



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 19 AUGUST 2014.

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Ordinary Council Meeting

19 August 2014

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.03pm – The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Kelli Gillies
- Cr Jan Lewis
- Cr David Morrell
- Cr Ian Osborne
- Cr Dawn Pedro
- Cr Belinda Rowland
- Cr Roger Seeney

STAFF:

- Mr Dale Stewart (Chief Executive Officer)
- Mr Kim Dolzadelli (Director of Finance & Administration)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Rob Whooley (Director of Infrastructure Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 11
 Members of the press in attendance at the commencement of the meeting: 2

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Mr Dale Stewart	8.2.2	Impartiality	The CEO is a financial member of the Denmark Country Club and the Denmark Golf Club.
Cr Osborne	8.2.3	Impartiality	Cr Osborne is a member of the Denmark Riverside Club Inc.
Cr Rowland	8.2.3	Impartiality	Cr Rowland is a social member and Council Delegate of the Denmark Riverside Club Inc.
Cr Morrell	9.1	Financial, Proximity & Impartiality	Cr Morrell is the co-owner of Craig's Building, owner of Plantagenet Location 5434 and Trustee of the Nash/Franz Scout Hall.
Cr Thornton	8.2.2	Impartiality	Cr Thornton is a financial member of the Denmark Country Club.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that Cr Belinda Rowland had received the Western Australian Local Government Association's (WALGA) Scholarship to undertake a Diploma in Local Government. Cr Thornton stated that there was only one regional Scholarship awarded state wide each year and congratulation Cr Rowland on her achievement.

4. PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 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 clause 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**4.2.1 Ms Sue Dybing – Item 8.2.1 (Itinerant and Static Vendors on Council Land – Drift Van)**

Ms Dybing, from the Denmark Surf Life Saving Club (DSLSC), raised concerns in relation to the Ocean Beach and Prawn Rock Channel carparks being used by itinerant vendors stating that both of the carparks were full over peak periods and that there could be risks associated with children and cars. Ms Dybing stated that the DSLSC believed that Lights Beach would be a more suitable location.

4.2.2 Mrs Gillian Cockman – Item 8.2.1 (Itinerant and Static Vendors on Council Land – Drift Van)

Mrs Cockman, one of the proponents, stated that they had operated the Drift Van successfully at a number of events such as the Denmark Markets and that they were prepared to operate within the confines of Council regulations and conditions however their preference was for a space at Berridge Park. Mrs Cockman stated that they were focussing on busy people and families and felt there was a need for such a service in Denmark. Mrs Cockman noted that there was some concern about competition with other businesses but advised that they would be selling different food and during different operating hours.

4.2.3 Ms Liz Jack – Item 8.2.1 (Itinerant and Static Vendors on Council Land – Drift Van)

Ms Jack spoke on behalf of the Denmark Chamber of Commerce stating that they were aware that it was a complex issue. Ms Jack noted that there were times when food vans brought a level of vibrancy to an area but generally it was when they were operating within other events, where collectively it created an experience for patrons. Ms Jack expressed concerns about competition with other businesses noting that businesses within the CBD generally had to pay rent and other overheads which food vans did not. Ms Jack stated that they wouldn't support a food van at Ocean Beach or Berridge

Park due to the proximity to existing trade however they believed that there was perhaps an opportunity for a trial at Lights Beach.

4.2.4 Mr Andrew Gill – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 32 (Lot 128) Gilbert Avenue, Denmark)

Mr Gill, a resident who lives near the proposed holiday home, stated that he was also speaking on behalf of two other nearby residents. Mr Gill thanked Council for their work in developing a Holiday Homes Policy, which provides framework for Council and residents, however Mr Gill drew Council's attention to how many existing holiday homes were in the Weedon Hill area by presenting a map highlighting the lots. Mr Gill stated that there were a number of negative impacts to residents, particularly given the size of the blocks and minimum setbacks. Mr Gill requested that Council refuse any future applications for holiday homes in the Weedon Hill area and that the Code of Conduct should be applicable to older holiday homes in the area as well.

4.2.5 Mr Marius Russcher – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 32 (Lot 128) Gilbert Avenue, Denmark)

Mr Russcher stated that he and his wife lived near the proposed holiday home and strenuously lodged their opposition to the application. Mr Russcher referred to clause 4 of Town Planning Policy No. 18 siting reference to Council not approving applications which have a detrimental impact on, or conflict with, or prejudicially affect the existing adjacent residential living, environment or amenity. Mr Russcher stated that in the past four years, houses directly to their north and west had been given holiday home approval and since then they had been subjected to a number of negative impacts and incidences. Mr Russcher suggested that there was an over representation of holiday home rentals in their area which he believed had a detrimental impact on all permanent residents in Weedon Hill. Mr Russcher urged Council give the objection of residents due consideration during the decision making process.

The Director of Planning & Sustainability noted that Policy No. 18 related to Bed & Breakfasts in Residential Areas not Holiday Homes.

4.2.6 Mr Phillip Middleton – Item 8.2.2 (Request for Permission for Caretaker's Caravan at the Country Club)

Mr Middleton, President of the Denmark Country Club, provided some background into their request, stating reasons why that the Club and Golf Course required security at night. Mr Middleton stated that the Caravan was a temporary measure and that they would be looking to provide a more permanent residence for a caretaker. Mr Middleton asked Council to support the Officers Recommendation.

4.2.7 Mrs Patricia & Mr Michael Farrer – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 32 (Lot 128) Gilbert Avenue, Denmark)

The Chief Executive Officer read out an email from Mr & Mrs Farrer who had been unable to attend the meeting. The email stated that they strongly opposed the proposal for the holiday home, supported Ms Liddle's submissions and requested that Council listen to their resident electorate.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

COUNCIL RESOLUTION	ITEM 5
MOVED: CR SEENEY	SECONDED: CR MORRELL
That Cr Rowland be granted leave of absence for the meeting to be held on Tuesday, 23 December 2014.	
CARRIED UNANIMOUSLY: 9/0	Res: 010814

6. CONFIRMATION OF MINUTES

6.1 SPECIAL COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR MORRELL	SECONDED: CR PEDRO
That the minutes of the Special Meeting of Council held on the 29 July 2014 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 020814

6.2 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 29 July 2014 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 030814

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 PROPOSED HOLIDAY HOME (STANDARD) – NO. 32 (LOT 128) GILBERT AVENUE, DENMARK

File Ref:	A629 (2014/107)
Applicant / Proponent:	M Willicombe
Subject Land / Locality:	No.32 (Lot 128) Gilbert Avenue, Denmark
Disclosure of Officer Interest:	Nil
Date:	4 August 2014
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Planning Application Documentation 8.1.1b – Schedule of Submissions 8.1.1c – Proponent’s Response to Submission Received 8.1.1d – Map of Area Highlighting Location of Approved Holiday Homes in Gilbert Avenue, Adams Road & Payne Road

Summary:

The proponent is seeking Planning Approval for a Holiday Home (Standard) at No.32 (Lot 128) Gilbert Avenue, Denmark.

Having regard to the issues raised from the submissions received and the objectives and provisions of Town Planning Scheme Policy No. 19.4: Holiday Homes (Policy 19.4), it is recommended that Planning Approval be granted subject to appropriate conditions.

Background:

Current Application

An application for Planning Approval was lodged with Planning Services in May 2014 seeking Planning Approval to use a proposed dwelling as a Holiday Home (Standard) – refer Attachment 8.1.1 a. The proposed dwelling was approved in July 2014 (Planning Consent 2014/78).

Policy 19.4

Policy 19.4 was adopted by Council at its meeting of 6 November 2012. Policy 19.4 provides details on preferred locations for the establishment/operation of holiday homes, minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

As per the provisions of Policy 19.4, the subject site is located within ‘Area 1 – Wilson Inlet Environs’ – which is one of the preferred locations for holiday homes to establish. The Policy identifies Area 1 as combining amenity settings, inlet locations and the provision of relatively close proximity to natural attractions and the Denmark town site.

Consultation:

External Consultation:

- The application was referred to thirteen (13) adjoining landowners inviting comment on the proposal.
- The applicant

Internal Consultation:

- Development Co-ordination Unit

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

Should Council refuse this Planning Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Policy 19.4 – Holiday Homes provides details on preferred locations for the establishment/operation of holiday homes, minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

Clause 8.2.4 of TPS No. 3 states:

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Plan for the Future.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists to achieve the following specific adopted Strategic Objectives and Goals.

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Sustainability Implications:**➤ Governance:**

There are no known significant governance considerations relating to the report or officer recommendation, however it is noted that Planning Consent and registration of the premises as a Holiday Home with Health Services is a statutory requirement for Holiday Homes.

➤ Environmental:

There are no known significant environmental considerations relating to the report or officer recommendation, noting that the dwelling has been approved separately. It is further noted that the approved dwelling has been architecturally designed with care given to the retention of the natural features of the site.

