

Shire of Denmark

Ordinary Council Meeting **AGENDA**

17 OCTOBER 2023



TO BE HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK, ON TUESDAY, 17 OCTOBER 2023, COMMENCING AT 4.00PM.



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr Kingsley Gibson (Deputy Shire President)
- Cr Clare Campbell
- Cr Donna Carman
- Cr Donald Clarke
- Cr Nathan Devenport
- Cr Jan Lewis
- Cr Jackie Ormsby
- Cr Janine Phillips

STAFF:

- David King (Chief Executive Officer)
- Rob Westerberg (Director Infrastructure & Assets)
- Claire Thompson (Governance Coordinator)
- Kristie Buss (Executive Support Officer)

APOLOGIES

ON APPROVED LEAVE(S) OF ABSENCE

ABSENT

VISITORS

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the meeting held on 19 September 2023, Jane Ferreira asked why people had to re-apply every two years to be on the No Spray Register.

The question was taken on notice and the Chief Executive Officer provided the following response to Jane in writing.

“The No Spray Register Policy was adopted by Council in August of 2015. Many relevant organisations contributed to the development of the policy which has allowed the Denmark community to nominate their properties on the No Spray Register. The current policy states that residents will need to re-apply every two (2) years to maintain their property on the register. This has been working to date, but there is opportunity for the Shire to improve the way that we manage the register.

It is difficult to determine the reason behind the two-year validity period relating to the No Spray Register. The ascertainable history of the No Spray Register does not allude to any science behind the prescribed period. The two-year validity period potentially came from the desire to manage property turn-over, so that new owners were not on the register as a default. Given this, the Shire of Denmark will re-examine this aspect of the No Spray Register Policy with Council.

We appreciate your time in bringing this matter to our attention.”

5.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the wall near the entrance to the Council Chambers or can be downloaded from our website at <http://www.denmark.wa.gov.au/council-meetings>.

Questions from the public are invited and welcomed at this point of the Agenda.

In accordance with clauses 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required, and the meeting is not concluded prior, at approximately 6.00pm.

Questions from the Public

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

In accordance with Section 5.24 of the Local Government Act 1995, Sections 5, 6 and 7 of the Local Government (Administration) Regulations and section 3.3 and 3.13 of the Shire of Denmark Standing Orders Local Law, the procedure for persons seeking a deputation and for the Presiding Officer of a Council Meeting dealing with Presentations, Deputations and Petitions shall be as per Council Policy P040118 which can be downloaded from the Shire's website at <http://www.denmark.wa.gov.au/council-meetings>.

In summary, however, prior approval of the Presiding Person is required, and deputations should be for no longer than 15 minutes and by a maximum of two persons addressing the Council.

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

A Council may, by resolution, grant leave of absence, to a member, for future meetings.

7. CONFIRMATION OF MINUTES**7.1 ORDINARY COUNCIL MEETING – 19 SEPTEMBER 2023**

OFFICER RECOMMENDATION

ITEM 7.1

That the minutes of the Ordinary Meeting of Council held on the 19 September 2023 be CONFIRMED as a true and correct record of the proceedings.

7.2 STRATEGIC BRIEFING NOTES – 19 SEPTEMBER 2023

OFFICER RECOMMENDATION

ITEM 7.2

That the notes of the Strategic Briefing held on the 19 September 2023 be RECEIVED.

8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

9.1.1 FINAL ADOPTION OF PROPOSED LOCAL PLANNING POLICY NO. 18: TOURISM & COMMERCIAL LAND USES IN THE RESIDENTIAL, SPECIAL RESIDENTIAL & SPECIAL RURAL ZONES

File Ref:	PLN.70.Q
Applicant / Proponent:	Not applicable
Subject Land / Locality:	All land within the Residential, Special Residential and Special Rural zones
Disclosure of Officer Interest:	Nil
Date:	27 September 2023
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.1a – Existing Local Planning Policy No. 18: Tourism Development other than ‘Bed & Breakfast’ uses within the Residential Zone 9.1.1b – Proposed Final <i>Local Planning Policy No. 18: Tourism & Commercial Land Uses in the Residential, Special Residential & Special Rural Zones</i> 9.1.1c – Extract of definitions for land uses classes relevant to Draft Revised Local Planning Policy No. 18

IN BRIEF

- On 15 August 2023 the Council endorsed public advertising of a draft revised *Local Planning Policy No. 18* (LPP 18).
- Public advertising was opened on 23 August 2023 and closed on 25 September 2023, with no submissions received during this time.
- This report recommends final adoption of LPP 18 with no changes proposed as a result of public consultation.

RECOMMENDATION

Simple majority

OFFICER RECOMMENDATION	ITEM 9.1.1
<p>That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:</p> <ol style="list-style-type: none"> 1. ADOPT <i>Local Planning Policy No. 18: Tourism & Commercial Land Uses in the Residential, Special Residential & Special Rural Zones</i> (as shown at Attachment 9.1.1b). 2. Publish notice of the adoption of <i>Local Planning Policy No. 18: Tourism & Commercial Land Uses in the Residential, Special Residential & Special Rural Zones</i> on the Shire’s website and in the Shire’s offices. 	

