consultation period, five (5) in favour and two (2) submissions against the proposal.

Whilst there have been no significant concerns raised during the community feedback period and the majority of feedback received was in favour of the proposal, a trial period would give Council the opportunity to monitor the effectiveness of the alterations during peak tourism season; when town is expected to see a dramatic increase of traffic in and around Hepburn Street.

A full community feedback summary report has been provided in the attachment booklet. The following table outlines the key concerns raised by the community members against the proposal.

Issues Identified	Officer’s Comment
Possible obstruction of residential / commercial driveways as a result of street parking.	These concerns have been handled through phone contact; they have been assured that their driveways will not be obstructed.
Accessibility issues for delivery and waste collection trucks.	Delivery trucks and rubbish trucks normally enter the street from Moreton Terrace as

	they have problems turning when travelling the other direction.
Potential hazard on Smith Street through increased congestion near the Chemist entrance.	Site lines will need to be looked at and traffic flow monitored to make sure there are no congestion problems at this location.
May result in required upgrades to Smith Street to accommodate the increase in traffic.	This will need to be monitored; however a recent planning proposal included a Traffic Impact Assessment of the area, this assessment, completed by an independent consultant suggests that the street can handle extra traffic flow.
Issues for large vehicle (caravans / camper trailers) wanting to access the drive-through bottle shop.	Caravans etc don't frequently access the drive-in bottle shop; making the street one way will increase parking opportunities and manoeuvrability.

The trial period would not include alterations to the current parking layout; it would only include the redirection of traffic through the installation of signage and temporary paint markings. Once the trial period is complete Council will have the opportunity to make a final decision in regards to the permanency of the altered traffic flow and associated changes to the parking layout.

Stakeholder Engagement:

The proposed changes to Hepburn Street were advertised for comment in the Local Rag, Shire's electronic community notice board, webpage and facebook page for a period of 28 days. Affected business owners were contacted directly for their comments.

Financial/Resource Implications:

Immediate financial implications are allocated for in the 2015/16 General Town Maintenance Budget.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

This proposal is in line with Council's Dongara Town Centre Revitalisation Plan 2014.

Risk Implications:

The risk implications associated with trialling alterations to Hepburn Street for a period of twelve (12) months are considered low; minor consequences are considered unlikely.

Strategic Implications:

Strategic Community Plan 2012 - 2022

Strategy 2.5.7 Engage with the business community to improve presentation and disability access.

Strategy 2.6.1 Maintain road assets and ancillary infrastructure.

OFFICE OF THE CEO

CEO1 – 08/15

Subject: Intent to Review Local Laws
Reporting Officer: Coordinator Executive Services
File Reference: LE.LO
Voting Requirements: Simple Majority

Report Purpose:

To seek Council's approval to advertise its intent to review its Local Laws.

OFFICER'S RECOMMENDATION AND COUNCIL MOTION 070815:

MOVED: Cr West

SECONDED: Cr Kennedy

That Council resolves to undertake a review of all of its Local Laws in accordance with the *Local Government Act s3.16* and to give statewide and local public notice of its intent to undertake the review.

VOTING DETAILS:

CARRIED 7/0

Attachment:

[Timeline for reviewing and adopting local laws](#)

Background:

Section 3.16 of the Local Government Act requires periodic reviews of Local Laws. A local government is to carry out a review of a Local Law to determine whether or not it considers that it should remain unchanged, be repealed or amended. The review is to be conducted within 8 years from the day each Local Law commenced, or from when a report of a review of the Local Law was accepted under s3.16.

The Shire of Irwin last resolved to undertake a review of its Local Laws at the 22 July 2008 Ordinary Council meeting and, a report on the review was accepted at 23 September 2008 Ordinary Council meeting at which it was resolved not to amend or repeal any of the Local Laws.

The Shire of Irwin has the following gazetted Local Laws;

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
- Bush Fire Brigades Local Law
- Dogs Local Law
- Local Laws Relating to the Dongara Public Cemetery
- Extractive Industries Local Law
- Fencing Local Law
- Health Local Law
- Local Government Property Local Law
- Parking & Parking Facilities Local Law
- Sand Drift Prevention & Abatement 2004 Local Law
- Local Laws Relating to Signs, Hoardings & Bill Posting
- Standing Orders Local Law

A copy of the Shire's current Local Laws can be found on the Shire of Irwin's website at www.irwin.wa.gov.au or can be obtained through the Shire Administration. A full list of the Shire's Local Laws and a copy of the relevant gazette (including those that have been repealed) can be found on the Department of Local Government and Communities' (DLGC's) website at <https://www.dlg.wa.gov.au/Content/Legislation/LocalLaws/Register.asp>.

Officer's Comment:

The timeline provided within the Attachments Booklet – August 2015 provides Council with an overview of the process for reviewing its Local Laws.

Following the public consultation period, a report will be presented at a future Council meeting that will summarise any submissions received and provide a recommendation to repeal, amend or remake the local laws. If Council resolves not to change any Local Law, no further action is required and the review process is finalised. However, should Council resolve to repeal, amend or remake any Local Law, then the process to do so must be undertaken in the same manner as adoption of a new Local Law, as required under s3.12 of the *Local Government Act 1995*.

Stakeholder Engagement:

The review process enables members of the public to have their say on the current local laws and their relevance within the community. It may also identify any new matters that could be dealt with through the development of or amendment to a local law.

Financial/Resource Implications:

Undertaking this review may incur minor advertising costs.

Statutory Environment:

Local Government Act 1995

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that —
 - (a) the local government proposes to review the local law; and
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.
* Absolute majority required.

Policy Implications:

Nil

Risk Implications:

By meeting the requirement to review its Local Laws within 8 years of the commencement of a local law or when a report to review a local law was accepted, Council are mitigating any compliance, service interruption and reputational risks.

The risk rating is therefore considered Low.

Strategic Implications:

Strategic Community Plan 2012 – 2022

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

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

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

The Shire President thanked everyone for their attendance and declared the meeting closed at 4:28pm.

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

<p>I certify that this copy of the Minutes is a true and correct record of the meeting held on 24 August 2015 <i>Signed:</i> Presiding Elected Member Date:.....</p>