➤ Economic:

Holiday Homes, when managed to a high standard make a positive contribution to Denmark's tourism industry.

➤ **Social:**

Two of the key objectives of Policy 19.4 are to:

- Ensure that the predominant residential nature and character of neighbourhoods are retained; and
- Minimise negative impacts of holiday homes on the amenity of adjoining residents.

To this regard it is considered that with the proper management of holiday homes negative impacts can be minimised. Attest to this is a holiday home in Knowles Court that when advertised received twelve (12) objections. This holiday home was granted approval to operate by the Shire of Denmark in July 2013 and has operated without complaint since.

Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site (lot size of 1012m²) is zoned "Residential (R 10)". As per Table 1 – Zoning Table of TPS No.3, the use class of 'Holiday Home (Standard) is an 'SA' use in a Residential zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application in accordance with Clause 6.4 of the TPS No. 3.

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3 (refer 'Consultation' section of the report), with five (5) submissions received. Attached as Attachment 8.1.1b is the Schedule of Submissions – with the submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission. The proponent has also provided a response to the submissions received – refer Attachment 8.1.1c.

A common concern raised by all five submitters is in relation to the number of holiday homes operating in Weedon Hill and the resultant perceived decline in neighbourhood amenity.

To this regard it is noted that there are currently 4 approved and operational holiday homes on Gilbert Avenue (equating to 12.5% of the properties in the street); 7 on Adams Road (equating to 41% of the properties in the street) and 8 on Payne Road (equating to 24% of the properties in the street) - refer Attachment 8.1.1d) for a map showing the location of the approved holiday homes on these three (3) streets.

It is acknowledged that this area of Weedon Hill is popular for Holiday Homes for the visual aesthetics of the area and proximity to Denmark town site and to the inlet, these being part of the reasons for Policy 19.4 to identify the area as preferred for holiday homes.

Capping holiday home numbers in areas where they can be supported is difficult at best and decision making would not be fair and equitable should one holiday home be refused over another based on the timing of the application. It is not considered that there are grounds to refuse this particular application based on numbers. This issue is one that could be considered in a review of Policy 19.4, noting that proper process would need to be undertaken and a clear position made before Council staff begin picking and choosing which holiday homes to approve and which to reject.

The argument that holiday homes detract from the neighbourhood is one that comes up often with concerns in this instance raised for the potential for antisocial behaviour, noise, increased traffic and unkempt properties due to absentee owners. Individual responses to these concerns are addressed in the Schedule of Submissions (refer Attachment 8.1.1b), however in general terms, as these are speculative in nature and can be addressed should issues arise it is not considered that this is a valid reason for rejection of a new application. In this regard, it is noted that should issues arise during operation of the holiday home, the details of the Property Manager are provided to the

surrounding neighbours such that in the first instance the Property Manager can be contacted to address such issues. There is also the ability to contact the local Police depending on the seriousness/severity of the issue. In circumstances where valid complaints regarding a holiday home are received, the Shire has the right to not renew the approvals to operate.

Having regard to the issues raised from the submissions and assessment of the proposal having regard to the objectives and provisions of Policy 19.4, it is recommended that Planning Approval be granted subject to appropriate conditions being imposed. As Planning Approval is only granted initially for 12 months from the date of registration of the premises as a holiday home, in circumstances where valid complaints regarding the holiday home operations are received, the Shire has the right to not renew the approvals to operate.

Voting Requirements:

Simple majority.

4.45pm – *The Director of Finance & Administration left the room.*

OFFICER RECOMMENDATION

ITEM 8.1.1

That Council with respect to the planning application for the Proposed Holiday Home (Standard) at No.32 (Lot 128) Gilbert Avenue, Denmark:

1. Notes the submissions received.
2. Grants Planning Approval subject to the following:

Conditions

 - a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 24 April 2014, 1 May 2014 and 28 May 2014.
 - b) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of registration with the Shire of Denmark (refer Condition c), after which it may be renewed for a three year period (refer Advice Note i).
 - c) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Council's operative Fees and Charges Schedule at the initial 'premises' application stage and annually thereafter (refer Advice Note ii).
 - d) A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
 - e) The holiday home can only be rented for a maximum period of 3 months to any one person in any one twelve (12) month period.
 - f) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council's satisfaction. A receipt book must be kept.
 - g) Prior to the registration of the Premises as a Holiday Home, the applicant shall submit a Property Management Plan to the Shire of Denmark (Planning Services) for approval.
 - h) Prior to the commencement of activities, the applicant shall provide a copy of an approved Property Management Plan to adjoining land owners/occupiers (see Advice Note iii for extent of properties that notices are to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.
 - i) Prior to the commencement of activities, hardwired smoke alarms to be provided in the bedrooms and emergency lighting to exit the building to the satisfaction of the Shire of Denmark (Building Services) - refer Advice Note iv.
 - j) Provision of two (2) car parking bays associated with the development, with the car parking bays, manoeuvring and circulation areas to be suitably constructed, sealed (concrete, asphalt or brick pavers), drained and

- thereafter maintained.
- k) The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises:
 - Annual Registration Certificate;
 - Caretaker/manager or management company and its contact details;
 - Emergency contact details;
 - Code of Conduct; and
 - Fire and Emergency Plan.
 - l) The provision of the following fire safety measures to the satisfaction of the Shire's Community Emergency Services Manager:
 - A fire blanket in the kitchen area;
 - Fire extinguishers;
 - Maintenance of a Building Protection Zone around the dwelling;
 - Implementation and display of the Fire and Emergency Plan;
 - m) Signage shall be limited to a 0.2m² nameplate on the property.

Advice Notes

- i. Should the Shire receive valid complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.
 - ii. Please contact the Shire's Principal Environmental Health Officer on 9848 0300 regarding the requirements for registration of the premises as a 'Holiday Home', noting approval will not be forthcoming until all relevant conditions of this Planning Approval have been complied with.
 - iii. The 'Property Management Plan' shall be provided to the following properties:
 - No.26 (Lot 131) Gilbert Avenue, Denmark
 - No.28 (Lot 130) Gilbert Avenue, Denmark
 - No.30 (Lot 129) Gilbert Avenue, Denmark
 - No.36 (Lot 1) Gilbert Avenue, Denmark
 - No.18 (Lot 30) Gilbert Avenue, Denmark
 - No.4 (Lot 204) Adams Road, Denmark
 - No.3 (Lot 114) Adams Road, Denmark
 - No.1 (Lot 115) Adams Road, Denmark
 - No.41 (Lot 137) Gilbert Avenue, Denmark
 - No.39 (Lot 138) Gilbert Avenue, Denmark
 - No.37 (Lot 139) Gilbert Avenue, Denmark
 - No.35 (Lot 140) Gilbert Avenue, Denmark
 - No.33 (Lot 141) Gilbert Avenue, Denmark
 - iv. In relation to Condition h, there is a need to provide emergency lighting on exit paths and hardwired smoke alarms are required in all bedrooms.
 - v. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.
3. Advise the submitters of Council's decision.

4.50pm – The Director of Finance & Administration returned to the room.

COUNCIL RESOLUTION

ITEM 8.1.1

MOVED: CR MORRELL

SECONDED: CR GILLIES

That Council with respect to the planning application for the Proposed Holiday Home (Standard) at No.32 (Lot 128) Gilbert Avenue, Denmark;

1. Notes the submissions received;
2. Refuse Planning Approval due to concerns that it will have a detrimental effect on adjoining properties and the amenity of the neighbourhood because of the narrow lots and difficulty in constructing sufficient setbacks;
3. That in combination with the other Holiday Accommodations in the immediate locality this will compound the detrimental effect on Lot 129; and
4. Advise the submitters of Council's decision.

CARRIED: 6/3

Res: 040814

REASONS FOR CHANGE

Council did not support the application due to concerns about the saturation of existing holiday homes within the Weedon Hill area.

COUNCIL RESOLUTION

ITEM 8.1.1

MOVED: CR SAMPSON

SECONDED: CR OSBORNE

That Staff be requested to conduct;

1. A noise audit of the Weedon Hill area during the next summer holiday period; and
2. Subject to Part 1, a general review of Town Planning Policy No. 19.4 – Home Holidays including consideration of possible removal of Weedon Hill from preferred Area 1.

CARRIED: 7/2

Res: 050814

8.2 Director of Community & Regulatory Services

8.2.1 ITINERANT AND STATIC VENDORS ON COUNCIL LAND – DRIFT VAN

File Ref:	HLT.4
Applicant / Proponent:	Leanne Basey-Fisher, Gillian Cockman
Subject Land / Locality:	Berridge Park, William Bay, Ocean Beach and other locations within the Shire
Disclosure of Officer Interest:	Nil
Date:	3 August 2014
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.1a – Application Letter 8.2.1b – Summary of Submissions

Summary:

This report considers a proposal from the owners of the Drift Van to set up a static food van in one or more of the following locations;

- Berridge Park near the old basketball courts;
- Ocean Beach Car Park;
- Prawn Rock Channel; and
- William Bay Car Park.