LOCATION

1. Existing LPP 18 applies to land in the Residential Zone only.
2. Draft revised LPP 18 is proposed to apply in the Residential, Special Residential and Special Rural zones. Draft revised LPP 18 will apply only to the extent that the Scheme (including the deemed provisions of the Regulations) allows for each relevant land use in the applicable zones. This potentially includes the Home Business, Cottage Industry, Consulting Rooms, Child Minding Centre, Educational Establishment and Restaurant land use classes (Attachment 9.1.1c provides the definition of each use class).

BACKGROUND

3. A report presented to Council on 16 May 2023 discussed the background to the development of the proposed Policy, including:
 - Existing LPP 18 was first adopted in June 1998 and provides guidance for tourism-related developments within the Residential Zone.
 - ‘Tourist development’ is not a land use class or term defined in the Scheme and has been used historically to include small-scale studios, galleries, workshops and similar businesses. The policy is not applied to any form of short-stay accommodation, including holiday homes and bed and breakfast businesses.
 - The policy contains a clear intent to enable the establishment of small-scale businesses while minimising any potential impacts on the surrounding residential environment.
 - The policy is not used regularly, relating to a limited range of land uses that are more commonly established on larger properties in other zones.
 - Review has identified that the policy is unclear in what it relates to, contains provisions of a ‘procedural’ nature, and has in time become out of step with *Town Planning Scheme No. 3* (the Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
4. The objectives of proposed LPP 18 are to:
 - Enable the establishment of small-scale commercial and tourism businesses as a means of income, employment and economic development.
 - Limit the scale of businesses to avoid detrimental impacts on the character and amenity of established residential neighbourhoods.
5. Proposed LPP 18 includes provisions to address:
 - The scale of commercial and tourism land uses to be compatible with the established residential environment.
 - The mitigation of potential impacts on residential amenity.
 - The management of traffic appropriately within the context of the site.

- The management of car parking where staff, customers or clients will visit the site.
- The adequacy of servicing infrastructure to support the proposal.

DISCUSSION / OFFICER COMMENTS

6. The proposed revised LPP 18 retains the intent of the existing policy in aiming to enable the development of small-scale home-based tourism and commercial businesses. This provides for self-employment, small businesses and new start-ups to develop, particularly where the cost and availability of smaller commercial tenancies may be a barrier to business development. Similarly, draft revised LPP 18 also aims to maintain any such businesses at an appropriate scale and minimise potential impacts on neighbouring residents.
7. In preparing a revised version of LPP 18 officers aimed to ensure that the policy clearly defines that land uses that it applies to, how the Shire will assess applications made, and identifies expected standards where it is appropriate to do so. This includes reference to a wider range of commercial and tourism land uses to provide a consistent approach to businesses in residential areas, whether these are directly tourism-related or otherwise.
8. The policy indicates a preference for tourism and commercial land uses to be incidental to the predominant use of the land for residential purposes, with the aim of ensuring that commercial development is appropriate within a residential environment and that more substantial businesses are established within the Denmark Town Centre (consistent with the intent of the Draft Local Planning Strategy).
9. Public consultation for the proposed Policy has now been completed and submissions received by the Shire assessed. The public consultation period was open from 23 August to 25 September 2023, during which time no submissions were received.
10. No changes to the advertised version of LPP 18 are proposed as a result of the public submissions received.
11. As part of the preparation of a new local planning scheme officers will consider ways to better align the land use classes in the Scheme with the Regulations and improve clarity for small-scale home-based businesses.

CONSULTATION AND EXTERNAL ADVICE

12. In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) the Shire published public notices to advertise proposed revisions to LPP 18. This included notices at the Shire offices, on the Shire website (main website and project page on Your Denmark) and within local newspapers (Denmark Bulletin and Walpole Weekly).
13. No submissions were received during the public consultation period (23 August to 25 September 2023).

STATUTORY / LEGAL IMPLICATIONS

14. The preparation, amending or rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation. The Shire is required to publish notice of a proposed local planning policy in accordance with Schedule 2, Part 12, Clause 87. This includes a

minimum public comment period of 21 days, which was exceeded for the advertising of this proposed policy (33 days).

15. Local planning policies provide direction on how the Shire implements the statutory requirements of the Scheme and the Regulations. Permissible land uses remain in accordance with the Scheme.
16. Should the Council wish to adopt LPP 18 as recommended (or otherwise), publication of a notice on the Shire's website is required by the Regulations following the Council's decision.
17. The proposed revised policy will supersede the existing policy if adopted by the Council.