The officer report considers these requests and feedback from other stake holders and recommends that Council consider the following aspects:

- 1) Reiterate its commitment to maintaining the 300m clearance to competing food premises that is found in its Trading in Thoroughfares and Public Places Local Laws.
- 2) Refuse the request for a food van site in Berridge Park near the old basketball courts as it is within 300m of CBD food premises and will compete unfairly with many businesses in the CBD.
- 3) Refuse the request for a food van site at Ocean Beach because there is already a kiosk at the Surf Club, parking is at a premium at this location during peak periods and it represents a distraction for children in the car park during those periods.
- 4) Refuse the request for a food van site at Prawn Rock Channel due to the fact that parking is at a premium at this location during peak periods and it represents a distraction for children in the car park during those periods.
- 5) Create an immediate trading opportunity by allowing the Drift Van to trade for a trial basis in the Lights Beach and Kwoorabup Community Park car parks while it advertises for competitive expressions of interest to operate at this and any other suitable sites.

Background:

With the popularity of the various Master Chef genre reality TV series and the ever present desire for well-paid casual and part time work in Denmark, Council staff have been receiving increasing requests (currently 3 - 6 per year) for food van opportunities at Ocean Beach and William Bay in particular and periodically for CBD locations as well. In the past these requests which typically occur during peak periods have been declined due to the shortage of parking and the presence of exiting vendors and the CBD requests have been declined due to the 300m radius to a food premises requirement in Council's Trading in Thoroughfares and Public Places Local Laws or limited to times when nearby competing premises are not open.

More recently Council has received requests for trading locations by the owners of the "Drift Van". This is a recently constructed all foods van that was original built to go into the Ocean Beach Caravan Park but this site did not eventuate due to a change in

direction of their business model and the fact they were of the opinion that a food van at the front of the park would detract from its ambience.

Comment:

There are a number of perspectives on the food van concept that Councillors should consider when making a decision regarding whether a food van should be allowed to trade at a location and what that site should cost.

These factors are as follows:

- 1) A food van represents an entirely different business model when compared to regular fixed food premises.

This is because they have a completely different cost overhead structure in that they can choose to only turn up when the trade is viable, do not pay rent, rates or other fixed utility charges and can take their business elsewhere during the off season.

Further to this, they do not need to maintain grounds, provide sealed parking bays, universally accessible entrances or any of a raft of expensive planning scheme and building code requirements that are part of a modern development in a CBD commercial zone.

There are positives and negatives associated with this cost base.

The negative is that in a built up or high attraction area they can turn up and trade at the high profit times and go elsewhere during the quiet ones whereas a fixed business cannot do this. Similarly if they need to employ staff they are only doing so during busy and profitable times.

The positive side however is that this low cost base also means that they can provide services in locations where a fixed premises could never afford to operate and offer a secondary advantage in that they also tend to keep an eye on the locality reducing vandalism and car break ins and provide a contact point for injured or stranded people etc.

- 2) What effect would allowing food vans into the area surrounding the CBD have on established business?

Most food premises are marginal in Denmark during the winter months and many operators struggle to cover the cost of their wages. One of the worst things for a tourist town CBD is empty shops and premises that may not have had any money spent on them for a long time.

While business competition is important for a CBD because it keeps businesses fresh and quality up, it needs to be fair competition. It could be quite reasonably argued by CBD traders that if Council has forced them to pay through their rents and property acquisitions to create the high CBD development standards mentioned in point 1, then Council has an implied obligation not to allow another business to compete unfairly by using a far lower cost model that relies on using comparatively undeveloped Council land at virtually no cost.

The other risk of allowing mobile businesses to compete unfairly with CBD traders is that the best case scenario is that it will deter people from upgrading or building new premises and the worst case is that it will cause those fixed businesses to progressively close down effectively lowering the standard of development to that of mobile vendors as that will be the most viable model.

- 3) Just like a fixed premises has a service footprint (parking, waste, access, relationship to roads and other structures etc) that is managed within its lot via the application of Planning Scheme consent conditions, a food van site needs to be considered in a similar manner as it will have many of the same impacts without the means to deal with those impacts within its footprint.
- 4) Who has and is currently paying for the attraction that the food van relies on?

In case of the area surrounding the CBD the obvious answer is CBD traders and property owners through both the rents and rates that they pay and the vibrancy of the businesses that they run. Under such a scenario it is perfectly reasonable to deduce that those same businesses should be protected from nearby mobile business models that compete unfairly because they do not contribute to the costs of creating and sustaining that model.

A remote site model however is quite different in as much that the wider community has paid for the attraction and therefore it is reasonable that a food van should be allowed to trade there if there is community need as the entire community will have opportunity to benefit from having a service that it would otherwise not have.

The classic example of this is the doughnut van on North Rd in the City of Albany. It trades on weekends in a remote location that does not benefit from an attraction that has been paid for or created by nearby competing businesses and by reliably being in that location provides an attractive, reasonably service to passing sporting families would otherwise not have.

- 5) Is Council obligated under competition policy to provide a person who has brought a food van with a trading opportunity in an attractive location?

The short answer is no!

Council has the right, to subject to its own planning scheme and State and Federal laws to either approve or refuse any activity on its own land.

What Council however is obliged to ignore completion factors when a person owns appropriately zoned land seeks to develop that land for its zoned purpose.

This does not apply to mobile trading sites on Council land.

- 6) What obligations does Council have to the existing Berridge Park and William Bay ice cream van operator?

The short answer is none. Itinerant vending licences are issued on a year by year basis and there is no obligation on Council to renew a vendor's licence or to continue to allow trading at a particular location. This is standard practice across local government and the reason for it is to prevent licences to trade in public places becoming defacto leases and being on sold creating future tenure expectation issues for the licencing agency.

This said the current ice cream vendor is a resident of the Shire of Denmark and has built his livelihood around trading at the William Bay and Berridge Park and has provided community and tourism support while trading at those locations for many years.

The question of whether this activity can continue at Berridge Park if a 'soft serve' or specialised ice-cream competitor starts up within 300m within the CBD is certainly

something that would need to be considered by officers and the Council should the license come up for renewal after a competitor has commenced.

- 7) What trading sites does Council potentially have available and what scale of trading suits those sites?

The following table has been prepared to assist guide answers to this question:

Itinerant Trading Locations in the Shire of Denmark					
Potential Itinerant Trading (Annual or Biennial) Sites	Proximity to Existing Shop (that may sell a similar product)	Comments	Current Approvals / Conditions	Predicted or Likely Usage	Suitability / Opportunity for Number of Trading Bays
Berridge Park	Less than 300m	Immediately adjacent the CBD	Ice creams and cool drinks	Market Days, identified event days and summer / seasonal	Single car plus trailer or van or utility
Kwoorabup Community Park	Greater than 300m	No perceived conflict	Nil	Market Days, identified event days and summer / seasonal	Single car plus trailer or van or utility
Visitors Centre Carpark	Less than 300m	Immediately adjacent the CBD and future Supermarket	Seasonal fresh produce & Fish Van	Summer / seasonal	Single car plus trailer or van or utility
Rivermouth (Smith Bros Park)	Less than 300m		Bike Hire, Canoe and Kayak hire allied to adjoining leased property	Throughout the year	Limited access to grass areas – suitable whilst allied to existing adjoining Shop
Ocean Beach Carpark	Less than 300m	Immediately adjacent the seasonally run Surf Club Kiosk	Nil	Summer / seasonal	Single car plus trailer or van or utility
Prawn Rock Channel Carpark (eastern)	Greater than 300m	Nearest shop is the Ocean Beach Caravan Park	Nil	Summer / seasonal	Not suitable unless car park expanded
Prawn Rock Channel Carpark (western)	Greater than 300m	Nearest shop is the Ocean Beach Caravan Park	Nil	Summer / seasonal	Not suitable unless car park expanded and possibly not suitable due to need for children to cross the road during peak periods.

Ocean Beach Lookout	Greater than 300m	Midway between the Ocean Beach Caravan Park and Surf Club Kiosk	Nil	Summer / seasonal	Single car plus trailer or van or utility
Lights Beach	Greater than 300m	Lights Beach Tearooms have closed down but are greater than 300m	Nil	Summer / seasonal	Single car plus trailer or van or utility
Parry Beach	Greater than 300m	No perceived conflict	Fish Van	Summer / seasonal	Single car plus trailer or van or utility
Peaceful Bay Swimming Beach Carpark	Less than 300m	Peaceful Bay Caravan Park Shop is adjacent	Nil	Summer / seasonal	Single car plus trailer or van or utility
Peaceful Bay proposed Trailer Park	Greater than 300m	Peaceful Bay Caravan Shop is greater than 300m	Nil	Summer / seasonal	Single car plus trailer or van or utility
Nornalup (Settlers Park)	Greater than 300m	Nornalup Tearooms has closed down but does not normally provide takeaways	Nil	Summer / seasonal	Single car plus trailer or van or utility
William Bay Carpark	Greater than 300m	No perceived conflict	Ice creams and cool drinks	Summer / seasonal	Single car plus trailer or van or utility
Other Areas not being within a Road Reserve (and greater than 300m from a Shop offering food or drink)	Greater than 300m ?	As requested and considered in context of the Local Law and any governing Policies of Council			

8) Could Council open up its existing sites to allow additional operators to come into the market via a competitive EOI process?