STRATEGIC / POLICY IMPLICATIONS

Strategic Community Plan 'Denmark 2033'

18. The proposed policy is consistent with the following objectives of the Strategic Community Plan 'Denmark 2033':

Economic development - We want less bureaucracy, red tape and restrictions.

Engagement and decision making - We want the reasons for decisions to be explained and transparent.

The revised policy aims to improve the clarity and consistency of standards while enabling the development of small-scale home-based businesses.

Draft Local Planning Strategy (LPS)

19. The Shire's Draft Local Planning Strategy (LPS) notes the above average proportion and wide diversity of small businesses and sole traders in the district. The LPS identifies a need to support local employment, entrepreneurship and innovation and includes the following actions relevant to the proposed revised policy:

Economy and Employment

1d. Support home-based offices and businesses in residential and rural residential areas of a scale and in a manner that minimises negative amenity impacts on residential development.

1e. Review the Scheme to reduce regulatory barriers to investment for businesses that fit with the community's vision for the future, including for small and micro businesses.

The proposed policy revisions are considered consistent with the intent of the LPS.

Further review of permitted land uses will occur as part of the preparation of a new Local Planning Scheme.

FINANCIAL IMPLICATIONS

20. The revocation of this local planning policy will occur within existing resources and will not require any changes to the adopted budget or long-term financial plan.

OTHER IMPLICATIONS**Environmental**

21. There are no known significant environmental implications relating to the report or officer recommendation.

Economic

22. There are no known significant economic implications relating to the report or officer recommendation. The proposed revised policy aims to improve clarity and thereby enable the establishment of small-scale home-based business, which is an important component of business development and may contribute to a net benefit to local economic conditions. The proposed policy aims to preserve the commercial primacy of the Denmark Town Centre by limiting the scale of commercial land uses in the Residential Zone, but it is also noted that facilitating small business development could also potentially result in increased demand for commercial tenancies if/when home based businesses scale up.

Social

23. There are no known significant social considerations relating to the report or officer recommendation. The proposed revised policy provides for the assessment of potential impacts on adjoining landowners where a business has been proposed in a residential area.

RISK MANAGEMENT

24. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

9.1.2 FINAL ADOPTION OF PROPOSED LOCAL PLANNING POLICY NO. 44: EXEMPTIONS FROM DEVELOPMENT APPROVAL

File Ref:	PLN.70.J
Applicant / Proponent:	Not applicable
Subject Land / Locality:	All land within the Shire
Disclosure of Officer Interest:	Nil
Date:	27 September 2023
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	<p>9.1.2a – Current Local Planning Policy No. 44: As-of-Right Development</p> <p>9.1.2b – Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Exemptions from Development Approval</i></p> <p>9.1.2c – Proposed Final <i>Local Planning Policy No. 44: Exemptions from Development Approval</i></p> <p>9.1.2d – Schedule of Submissions</p>

IN BRIEF

- On 15 August 2023 the Council endorsed public advertising of a draft revised *Local Planning Policy No. 44 (LPP 44)*.
- Public advertising was opened on 23 August 2023 and closed on 25 September 2023, with 3 submissions received during this time.
- This report recommends final adoption of LPP 44 with minor changes proposed as a result of public consultation.

RECOMMENDATION

Simple majority

OFFICER RECOMMENDATION	ITEM 9.1.2
<p>That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, resolves to:</p> <ol style="list-style-type: none"> 1. ADOPT <i>Local Planning Policy No. 44: Exemptions from Development Approval</i> (as shown at Attachment 9.1.2c). 2. Publish notice of the adoption of <i>Local Planning Policy No. 44: Exemptions from Development Approval</i> on the Shire’s website and in the Shire’s offices. 	

LOCATION

1. The current and proposed versions of LPP 44 will apply to land in all zones. Proposed LPP 44 includes additional exemptions that will apply in the Special Residential, Special Rural, Landscape Protection, Professional Office, Rural and Rural Multiple Occupancy zones.

BACKGROUND

2. A report presented to Council on 16 May 2023 discussed the background to the development of the proposed Policy, including:
 - LPP 44 (Attachment 9.1.2a) was first adopted in August 2012 and identifies a range of development that is exempt from the requirement for development (planning) approval. This included minor and incidental development and largely aligned with works that did not require the issue of a building permit when the *Building Regulations 2012* were introduced.
 - In 2015 the State Government implemented the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) which automatically introduced a range of exemptions from development approval into the Shire's Town Planning Scheme No. 3 (the Scheme). Many of the provisions of LPP 44 have been superseded by the exemptions introduced by the Regulations.
 - The Regulations adopt a 'codified' approach to approval requirements, where a development may be exempt from approval if it meets accepted standards.
 - The Regulations allow for local governments to identify additional exemptions from approval within an adopted local planning policy. This currently occurs in the Shire's planning policies for Outbuildings & Water Tanks, Signs, Dams, and Renewable Energy Systems.
 - As a result of review, officers have identified a number of opportunities to remove duplication with the Regulations, improve clarity, and extend the range of development works and land uses that are exempt from development (planning) approval.
3. The objectives of proposed LPP 44 are to:
 - Exempt various incidental, minor and/or essential development from the requirements of development approval.
 - Exempt specified residential development which complies with all relevant planning provisions.
 - Streamline the development approval process and reduce red tape.
 - Minimise adverse amenity impacts to neighbouring properties and the streetscape.
4. Proposed LPP 44 extends the range of minor and incidental residential development that is exempt from approval, acknowledging that these forms of development are acceptable and do not require detailed assessment if aligned with the community's adopted standards. This includes:
 - Building, extending or altering a Single House or Ancillary Dwelling in the Special Residential or Professional Office zones.
 - Extending or altering a Single House or Ancillary Dwelling in the Special Rural, Landscape Protection or Rural zones.

- Rural produce stalls in any zone where a 'Rural Pursuit' is a permitted land use.
- Construction of a roofed or unroofed decking.
- Landscaping, tree planting, retaining walls and site works.
- Non-habitable structures such as carports, gazebos, shade houses and animal shelters (extended from current LPP 44).
- Construction of a property entry statement.

DISCUSSION / OFFICER COMMENTS

5. The proposed revised LPP 44 retains and builds upon the intent of the existing policy, removing the need for applications for minor and incidental works that are consistent with acceptable development standards. This aims to reduce 'red tape' for landowners and businesses as well as enabling Shire officers to focus on more complex and strategic planning matters.
6. Proposed revisions to LPP 44 will not change the need for development (planning) approval for a development proposal that includes variations from adopted standards, where case by case assessment may be undertaken. LPP 44 also does not exempt the need for approval for any works that require the clearing of remnant vegetation, including for the establishment of an Asset Protection Zone and Bushfire Attack Level rating, noting the need for consistency with the State's environmental legislation.
7. Proposed LPP 44 includes acceptable development standards that have been prepared with consideration of consistency with other Shire policies and legislative requirements as well as common issues with development proposals, such as building heights, privacy for neighbours and visual landscape values. This enables a risk-based approach where low risk proposals avoid the need for approval, but higher risk proposals are assessed as appropriate.
8. Public consultation for the proposed Policy has now been completed and submissions received by the Shire assessed. The public consultation period was open from 23 August to 25 September 2023, during which time 3 submissions were received. Submissions received and officer responses are detailed in Attachment 9.1.2d.
9. Two submissions supported the adoption of LPP 44.
10. One submission requested the inclusion of an additional exemption, removing the need for approval for residential additions that are consistent with an already reduced front setback in the Rural, Special Rural and Special Residential zones.
11. Under the current planning framework, a landowner may make application for approval to build a house or other building closer to the street than the standard setback requirement. Shire officers assess each application on its merits and considers factors such as:
 - Whether the development addresses the streetscape (eg. windows and doors facing the street) and allows visibility from street to house.
 - The existing streetscape, including any precedent for lesser setbacks.

- Likelihood of visual or amenity impact on neighbours.
- Existence of remnant vegetation or other screening.
- Conditions of the site (for example, a steep slope to the rear of a property making development impractical).
- The extent to which the setback is proposed to be varied, and the cumulative impact if other development standards have not been met.

In many cases the Shire has approved houses and other buildings with a reduced street setback.

12. Proposed LPP 44 identifies an exemption from approval for additions that comply with setbacks, as follows:

Comply with minimum lot boundary setbacks under the Scheme, Special Provisions of the zone or Local Planning Policy No. 5, or contained within an approved building envelope (as applicable).

In practice, this provision maintains the need for approval for any building work that is closer to the street than the standard street setback.

For example, where a 10m front setback applies, all work that is closer than 10m from the front property boundary will require approval. This includes additions to an existing house, if those additions are less than 10m from the front boundary, even if the existing house has a reduced front setback.

This submission is requesting an exemption from approval where additions do not bring a building closer to the street – for example, where additions are made to the side of a house and the same street setback is maintained.

13. Officers suggest that in most circumstances additions will be minor in nature and additional development will not negatively impact the streetscape, particularly in rural-type settings where streetscape is 'landscape-scale' compared to residential areas.

Introducing an exemption as requested has some evident risks – additions could potentially be substantial in size and a small incursion into the street setback could potentially become much greater, resulting in a more significant change in streetscape than might have been anticipated when approval for an initial variation was made.

For example, the Shire may have approved a 4m wide portion of a house (one room) extending closer to the street – but additions that bring the whole of a 16m wide house closer to the street is a more substantial proposition. As above, this is likely to be a more substantial concern in a residential-type setting where these distances are greater relative to surrounding development.

14. For these reasons Shire officers support the inclusion of an additional exemption from approval for additions to an existing residential building that do not meet the setback requirement as follows:

In the case of additions or alterations to an existing building that is forward of the standard street setback, works are no closer to the street than the existing building line and are no greater in floor area than 50m².