Council could open up its existing sites to additional operators by requiring the current operators to stipulate when they will not be attending a site during both the

peak and offseason and then advertising those times that the site will be vacant for a competitive EOI process.

Under such an arrangement both old & new vendors would be required to make reasonable efforts attend the site and trade during their agreed hours and to not trade during the other operators hours. Any changes to the agreed hours would be subject to the approval of Council's CEO and traders who breached their trading arrangements would risk losing their trading opportunity.

A second advantage of this approach is that it would provide a greater variety of food for the public and result in the vans being at each site for more hours of the day and being required to turn up and trade for most of the year meaning that the public has access to the service for a longer period.

- 9) How should Council deal with the Drift Van application for a trading location that is currently before it?

Based on the comments that have been received and the officer's own observations Ocean Beach and Prawn Rock Channel are not suitable areas for food vans during peak periods. Berridge Park, while noting the existing longstanding approved ice cream van may be too close to the CBD's fixed premises, the proposed "Drift Van" might be suitable for an area like Kwoorabup Community Park, which is beyond the 300m exclusion zone.

Given these limitations it appears that the most balanced approval options available to Council would be to:

- a) Create an opportunity by allowing for a site in the Lights Beach and Kwoorabup Community Park car parks.
- b) Advertising all potential sites to the market to allow competition to occur and for Council to ascertain which products and services best suit the needs of the community at each location.

Under such a scenario it is envisaged that the EOIs would be advertised for a period of two years with the existing ice cream van having to compete with other operators.

This said the imminent opening of a specialist ice cream shop in the old Spot News Agency building and the presence of Ravens on South Coast Hwy indicate that there may be a need to review this site at some point in the future (it is within approximately 150m of the normal operating location of the ice cream van).

Whilst the existing ice cream van has operated from this location for many years, indeed, possibly prior to the commencement of the Council's Trading in Public Places Local Law, there is no such thing as a "non-conforming use right" on Council land under this Local Law. Arguably Council Staff have approved the trading licence over latter years contrary to Council's Local Laws (but without complaint from any competitors).

Consultation:

Letters have been sent to the Denmark Chamber of Commerce, the Ocean Beach Surf Life Saving Club, Jim Sharp, the existing ice cream vendor who trades at Berridge Park and William Bay together with DPaW, who control the majority of the land at William Bay, but not the most likely trading spot for an operator at William Bay, being adjacent the pedestrian walkway entrance to Greens Pool.

These comments are tabulated in the attached list and they largely support Council maintaining the current 300m distance to competing food premises and the concept that any new trading opportunities should be the subject of a competitive EOI process.

They also expressed concern that mobile vendors had an unfair cost advantage over fixed premises. The current ice cream van operator indicated his need to be able to continue his current trading practices and has listed the unpaid community and tourism support services that he performs at those locations.

DPaW who have very advance trading policies and have indicated that while they will be creating dedicated trading space as part of the expansion of William Bay car park they would prefer that in the meantime if the current trader did not set up when the car park is likely to be full.

Statutory Obligations:

Council has power to control and issue trader's permits to use it land under the Local Government Act 1995 and the Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001. These local laws contain a 300m clearance to competing food premises requirement.

The Chief Executive Officer is delegated authority under D070402 to issue and renew Itinerant Food Vendors licenses subject to compliance of all vehicles and equipment to be used by the applicant with all relevant requirements of the Health Act 1911 and the Food Act 2008.

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Principal Environmental Health Officer.

Extracts from the Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001 that relate include;

6.3 Trader's permit

- (1) *A person shall not carry on trading unless that person is –*
 - a) *the holder of a valid trader's permit; or*
 - b) *an assistant specified in a valid trader's permit.*
- (2) *Every application for a trader's permit shall –*
 - a) *state the full name and address of the applicant;*
 - b) *specify the proposed number of assistants, if any, to be engaged by the applicant in trading,*
 - c) *as well as their names and addresses if already engaged;*
 - d) *specify the location or locations in which the applicant proposes to trade;*
 - e) *specify the period of time for which the permit is sought, together with the proposed days and hours of trading;*
 - f) *specify the proposed goods or services which will be traded; and*
 - g) *be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.*
- (3) *The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.*

6.8 Conduct of stallholders and traders

- (1) *A stallholder while conducting a stall or a trader while trading shall –*
 - a) *display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary*
 - b) *structure or if there is no stall, vehicle or temporary structure, carry the permit with her or*
 - c) *him while conducting a stall or trading;*

- d) *not display a permit unless it is a valid permit; and*
 - e) *when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the Weights and Measures Act 1915.*
- (2) *A stallholder or trader shall not –*
- a) *attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stallholder or trader;*
 - b) *deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;*
 - c) *act in an offensive manner;*
 - d) *use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or*
 - e) *in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.*

Policy Implications:

Council's Delegation D070402 gives guidance to the CEO and staff in handling in issuing permits to trade in public places.

Development of a Policy on the preferred location of Trading sites and conditions that might relate to an assessment of an application may be beneficial and it is recommended in the Officer Recommendation.

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Long Term Financial Plan.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists to achieve the following specific adopted Strategic Objectives and Goals.

Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Recreation: ...monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

Tourism: ...acknowledge the importance of tourism to the region, and, by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

Sustainability Implications:

➤ **Governance:**

There are no significant governance considerations associated with the officer report and recommendation.

➤ **Environmental:**

There are no significant environmental considerations associated with the officer report and recommendation.

➤ **Economic:**

Tourism is an important local industry and the presence of food vans in areas where other premises are not viable will contribute to the facilities in Denmark that are available for tourists.

However food vans have the potential to close down fixed premises when they are allowed to compete directly with them as their cost base is so much lower.

➤ **Social:**

There are no significant social considerations associated with the officer report and recommendation.

Comment/Conclusion:

Given the points that have been discussed above it appears that the most balanced options available to Council are to:

1. Reiterate its commitment to maintaining the 300m clearance to competing food premises that is found in its Trading in Thoroughfares and Public Places Local Laws.
2. Refuse the request for a food van site at either Ocean Beach or Prawn Rock Channel due the fact that parking is at a premium at this location during peak periods and it represents a distraction for children in the car park during those periods.
3. Create an immediate trading opportunity by allowing the Drift Van to trade on a trial basis in the Lights Beach and Kwoorabup Community Park car parks while it advertises for expressions of interest in the sites.

A draft Policy could read as follows;

“Principles supporting the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law

Objectives

1. *To facilitate approval of Trading Licences using public places, as defined below and therefore reducing administrative matters being placed on Council.*
2. *To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues.*
3. *Maintain equity in the regulation of trading in public places by promoting fairness and certainty to traders and the community.*
4. *Protect the financial interest of ratepayers through appropriate management of traders in public places and to support the development and retention of local small business within the Shire of Denmark.*

Policy

Trading in public places allows for a variety of activities to either sell, offering for sale or hire goods and wares to the public. Before a licence can be considered, it is necessary to assess the proposed location and the impact it may have on other traders, traffic flow, pedestrians, the community and also if the proposal is likely to have a detrimental effect on established businesses currently selling the same or similar produce or services close by.