This is proposed within the Special Rural, Landscape Protection and Rural Zones only (single category in proposed LPP 44), noting that a single storey height requirement already applies to this exemption category.

This exemption is included in the proposed final LPP 44 provided at Attachment 9.1.2c.

It is noted that LPP 44 already includes an exemption for additions that meet setback requirements (and other relevant criteria), and that a landowner can apply for approval for a variation from setback requirements.

15. As a result of advice received from officers of the Department of Planning, Lands & Heritage (DPLH) on a related matter an additional change to proposed LPP 44 is recommended. This change is proposed to clarify the intended interpretation of the term 'single house' for the purpose of LPP 44.
16. The Regulations refer to the definition of a 'single house' as provided in the Residential Design Codes (R-Codes). The R-Codes define a single house as:

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas in common property.

This definition is clear in its intent to include a survey strata lot as a 'single house'. By definition, a 'survey strata lot' does not contain common property.

However, this is contradicted by the cross-referencing of definitions of the 'lot' between various pieces of State legislation. This is recognised by the State and is proposed to be amended in the Draft Medium Density Code, which proposes to revise a number of definitions provided in the current R-Codes.

17. To maintain the intent of LPP 44 as drafted and ensure equity for landowners, it is proposed to clarify the definition of a 'single house' for the purpose of interpretation in the policy. This is achieved by inserting "...on a green title or survey strata lot" after references to 'single house' in the proposed development exemptions (pages 4 and 5 in the 'Development' column).
18. Lastly, planning staff picked up one final modification to LPP44 regarding colour restrictions for 'domestic non-habitable structures including structures such as:
 - Carports
 - Gazebos, pergolas and patios
 - Green and shade houses
 - Animal shelters, aviaries and pens
19. The advertised version of LPP44 often set a higher bar for colours than the scheme provisions that apply in many of the Special Residential and Special Rural zones. This may result in a situation where a house is exempt from planning approval but the colour of the proposed patio results in a planning application being required. This is counter to the intent

of the revised draft LPP44 and the removal of these additional colour restrictions is recommended. The standard colour restrictions listed in the scheme for each zone are proposed to continue to apply.

20. Each of the abovementioned changes are considered minor in nature as they do not change the intent of LPP 44 as advertised, or as it might have already been commonly understood.
21. As part of the preparation of a new local planning scheme officers will consider ways to further reduce approval requirements where appropriate, as well as developing a clearer and consistent local planning framework.
22. Proposed LPP 44 represents a substantial step forward in reducing development approval requirements, reducing 'red tape' for building works while balancing the need to minimise potential impacts on neighbours and the broader community. Final adoption is recommended.

CONSULTATION AND EXTERNAL ADVICE

23. In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) the Shire published public notices to advertise proposed revisions to LPP 44. This included notices at the Shire offices, on the Shire website (main website and project page on Your Denmark) and within local newspapers (Denmark Bulletin and Walpole Weekly).
24. The 3 submissions received during the public consultation period (23 August to 25 September 2023) are discussed above and detailed in Attachment 9.1.2d.
25. All submitters will be notified in writing of the Council's decision.

STATUTORY / LEGAL IMPLICATIONS

26. The preparation, amending or rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation. The Shire is required to publish notice of a proposed local planning policy in accordance with Schedule 2, Part 12, Clause 87. This includes a minimum public comment period of 21 days, which was exceeded for the advertising of this proposed policy (33 days).
27. Should the Council wish to adopt LPP 44 as recommended (or otherwise), publication of a notice on the Shire's website is required by the Regulations following the Council's decision.
28. The proposed revised Local Planning Policy No. 44 will supersede the existing policy if adopted by the Council following public consultation.
29. Local planning policies provide direction on how the Shire implements the statutory requirements of the Scheme and the Regulations. Permissible land uses remain in accordance with the Scheme.
30. In some cases, other approvals (eg. building permits for swimming pools) or limitations (eg. for the keeping of animals under the Shire's local laws) may apply to works or activities that are exempt from development (planning) approval.

STRATEGIC / POLICY IMPLICATIONS

Strategic Community Plan 'Denmark 2033'

31. The proposed policy is consistent with the following objectives of the Strategic Community Plan 'Denmark 2033':

Economic development

- We want less bureaucracy, red tape and restrictions.

Engagement and decision making

- We want the reasons for decisions to be explained and transparent.

The draft revised policy aims to remove administrative processes for proposed development and land uses that are consistent with the community's adopted standards.

Draft Local Planning Strategy

32. The Shire's Draft Local Planning Strategy includes the following relevant objectives:

Our Local Government

- Consult and collaborate with our local community to develop a simplified local planning framework that is more easily understandable and reduces unnecessary approval requirements.
- Provide a framework that supports consistent and considered decision-making for land use planning and development.