Given the many unique forms and locations of products for trade proposed to the Shire of Denmark, all applications for a Trading Licence are to be lodged and will be assessed in conjunction with the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law. In addition to this, the application will be assessed on their individual merits and the information supplied in the application, in line with but not limited to the following:

1. Applications for general Trading at an eligible trading location will be widely advertised in the local media at least three months prior to the renewal of a license based on the following principles;
 - A trading location is defined in the attached table.
 - Trading Licences will be limited to a period of no more than two (2) years.
 - The Shire will assess applications for Trading Licences for commercial activities with reference to the Local Law and the criteria set out in this Policy.
2. Applications for trading are to be accompanied by a supporting statement of the land owner and/or occupier on which the trading activity is to occur (unless the landowner is the Shire of Denmark).
3. The Shire of Denmark will assess the suitability of proposed Trading activities utilising local government owned or management land. This assessment will consider the consistency of the proposed activity with the land use and vesting of the parcel of land or any management order that is attached to the parcel of land.
4. Except in the case of an event approved in accordance with the Shire of Denmark Events, Concerts & Other Organised Gatherings Policy, events held on Local Government property and public places, only one Trading Licence will be approved for a trading location at any one time.
5. A Trader must not attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the Trader. In determining an application, Officers of the Council may contact the Denmark Chamber of Commerce (Inc.) and / or identified nearby business proprietors to ascertain whether goods offered for sale may compete with existing nearby businesses and / or whether they wish to object to the proposal.
6. Traders are not permitted to sell offensive, illegal, prohibited, counterfeit or unauthorised goods including goods bearing trademarks for which the Trader does not have a license to sell.
7. Where a time restriction will be specified, the Trader must be removed from the prescribed locations within 15 minutes of closure and the area surrounding the Trader must be left in a clean and litter free condition.
8. Traders must comply with any lawful direction given by a Shire of Denmark Authorised Officer.
9. Subject to approval from the land owner and existing business, trading may be undertaken in car parking areas outside hours of operation of the existing business. Should the use of the premises and hours of trade alter, the Trading Licensee will be required to notify the Shire of Denmark and apply for an amendment to the Trading Licence.
10. All Trading Licence applications and renewals will be considered by the Shire of Denmark in accordance with, but not limited to, the following -
 - Stationary trading must only occur on a hard stand areas;
 - Except in the case of mobile traders, for example, ice cream vans, the use of Shire of Denmark road reserves will not be permitted for trading unless it can be shown not to adversely impact on traffic movement.
 - The licensee will be responsible for any damage to Shire property from the trading activity or customers of the trading activity.
 - Trading must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public.
 - Trading must not prevent access to pedestrian foot paths.

- *Reference to complaints of performance from previous years at the site or other sites.*
- *No tables, chairs or the like are to be provided by the licensee that impede or block footpaths or car park bays.*
- *Where food is proposed to be sold, the vehicle, stall or place of trading must notify/register in accordance with the Food Act 2008 and associated Regulations;*
- *Operators of mobile trading vehicles shall not create any noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the mobile trader.*
- *Applicant must provide written approval from the relevant event organiser when submitting an application for a Trading Licence in relation to an event.*
- *Traders must obtain their own public liability insurance to the minimum value of \$10,000,000 as they will not be covered by the Shire of Denmark's insurance policy.*
- *Traders must not connect to or utilise any Shire of Denmark utilities without prior approval and an additional charge.*

Should the application for trading be considered unsuitable by the officers of the Shire of Denmark in accordance with legislation and the above conditions, or any other condition applicable to the application, the application will be referred to Council for their consideration as to the suitability of the activity in the community.

All applicants for Trading Licences are to be advised of their right to object to a decision of Local Government. In accordance with section 9.4 of the Local Government Act 1995, such a person may object to a decision of local government and lodge an appeal to the decision by lodging an objection within 28 days of the decision."

Voting Requirements:

Simple majority.

5.42pm – Cr Morrell left the room.

5.43pm – Cr Morrell returned to the room.

OFFICER RECOMMENDATION

ITEM 8.2.1

That with respect to the owners of the Drift Van's request for a food van trading opportunity that Council:

1. Reiterate its commitment to maintaining the 300m clearance to competing food premises that is found in its Trading in Thoroughfares and Public Places Local Laws.
2. Refuse the request for a food van site at the Berridge Park car park and or near the old basketball courts adjacent as it is within 300m of CBD food premises and will compete unfairly with businesses in the CBD.
3. Refuse the request for a food van site in at Ocean Beach because there is already a kiosk at the Surf Club, parking is at a premium at this location during peak periods and it represents an unacceptable safety hazard and distraction for children during those periods.
4. Refuse the request for a food van site at Prawn Rock Channel due to the fact that parking is at a premium at this location during peak periods and it represents an unacceptable safety hazard and distraction for children in either of the car parks during those periods.
5. Authorise a trading permit to the Drift Van for the Lights Beach and Kwoorabup Community Park car parks for a period ending 30 June 2015 subject to conditions as the Chief Executive Officer sees fit pursuant to the officer's delegation and the intent contained in the draft Policy.

6. Advertise for expressions of interest for Trading Permits for periods up to two (2) years for all locations specified in the table to this report that are at least 300m from the nearest Shop (selling similar products) in accordance with the principles and constraints detailed in that table, noting that;
 - a. Requests deemed to comply may be approved by the Chief Executive Officer under delegation and;
 - b. If there are competing proposals for a particular site, that these requests are referred to Council for consideration in accordance with the matters allowed for pursuant to the Local Law and proposed Policy (draft).
7. Advertise the draft Policy contained within the Officer’s Report for comment for 28 days.
8. Note the comments received, thank the submitters for contributing and invite them to make additional comment on the draft Policy.

Advice Notes:

1. The applicant is advised that they may object to a decision of the local government and lodge an appeal in writing to the Shire within 28 days of that decision, pursuant to section 9.4 of the Local Government Act 1995.

COUNCIL RESOLUTION	ITEM 8.2.1
MOVED: CR SEENEY	SECONDED: CR MORRELL

That with respect to the owners of the Drift Van’s request for a food van trading opportunity that Council:

1. Reiterate its commitment to maintaining the 300m clearance to competing food premises that is found in its Trading in Thoroughfares and Public Places Local Laws.
2. Refuse the request for a food van site at the Berridge Park car park and or near the old basketball courts adjacent as it is within 300m of CBD food premises and will compete unfairly with businesses in the CBD.
3. Refuse the request for a food van site in at Ocean Beach because there is already a kiosk at the Surf Club, parking is at a premium at this location during peak periods and it represents an unacceptable safety hazard and distraction for children during those periods.
4. Refuse the request for a food van site at Prawn Rock Channel due to the fact that parking is at a premium at this location during peak periods and it represents an unacceptable safety hazard and distraction for children in either of the car parks during those periods.
5. Authorise a trading permit to the Drift Van for the Lights Beach and Kwoorabup Community Park car parks for a period ending 30 June 2015 subject to conditions as the Chief Executive Officer sees fit pursuant to the officer’s delegation and the intent contained in the draft Policy.
6. Advertise for expressions of interest for Trading Permits for periods up to two (2) years for all locations specified in the table to this report that are at least 300m from the nearest Shop (selling similar products) in accordance with the principles and constraints detailed in that table, noting that;
 - a. Requests deemed to comply may be approved by the Chief Executive Officer under delegation and;
 - b. If there are competing proposals for a particular site, that these requests are referred to Council for consideration in accordance with the matters allowed for pursuant to the Local Law and proposed Policy (draft).

7. Advertise the draft Policy contained within the Officer’s Report for comment for 28 days.
8. Note the comments received, thank the submitters for contributing and invite them to make additional comment on the draft Policy.
9. Refuse the request for any additional Food Van other than soft serve ice cream at William Bay Car Park due to the natural beauty of the site and the possibility of degradation by wind blown rubbish.

Advice Notes:

1. The applicant is advised that they may object to a decision of the local government and lodge an appeal in writing to the Shire within 28 days of that decision, pursuant to section 9.4 of the Local Government Act 1995.

AMENDMENT

MOVED: CR OSBORNE

SECONDED: CR GILLIES

1. Remove “Kwoorabup Community Park” from Part 5 and rename No. 5 as Part 6.
2. Add Part 5 to read, “Refuse the request for food van site at the Kwoorabup Community Park carpark because parking is at a premium at this location at peak periods and it represents an unnecessary distraction for children during those periods.”

CARRIED: 6/3

Res: 060814

SUBSTANTIVE MOTION

That with respect to the owners of the Drift Van’s request for a food van trading opportunity that Council:

1. Reiterate its commitment to maintaining the 300m clearance to competing food premises that is found in its Trading in Thoroughfares and Public Places Local Laws.
2. Refuse the request for a food van site at the Berridge Park car park and or near the old basketball courts adjacent as it is within 300m of CBD food premises and will compete unfairly with businesses in the CBD.
3. Refuse the request for a food van site in at Ocean Beach because there is already a kiosk at the Surf Club, parking is at a premium at this location during peak periods and it represents an unacceptable safety hazard and distraction for children during those periods.
4. Refuse the request for a food van site at Prawn Rock Channel due to the fact that parking is at a premium at this location during peak periods and it represents an unacceptable safety hazard and distraction for children in either of the car parks during those periods.
5. Refuse the request for food van site at the Kwoorabup Community Park carpark because parking is at a premium at this location at peak periods and it represents an unnecessary distraction for children during those periods.
6. Authorise a trading permit to the Drift Van for the Lights Beach car park for a period ending 30 June 2015 subject to conditions as the Chief Executive Officer sees fit pursuant to the officer’s delegation and the intent contained in the draft Policy.
7. Advertise for expressions of interest for Trading Permits for periods up to two (2) years for all locations specified in the table to this report that are at least 300m from the nearest Shop (selling similar products) in accordance with the principles and constraints detailed in that table, noting that;
 - a. Requests deemed to comply may be approved by the Chief Executive Officer under delegation and;

- a. If there are competing proposals for a particular site, that these requests are referred to Council for consideration in accordance with the matters allowed for pursuant to the Local Law and proposed Policy (draft).
 8. Advertise the draft Policy contained within the Officer's Report (noting the changes to not permitting use of Kwoorabup Community Park) for comment for 28 days.
 9. Note the comments received, thank the submitters for contributing and invite them to make additional comment on the draft Policy.
 10. Refuse the request for any additional Food Van other than soft serve ice cream at William Bay Car Park due to the natural beauty of the site and the possibility of degradation by wind blown rubbish.
- THE SUBSTANTIVE MOTION WAS PUT AND CARRIED: 7/2 Res: 070814

REASONS FOR CHANGE

Council refused permission for an additional food van at William Bay carpark, removed Kwoorabup Community Park carpark as a potential location for itinerant vendors.