Streamlining the approvals process is also expected to assist with reducing constraints to the development of housing and ancillary development, which is a key community issue addressed in the Strategic Community Plan and Draft Local Planning Strategy.

FINANCIAL IMPLICATIONS

33. Proposed revisions to this local planning policy will occur within existing resources and will not require any changes to the adopted budget or long-term financial plan.
34. If implemented, income from development applications may be reduced.
35. Over the medium term the Shire may be obliged to assume a more active compliance role due to an increased number of developments that have not been subject to initial planning assessment.

OTHER IMPLICATIONS

Environmental

36. There are no known significant environmental implications relating to the report or officer recommendation. The draft revised policy includes safeguards to ensure that assessment occurs if development requires clearing of remnant vegetation or is within close proximity to a natural waterway or wetland.

Economic

37. The proposed revised policy will provide improved conditions for development by reducing approval requirements in specified circumstances.

Social

38. There are no known significant social considerations relating to the report or officer recommendation. The proposed revised policy exempts development from approval where adopted standards are met, providing for variations and higher-risk proposals to be assessed so that potential impacts on adjoining landowners can be considered.

RISK MANAGEMENT

39. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 October 2023
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.1 – August 2023 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.
- The Shire of Denmark’s Statement of Financial Activity for the period ending 31 August 2023 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

RECOMMENDATION

Simple Majority

OFFICER RECOMMENDATION	ITEM 9.2.1
<p>That with respect to the Financial Statements for the period ending 31 August 2023, Council RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.</p>	

LOCATION

1. Nil

BACKGROUND

2. In order to fill statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the Shire’s year-to-date financial performance. The report provides:
 - Statement of Financial Activity by Nature or Type;
 - Statement of Financial Activity by Program;
 - Explanation of Material Variances;
 - Net Current Funding Position;
 - Receivables;
 - Capital Acquisitions;
 - Cash Backed Reserve Balances;
 - Loan Schedule;

- Investment Register;
 - Cash and Investments Summary.
3. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Resolution 030823, Council adopted the monthly reporting variance for the 2023/2024 financial year of 10% or greater for each program area in the budget as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.
 4. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

Statement of Financial Activity

5. The Statement of Financial Activity for August 2023 shows a closing funding surplus of \$11,119,156. The adopted budget for the year ended 30 June 2024 is premised on a zero year end closing funding position. Operating expenditure is \$727,408 less than the year-to-date budgeted amount. The main factors for this variance is the depreciation expense for all asset classes have not been calculated for this reporting period. Depreciation expense will be applied once the annual audit of the financial accounts for the year ended 30 June 2023 has been completed. There are also some variances in timing for undertaking contracted works when compared to the budget profile. (Refer to Materials & Contracts Expense).
6. A summary of the financial position for August 2023 is detailed in the table below:

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	1,882,014	1,882,014	1,883,689	1,675	0%
Revenue					
Operating revenue	13,468,609	10,781,631	10,938,441	156,810	1%
Capital revenue, grants and contributions	7,743,453	602,751	602,603	-148	0%
	21,212,062	11,384,382	11,541,043	156,661	
Expenditure					
Operating Expenditure	-17,590,191	-2,719,975	-1,992,567	727,408	27%
Capital Expenditure	-10,109,504	-462,020	-313,009	149,011	-15%
	-27,699,695	- 3,181,995	-2,305,577	876,418	
Funding balance adjustments	4,605,619	760,066	0	-760,066	-100%
Closing Funding Surplus / (Deficit)	0	10,844,466	11,119,156	274,690	2.53%

Investment Report

7. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The Investment Register is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
8. As at 31 August 2023, total cash funds held (including trust funds) totals \$6,806,838 (Summary – Investment Register).
 - Municipal Funds total \$2,209,737
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,596,250
 - Municipal Funds (unrestricted) invested, total \$1,250,000
9. The official Reserve Bank of Australia's (RBA) cash rate was lifted by 0.25% from 3.85% to 4.10% at the Reserve Bank Board meeting held on 7 June 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

10. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS**Local Government (Financial Management) Regulations 1996**

11. Regulation 34 (1-5) details the form and manner in which a local government is to prepare financial activity statements.

The Local Government Act 1995

12. Section 6.14

The Trustees Act 1962

13. Part III Investments

The Local Government (Financial Management) Regulations 1996

14. Reg. 19, 28 and 49; and The Australian Accounting Standards, sets out the statutory conditions under which Council funds may be invested.

STRATEGIC / POLICY IMPLICATIONS

15. Nil

FINANCIAL IMPLICATIONS

16. The Shire's 2023/2024 Annual Budget provides a set of parameters that guides the Shire's financial practices.

17. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

18. There are no known significant environmental implications relating to the report or officer recommendation.

Economic

19. There are no known significant economic implications relating to the report or officer recommendation.

Social

20. There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT

21. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 AUGUST 2023

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 October 2023
Author:	Kelly Schroeter, Assistant Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.2 - August 2023 Monthly List of Payments Summary

IN BRIEF

- The purpose of this report is to advise the Council of payments made during the period 1 August 2023 to 31 August 2023.