6.09pm - Public Question Time

The Shire President stated that the second public question time would begin & called for questions from members of the public. There were no questions.

6.09pm – Cr Gillies left the room.

Prior to consideration of Item 8.2.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Thornton and the Chief Executive Officer are members of the Denmark Country Club and as a consequence there may be a perception that their impartiality on this matter may be affected.

Cr Thornton declares that he will consider this matter on its merits and vote accordingly.

Mr Stewart declares that he will consider this matter on its merits and advise Council accordingly.

8.2.2 REQUEST FOR PERMISSION FOR CARETAKER’S CARAVAN AT THE COUNTRY CLUB

File Ref:	A3088
Applicant / Proponent:	Denmark Country Club
Subject Land / Locality:	Berridge Park, William Bay and other locations within the Shire
Disclosure of Officer Interest:	The Chief Executive Officer declares an impartiality interest as he is a financial member of the Denmark Country Club and the Denmark Golf Club.
Date:	10 August 2014
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.2 – Application Letter

Summary:

This report considers a proposal from the Denmark Country Club for permission to place a caravan onsite that will be used to accommodate a groundsman several nights per week for security reasons and recommends that Council:

- 1) Recommend to the Minister for Local Government & Communities that favourable consideration be given to approving the arrangement on the basis to accommodate a groundsman for a maximum of five nights per week for security and equipment management reasons.
- 2) Direct the Chief Executive Officer to review the caravan’s usage on an annual basis to ensure that it continues to only be used to accommodate a groundsman for a maximum of five nights per week and not used for fulltime occupancy.

Background:

Around 7 months ago the Denmark Country Club placed a caravan onsite for security in the lead up to the inaugural 2014 Summer Classic, that was held at Denmark Country Club on 21st to the 23rd of February 2014.

This practice has continued and the club have submitted the attached letter seeking permission to formalise this arrangement, in order to accommodate a groundsmen onsite several nights of the week.

Consultation:

Consultation has not taken place regarding this matter as it is an issue that was originated by the Country Club and there are no other directly affected parties.

Statutory Obligations:

Council has power to control the activity on its own land under the Local Government Act 1995 and on all land throughout its district under the Caravan Parks and Camping Ground Act 1995.

Regulation 11 2(b) of the Caravan & Camping Ground Regulation that have been made under that Act stipulate that approval of the Minister for Local Government &

Communities is required for incidents of camping outside licenced facilities that involve being occupied for a cumulative time of greater than 3 months in any 12 month period.

Policy Implications:

There are no known policy implications associated with officer recommendation.

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Long Term Financial Plan.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Recreation: ...monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

Tourism: ...acknowledge the importance of tourism to the region, and, by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

Sustainability Implications:

➤ **Governance:**

There are no significant governance considerations associated with the officer report and recommendation.

➤ **Environmental:**

There are no significant environmental considerations associated with the officer report and recommendation.

➤ **Economic:**

There are no significant economic considerations associated with the officer report and recommendation.

➤ **Social:**

There are no significant social considerations associated with the officer report and recommendation.

Comment/Conclusion:

While a major vandalism incident or break-in is yet to occur at the Denmark Country Club, its isolated location, the presence of a bar and the fact that its fairways and greens are eminently trafficable, do make it an ideal target for such an attack. This risk is further compounded by the fact that it is sited close to both the main road and the rail trail, meaning that there is access from many directions.

From the officer's perspective, these security needs are a given and the central questions associated with the approval relating to this matter are as follows:

- 1) Whether it is appropriate to allow a van to be occupied onsite?

- 2) If so for how many days of the week?
- 3) What sort of precedence it will set for other clubs and possibly industrial land holders.

The desirability of living in Denmark means that there will always be more people wanting to live in the community than can afford to do so and so there will always be a risk that if one club is allowed to have a “caretaker” then a string of clubs may, on the basis of that approval, also apply to have one or more resident “caretakers”.

While this can be addressed by only approving scenarios in isolated locations that represent bona fide employee accommodation, limiting their usage to a maximum of 5 nights a week, referring them to the Minister for Local Government & Communities for approval and reviewing them every 12 months, there will always be a risk that other groups and individuals will establish “caretakers” vans without Council approval and use the Country Club’s approval as their justification for doing so.

While such occurrences can be addressed through the use of warnings and if necessary fines under the Caravan Parks and Camping Grounds Regulations 1997, this risk needs to be recognised as being a consequence of opening the gate for allowing “caretakers” vans onto sites that are controlled by community groups.

Given the above comments it is the officer’s recommendation that Council:

- 1. Recommend to the Minister for Local Government & Communities that favourable consideration be given to approving the arrangement on the basis it will only be used to accommodate a groundsman for a maximum of 5 nights per week for security and equipment management reasons.
- 2. Request that the Chief Executive Officer review the caravan’s approval annually to ensure that it continues to only be used to accommodate a groundsman several nights per week for security reasons and not to be used for fulltime occupancy.

Voting Requirements:

Simple majority.

6.12pm – Cr Gillies returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.2
MOVED: CR ROWLAND	SECONDED: CR OSBORNE
<p>That in regards to the Denmark Country Club’s request for permission to place a caravan onsite that will be used to accommodate a groundsman several nights per week for security reasons that Council:</p> <ul style="list-style-type: none"> 1. Recommend to the Minister for Local Government & Communities that favourable consideration be given to approving the arrangement on the basis it will only be used to accommodate a groundsman for a maximum of 5 nights per week for security and equipment management reasons. 2. Upon approval of the Minister for Local Government and Communities, direct the Chief Executive Officer to request the Director of Community & Regulatory Services to review the caravan’s usage on an annual basis to ensure that it continues to only be used to accommodate a groundsman for a maximum of five nights per week and not used for fulltime occupancy. 	
AMENDMENT	
MOVED: CR MORRELL	SECONDED: CR SEENEY
<p>Add a Part 3 to read, “Request the Denmark Country Club to actively pursue the need for eventual construction of satisfactory accommodation for their groundsman.”</p>	

6.29pm – Cr Gillies left the room.

6.30pm – Cr Gillies returned to the room.

CARRIED: 6/3

Res: 080814

SUBSTANTIVE MOTION

That in regards to the Denmark Country Club's request for permission to place a caravan onsite that will be used to accommodate a groundsman several nights per week for security reasons that Council:

1. Recommend to the Minister for Local Government & Communities that favourable consideration be given to approving the arrangement on the basis it will only be used to accommodate a groundsman for a maximum of 5 nights per week for security and equipment management reasons.
2. Upon approval of the Minister for Local Government and Communities, direct the Chief Executive Officer to request the Director of Community & Regulatory Services to review the caravan's usage on an annual basis to ensure that it continues to only be used to accommodate a groundsman for a maximum of five nights per week and not used for fulltime occupancy.
3. Request the Denmark Country Club to actively pursue the need for eventual construction of satisfactory accommodation for their groundsman.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS
PUT AND CARRIED: 9/0

Res: 090814

Prior to consideration of Item 8.2.3 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a member of the Denmark Riverside Club Inc. and Cr Rowland is a member of and Council Delegate to the Denmark Riverside Club Inc. and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Osborne and Cr Rowland declare that they will consider this matter on its merits and vote accordingly.

8.2.3 DENMARK RIVERSIDE CLUB INC. CSRFF APPLICATION FORWARD PLANNING GRANT

File Ref:	A3035
Applicant / Proponent:	Denmark Riverside Club Inc.
Subject Land / Locality:	Denmark Bowling Club,1 Morgan Road Denmark, A Class Reserve 20403
Disclosure of Officer Interest:	Nil
Date:	23 July 2014
Author:	Damian Schwarzbach, Manager of Recreation & Youth Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	CSRFF Forward Planning Grant Application 2014

Summary:

The Denmark Riverside Club Inc. is seeking Council support for their Department of Sport & Recreation (DSR) CSRFF Forward Planning application to establish a multi user riverside club facility on the A Class reserve 20403.