RECOMMENDATION

Simple Majority

OFFICER RECOMMENDATION	ITEM 9.2.2
<p>That with respect to the attached Schedule of Payments totalling \$1,556,279.58 for the month of August 2023, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT 36145 to EFT 36401 - \$992,953.35 • Municipal Fund Cheque No’s 60543 to 60547 - \$1,175.75 • Internal Account Transfers (Payroll) - \$431,942.08 • Direct Debit - \$7,513.94 • Corporate Credit Card - \$1,409.66 • Department of Transport Remittances - \$104,711.85 • Loan Payments – \$16,572.95 	

LOCATION

1. Nil

BACKGROUND

2. Nil

DISCUSSION / OFFICER COMMENTS

3. Nil

CONSULTATION AND EXTERNAL ADVICE

4. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS**Local Government (Financial Management) Regulations 1996**

5. Regulation 13 relates

STRATEGIC / POLICY IMPLICATIONS

6. Nil

FINANCIAL IMPLICATIONS

7. There are no known significant trends or issues to be reported.

OTHER IMPLICATIONS**Environmental**

8. There are no known significant environmental implications relating to the report or officer recommendation.

Economic

9. There are no known significant economic implications relating to the report or officer recommendation.

Social

10. There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT

11. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

9.3 INFRASTRUCTURE AND ASSETS

Nil

9.4 GOVERNANCE

Nil

9.5 COMMUNITY SERVICES

9.5.1 2023/24 COMMUNITY GRANT PROGRAM

File Ref:	Fin.55
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The Author is a member of the Board of the Denmark Community Resource Centre Inc
Date:	29 September 2023
Author:	Rosemarie Arnephie, Community Development Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.5.1a – Applications (confidential)
	9.5.1b –Evaluation Matrix (confidential)
	9.5.1c – List of successful and Unsuccessful Applications

IN BRIEF

- Thirteen (13) applications were received for the 2023/24 Community Grants Program
- Eleven (11) applications were eligible and 2 did not meet eligibility criteria.
- The eleven (11) eligible applications were assessed by a panel of 4 officers using a scoring matrix, with 7 successful applications being awarded.

RECOMMENDATION

Simple Majority

OFFICER RECOMMENDATION		ITEM 9.5.1
That Council ENDORSE the following Community Program applications totalling \$25,000 for 2023/2024:		
Breaking the Silence/Trading as DV Assist Domestic Violence Community Education Program & App Launch in Denmark.		\$4,000.00
Denmark Dance Company (auspice by Denmark Arts Council) Dance Generators Project - intergenerational community dance project.		\$3,810.00
Denmark Chamber of Commerce Youth Activation Project – youth art exhibition, carer expo, acrobatic workshops & performance during the month of April.		\$8,979.00
Denmark FM (auspice by Denmark Community Resource Centre) The Sounds of Silent Disco! - Purchase of silent disco headphones & transmitters.		\$4,249.00
Denmark Table Tennis The Golden Bat Community Table Tennis Competition – an intergenerational event aimed at increasing youth participation in badminton.		\$962.00

<p>Sarabande Early Music Ensemble (auspice by Denmark CRC) Summer Early Music Workshops – for tutor’s fee & scholarship for youth aged 12-24.</p>	<p>\$2,500.00</p>
<p>Denmark Community Resource Centre To host a Gingerbread House decorating workshop for young people.</p>	<p>\$500.00</p>

LOCATION

1. Not Applicable

BACKGROUND

2. The Community Grant Program provides financial support to Shire of Denmark not-for-profit community organisations and groups to fund projects and initiatives that benefit the Denmark community.
3. Grants can be used for any purpose, including minor building construction, maintenance or repairs, equipment purchase or hire, events or functions, and relief from Council fees and charges.
4. The Shire’s program is competitive and has historically been oversubscribed. Successful applications must demonstrate alignment with the Shire of Denmark’s Strategic Community Plan, Sustainability Strategy and deliver community benefit to a broad or diverse target group of Shire residents.
5. Applications for the Community Grant Program opened on 7 August 2023 and closed on 1 September 2023. Additional support was provided to prospective applicants through a Grant Writing Workshop that was delivered on 31 July 2023. Applicants also had the opportunity to discuss their application before submission with the Community Development Officer.