The Club requests Council to:

1. Assess and recommend approval of their CSRFF forward planning grant application to the Department of Sport & Recreation;
2. Contribute a one third contribution of \$490,852 towards the total project cost of \$2,232,000, subject to a successful CSRFF application.
3. Agree to a self-supporting loan for the Denmark Riverside Club (Inc.) for \$285,000.

The officer report recommends that Council support the application and notify DSR in writing, allow for the provision of \$490,852 in the 2015/16 budget and agree to a self-supporting loan of \$285,000 in that same budget.

Background:

Community Sport and Recreation Facility Fund (CSRFF) grants are made on the basis of one third DSR grant and two thirds group/local government/other funding sources and local applications compete with others from, not just the Great Southern region, but the whole of the state of Western Australia.

Prior to the consideration of applications for funding assistance, the Department of Sport and Recreation (DSR) requires Local Governments to consider all of the funding applications from community groups within their area and to place a funding priority on each application. The DSR have a specific funding round known as Forward Planning Grants that are reserved specifically for larger projects and the Denmark Riverside Club (DRC) application is the only application that has been submitted to Council for this round of funding.

In order to qualify for the current round of grant applications must be assessed for priority and supported by the Local Government and submitted to the DSR by the 30th September 2014.

If the application is successful the Forward Planning Grant can be utilised over a three year period. The Club would be notified in February/March 2015 of the outcome and be entitled to start the project as of 1st July 2015.

The Denmark Bowling Club developed and adopted a strategic plan in 2007 in order to strategise and plan to meet the club's future growth and development.

In the same year Council established a Golf, Bowls and Tennis Club Working Group to investigate the needs of the clubs and the feasibility of amalgamating the Bowling club with the Country Club (Golf & Tennis).

This progressed to Council contracting a consultant (Jill Powell & Associates) to produce a report examining the long-term sustainability of the 3 clubs and this report was adopted by Council in September 2008.

During this process, the Bowling Club has made the decision to replace one of the greens with a synthetic surface and Council at its October 2007 meeting authorised unbudgeted expenditure of up to \$80,000 and a self-supporting loan of up to \$85 000, over 20 years, as a contribution to that upgrade.

This was seen as an interim measure that would guarantee the viability of the Club whilst the longer term assessment of its preferred location was undertaken. This upgrade in reality ensured the Bowling Club would remain at the current site.

One of the recommendations from the consultant's report was for extensions to the club house. In addition to this the formation of the Denmark Dragon Boat Club adjacent to the Bowling Club and their efforts to find common interests with other like-minded clubs has highlighted the potential for a multi-purpose club facility which meets the needs of several clubs, in particular the bowling club, dragon boat club, classic boat club and potentially a canoe/kayaking club.

The establishment of a river sports precinct and river trail has merit and would give exposure to the respective clubs and increase the probability of attracting members. This area is currently part of the Riverside Stage 2 process supported by funding from the Department of Transport under their Regional Boating Facilities Scheme (RBFS).

On 22 March 2011, Council resolution 200311, containing the following was passed.

That with respect to the request of the Denmark Bowling Club that Council support both the principle of demolition of their existing Clubhouse, being the former Denmark Railway Station Building, and also a one third cash contribution to a new Clubhouse at the location, Council respond as follows;

- 1. That Council does not support the proposed demolition of the current building;*
- 2. That Council is prepared to consider supporting applications for grants for a new Clubhouse at the current site to a maximum cash and or in-kind value of one-third, plus additional self-supporting loans, only if the Club can demonstrate to Council's satisfaction that it can meet its projected long term debt and ongoing commitments and has undertaken all necessary planning for the project.*
- 3. That Council staff inspect the building with a view to helping Council and the Club determine its structural integrity and suitability for relocation and or modification.*
- 4. If the Club wishes to proceed with planning for a new building on the site, that prior to part 2 being determined or considered, Council staff prepare for Council's consideration a draft concept plan for the Railway Heritage Precinct accommodating a relocated Railway Station Building for the purposes of undertaking community consultation.*

Therefore the request for one third contribution to the project cost subject to a successful CSRFF application from Council has been supported from the March 2011 meeting on the proviso of part 2 and part 4.

Then on 20 December 2011, Council resolution 061211 passed the following points.

That with respect to the Denmark Bowling Club's Riverside Project Committee's 15 November 2011 request for financial and organisational support Council respond as follows;

1. *Council appoint Councillor Rowland and the Manager Recreation Services as the Council's representatives on the Denmark Bowling Club's Riverside Project Committee noting that they are there in an advisory and non-voting capacity only;*
2. *That Council approves a \$1,000 donation to undertake the concept planning for the project from its Members Donation Account Number 1410082;*
3. *Subject to Council's annual budget deliberations and the timing of the request in the context of Council's Long Term Financial Plan (draft), it is prepared to support the principle of a request for a maximum one third contribution (indicatively being up to \$533,000) to the project cost of stage 1 of the development subject to a successful CSRFF or similar grant application(s) (consistent with Council's resolution of 22 March 2011 numbered 200311);*
4. *That Council does not support the request for an additional allocation of funding from the Shire's Royalties for Regions funding towards Stage 1 of the project as the determination of the funding source of Council's contribution is the prerogative of Council and access to funding in future years from the Country Local Government Fund is not guaranteed; and*
5. *Council's consideration of support for stage 2 of the development relating to development of the John Clark Memorial Band Stand and associated foreshore area will be subject to consideration of the Project Committee's Concept Plan / Indigenous Heritage consultation, the Denmark Boating & Facilities Study and confirmation of indicative costings."*

The Project Committee engaged Pixel Trix Design Studio to prepare a project brief and subsequently to prepare preliminary costed concept plans. Site survey and quantity surveying work was also completed at this stage.

Then on 25 September 2012, the following Council Resolution No. 110912, was lost;

"That with respect to the CSRFF application submitted by the Riverside Clubs of Denmark, Council;

1. *Recommend approval of their CSRFF application to the Department of Sport & Recreation.*
2. *Contribute a maximum of 34% contribution of \$773,833 towards the total project cost of \$2,211,500 (all plus GST) subject to a successful CSRFF application.*
3. *Agree to a self-supporting loan for the Riverside Clubs of \$160,000.*
4. *Agree to act as a sponsor for a Riverside application for Regional Development Australia (RDA) (Fund Round 4) bid for 2013/14 funding to progress stage 2 and related work subject to the application and associated information being substantially prepared by the Clubs.*
5. *Agree to funding the full cost of relocating and restumping the heritage portions of the former Railway Station at a site to be determined on the Denmark Railway Station No. 3 Reserve Heritage Precinct, estimated at a total cost of \$110,000 (plus GST), if it cannot be funded via other grants including through CSRFF and the RDA grant mentioned in part 3.*
6. *Consider the funding of the agreed one third contribution of \$533,000 in the adoption of the 2013/14 Municipal Budget, subject to the project being supported by the Country Local Government Fund (CLGF) and a further \$240,833 in the 2014/15 Municipal Budget, subject to the project being supported by the CLGF in that year."*

One of the concerns when that led to Resolution 100912 being rejected was the increase in project costs from \$533,000.00 to \$773,833.00.

This increase was due to the cost of relocating the existing clubhouse to the historic precinct (not included in original request) and cost increases attributed to the project due to more detailed planning and accurate cost estimates including inflation over a multi-year period.

The Denmark Riverside Club Inc. (DRC) represents all the member clubs and their constitution is an attachment in the application. The first Annual General Meeting for the body was held on 22 November 2012 and representatives from all clubs were invited to nominate for positions on the management committee. The DRC have demonstrated an inclusive process for all of their member clubs and the 300 community members who they represent. The constitution has been designed so that no club has a controlling interest.

At the 27 November 2012 Council meeting Resolution No. 151112, resolved the following in support of a Regional Development Australia funding submission;

“That with respect to request by the Riverside Clubs of Denmark (Inc.) to lodge a Round Three (3) Regional Development Australia Expression of Interest application submitted, Council;

- 1. Recognise the community value of the Riverside project;*
- 2. Agree to act as the sponsor for a RDA Round 3 Expression of Interest;*
- 3. Agree to contribute a maximum of \$490,852 (22%) towards the total project cost of \$2,211,500 (all plus GST) subject to successful RDA and CSRFF applications and the conditions in point 4;*
- 4. Note that it retains complete control over the financial commitment to the project and even if successful with the RDA application, Council reserves the right to evaluate their financial position dependent upon external factors such as continuation of the Country Local Government Fund and Royalties for Regions funding levels; and*
- 5. Consider the funding of the contribution of \$490,852 in the adoption of the 2014/15 Municipal Budget, subject to the conditions in point 4 and dependent upon success of the two (RDA and CSRFF) grant applications, which should be known by approximately March 2013 (stage two) and June 2013 (final approval) for RDA and March 2014 for CSRFF.*
- 6. Note that should the application be successful Council expects that the application will be required to be lodged as a development application with Council with the expectation that there would be requirement for comprehensive community consultation.”*

This expression of interest and the subsequent funding application was successful in achieving a RDA round 3 application outcome of \$500,000 towards the Riverside Club development. This funding has been rebranded and is now referred to as the Community Development Grants Program (CDG) The works for this project must start within 6 months of the contract being signed and must be spent by 30th June 2017.