DISCUSSION / OFFICER COMMENTS

6. Thirteen (13) applications were received for the 2023/24 funding round totalling **\$51,349**, exceeding the allocated funding pool of \$25,000.
7. The application are attached as 9.5.1a
8. The applications were assessed by a panel of five officers, with one disclosure of officer interest made as a result of being a board member of the Denmark Community Resource Centre. For transparency purposes, the Officer did not participate in the assessment of the applications for Denmark FM and The Denmark Community Resource Centre.
9. The 13 applications were assessed as follows:
 - Two (2) applications did not meet the eligibility criteria for the project/activity delivery timeline for the grant funding year. Projects must be delivered between 1 November 2023 to 29 June 2024.
 - The remaining eleven (11) eligible applications were assessed using a scoring matrix to rank the applications against Community Program guidelines criteria and whether

the applications were satisfactorily completed and provided all relevant supporting documentation. The assessment also considered the needs of the clubs/groups, their capacity to undertake the project if not awarded their full grant request and whether they have received funding in the last two (2) years.

- The final scores were converted to a percentage to determine the amount of funds that can be awarded.

Rating	Assessment	Funds allocated of total requested
High	Meets 90 -100% of the weighted criteria	100%
Medium	Meets 70-89% of the weighted criteria	75%
Low	Meets 50-69% of the weighted criteria	50%
Not Recommended	Meets less than 50% of the weighted criteria	0%

- Based on the club/group's rating, some applicants received the total funding requested, and others received only partial funding.
- The evaluation matrix is provided as attachment 9.5.1b.
- Officers' have recommended allocating 100% of the 2023 Community Grant annual budget provision of \$25,000.
- The list of successful and unsuccessful applications is provided in attachment 9.5.1c

CONSULTATION AND EXTERNAL ADVICE

- A comprehensive marketing strategy was undertaken to promote the Community Grant Program to the broader community.
 - Electronic Direct Mailout to community groups/organisations - 8 August 2023.
 - Newspaper advertisements Walpole Weekly and Denmark Bulletin - 9 & 17 August 2023.
 - Social Media (Facebook) advertisements - 7 August to 1 September 2023.
 - Shire of Denmark website - 7 August to 1 September 2023
 - E-news promotion - 19 August 2023
 - Community Notice Boards - 7 August to 1 September 2023.
 - Face-to-face meeting opportunity with the Community Development Officer - 7 August to 1 September 2023

STATUTORY / LEGAL IMPLICATIONS

- There are no statutory obligations.

STRATEGIC / POLICY IMPLICATIONS

- The report and officer recommendations are consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following ways:

Strategic Community Plan Our Future 2033

18. Meets the objectives of enhancing community connection and well-being.

Corporate Business Plan

19. Demonstrates our Commitment to disperse funding to deliver a range of essential and beneficial services within our community.

Sustainability Strategy 2021-2031

20. Pillar 1: Health & Happiness

1.3 - Prioritise investment in community initiatives to improve health, well-being, and community connection.

1.4 - Support initiatives that create connected communities with key service

P040125 – Community Grant Program Policy.

21. This policy has been followed in the assessment process

FINANCIAL IMPLICATIONS

22. An amount of \$25,000 has been allocated in the 2023/2024 Annual Budget for the purpose of this program (GL1420342).

OTHER IMPLICATIONS

Environmental

23. There are no known significant environmental implications relating to the report or officer recommendation.

Economic

24. There are no known significant economic implications relating to the report or officer recommendation.

Social

25. There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT

26. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

10. COMMITTEE REPORTS AND RECOMMENDATIONS

10.1 DISABILITY SERVICES ADVISORY COMMITTEE MINUTES

File Ref:	COMM.DSC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 October 2023
Author:	Rosie Arnephie, Community Development Officer
Authorising Officer:	Renee Wiggins, Manager Community Services
Attachments:	10.1 – Disability Advisory Committee Meeting Minutes

IN BRIEF

- The Disability Advisory Committee met on 25 July 2023.
- The committee discussed the planning of the International Day of People with Disability.

RECOMMENDATION

Simple majority

OFFICER RECOMMENDATION	ITEM 10.1
That Council RECEIVE the Committee Minutes for the meeting held on 25 July 2023.	

LOCATION

1. Not applicable.

BACKGROUND

2. The Disability Advisory Committee held a meeting on 25 July 2023 at the Shire Administration Office.

DISCUSSION / OFFICER COMMENTS

3. The Author recommends that the minutes from 25 July 2023 be received by Council.

CONSULTATION AND EXTERNAL ADVICE

4. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

5. Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting's proceeding.

6. Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees' activities, all Advisory Committee minutes will be presented to Council to be received.
7. Council Committees are generally established to advise, and make recommendations to, Council.

STRATEGIC / POLICY IMPLICATIONS

8. Not applicable.

FINANCIAL IMPLICATIONS

9. Nil

OTHER IMPLICATIONS

Environmental

10. There are no known significant environmental implications relating to the report or officer recommendation.

Economic

11. There are no known significant economic implications relating to the report or officer recommendation.

Social

12. There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT

13. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

11. MATTERS BEHIND CLOSED DOORS

Nil

12. NEW BUSINESS OF AN URGENT NATURE

Nil

13. CLOSURE OF MEETING