Then at the Council meeting on 20 August 2013 Resolution No. 110813 resolved the following;

“That with respect to the Riverside Clubs Inc.’s CSRFF Forward Planning Grant Round Application Council:

- 1. Advise the Department of Sport and Recreation that the application received for the CSRFF Forward Planning Grant Round from the Denmark Riverside Club Inc. is supported by Council;*
- 2. Agree to the principle of Council contributing a maximum of \$490,852 towards the total project cost of \$2,101,500 subject to a successful CSRFF application and Council being able to accommodate its contribution in consideration of the constraints of its 2014/15 and or 2015/16 financial year budgets which may be able to be sourced by other available grant funds such as the Country Local Government Fund (CGLF), at that time;*

3. *Agree to providing self-supporting loan(s) for the Denmark Riverside Club Inc. to a maximum of \$285,000 should the project proceed, noting this requires the acquittal of any previous self-supporting loans owing by the Denmark Bowling Club Inc.”*

The CSRFF Application to DSR was unsuccessful due in part to a heavily over subscribed round and other projects deemed a higher priority. The application was said to be strong and addressed all the questions.

The CSRFF process rates sporting surfaces and basic infrastructure for a sporting club to operate as the highest priorities. Club rooms, such as this proposal, are on the next tier of rating, so are never in the highest priority, but are recognised as important to clubs so are still deemed suitable for funding.

Pixel Trix were then engaged to prepare Planning and Development Applications for the Shire of Denmark. The object of the appointment to provide the DRC with a realistic cost for the project and also give guidance for the possibility of an alternative design dependant on funds available.

The DRC has also applied to Lotterywest for a grant of \$390,000 to offset fit out and other associated costs.

An aerial photo of the Bowling Club is below.



Consultation:

The Riverside Clubs have consulted extensively with Department of Sport & Recreation, Department of Indigenous Affairs, Regional Development Australia, State sporting Associations representing the respective activities and the community.

The Riverside Club as part of the Stage 2 planning process engaged a consultant to organise community consultation. Even though this consultation focused on Stage 2 of the project the community were able to access information on the progress of Stage 1.

Statutory Obligations:

Nil

Policy Implications:

Policy P110304 SUSTAINABILITY & COLLOCATION (SPORT & RECREATION FACILITIES) relates as follows;

“Council will give priority support to facility development or redevelopment that shows capacity for collocating or the sharing of resources.

Applicants must be community based organisations and incorporated under the WA Association Incorporations Act 1997.

Council will require community based organisations seeking public funds of greater than \$10,000 for developing new or refurbished current facilities to have a business plan appropriate to the size of their organisation.

Council will contribute to a maximum of one-third (1/3) only of major facility development / redevelopment with a project cost greater than \$50,000 to demonstrate the need for such development and their strategies to ensure that the development will be viable for at least the next 10 years or such period requested by Council.”

Budget / Financial Implications:

There are potential large financial considerations for the Council in future budgets.

The Denmark Bowling Club up until recently held two self-supporting loans (loan 140 maturing in 2017/18 & 141 maturing in 2018/19) for the synthetic greens but these have been paid out releasing a total of \$221,353.47 back into the club’s finances.

The cost to Council of this project will be \$490,852 in the 2015/16 budget plus the provision of up to \$285,000 in self-supporting loans with \$100,000 in loans being the project’s target.

While this proposal will require initial assistance from Council, via the requested contribution, once it is constructed, Council’s on-going financial contribution will be minimal as the on-going operational and maintenance costs will be the DRC’s responsibility.

If the CSRFF grant funding short falls exceed this contingency then the DRC may require an additional self-supporting loan. This however should not be an issue as the financials that have been received for the Denmark Bowling Club and projected income for the DRC indicate that they have the capability to service such loans.

As Councillors would be aware, Council’s previous commitments to the cash contribution indicated were to be funded from the Country Local Government Fund (CLGF), which is longer available to Local Governments in Western Australia. This notwithstanding, a community group project of this significance is not common, is being constructed on Council land, in a prominent location, and will serve the community for many years to come and is therefore a good example of an asset that probably should be funded with intergenerational funding (loans). A building of this type is normally expected to have a useful life in the order of 50 plus years.

Council’s requested contribution would need to be financed from possibly a combination of sources including Loan Funds, Municipal Funds (Rates), Council’s Land and Building Reserve Fund, other identified grant opportunities, surplus funds that may become available at the conclusion of the 2014/15 financial year Budget, one off capital amounts that Council has allocated for discretionary projects in the 2014/15 financial year and/or savings to be identified from other existing funded services or facilities.

For example, a Loan of say, \$400,000, funded over 25 years, would require annual interest and principal servicing costs attributable to the Council of approximately \$26,000 per annum.

Strategic Implications:

The Denmark Riverside Club's lease expires on the 30 October 2029.

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Population...That the Shire of Denmark closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.

Recreation....That the Shire of Denmark monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

Tourism...That the Shire of Denmark acknowledges the importance of tourism to the region, and, by innovative policies, practices and partnerships, facilitates and encourages the greater year round sustainability of tourism, whilst monitoring and managing its impacts.

Funding...That the Shire of Denmark be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding, that will benefit the community and assist in meeting its various aims and obligations.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

There is a 30 metre exclusion zone from the banks of the Denmark River marked as an Aboriginal Heritage area.

➤ **Economic:**

There are significant economic implications relating to the project as identified in the body of the report including the benefits to the financial health and sustainability of the four Clubs involved.

➤ **Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in the sport result in a sense of personal wellbeing / good health in each member and, collectively, within the community.

Comment/Conclusion:

The CSRFF application received from the DRC is well researched, contains all of the elements requested by DSR and demonstrates a need for this facility and a diversity of users. The DRC have also regularly informed and updated Council staff, Councillors and DSR of their progress in relation to this application and the design.

The DRC proposal has two stages:

Stage 1 (Current application) – construction of a new club house on the bowling club house site, to provide spectator viewing areas, toilet/shower facilities, boat/equipment storage, club house facilities and reception area. The new club house will cater for a multitude of clubs including the Denmark Bowling Club, Denmark Canoe Club, Denmark Dragon Boat Club and Denmark Classic Boat Club plus the community. The existing building is heritage listed and it is proposed that it will be carefully demolished and the heritage related components stored for later reuse in a replica train station at the Heritage precinct at Crellin Street.

Since the DRC was informed by DSR that they were unsuccessful in gaining funding during the last round of the CSRFF, the Club have worked extensively to explore 2 possible scenarios.

These scenarios are:

1. All funding obtained (Federal, State, Local Government plus Lotterwest and DRC funds). \$2.1 million dollar build start date July 2015.
2. Partial funding received (all of the above except DSR). Build cost of \$1.7 million, redesigned clubhouse with possible staged development. Project start date February/March 2015. This will ensure the funding already guaranteed from CDG (\$500,000) is not lost.

Stage 2 – is not part of this funding application but is a water craft launch area incorporating the existing John Clark Band stand building which designed to provide safe river access for water craft. Council was successful in obtaining a Recreational Boating Facilities Scheme (RBFS) grant from the Department of Transport to develop a plan for this stage.

The existing clubhouse is not able to adequately accommodate existing bowling club members (cannot cater for more than 75% of current membership) and requires air-conditioning. The bar facilities are sub-standard and the kitchen is poorly ventilated and equipped and needs an exhaust canopy.

The Dragon Boat Club is currently operating from makeshift facilities at the bandstand which are not suitable for the long term. During the winter months the area is water logged and unable to be used for a gathering/warm up/cool down area. A suitable launching is essential for the club to attract and even retain members, thus ensuring its long term sustainability. In addition to this the site lacks secure boat or trailer storage and in 2012 a dragon boat was stolen from this area.

The Denmark Canoe & Kayak Club is using the dragon boat area but it lacks any purpose built racking which members could use to store their equipment.

The Denmark Classic Boat Association Inc. mooring area is currently located north of the Denmark Bridge and has a history of conflict with Indigenous Leaders as this area is also a significant heritage site. The new location would satisfactorily address the cultural heritage issues and aid in the security of the classic boats. It would also enhance the ambience of the river precinct with these classic boats on display for the community and visitors to view.

The Indigenous cultural heritage of the site (being the 30m immediately adjacent the River) is recognised conceptually in the design after consultation with local elders and the Department of Indigenous Affairs. A Section 18 approval is not required for Stage One works.

The proposed Riverside facility will provide flexible, multi-use facilities for both the club's members (currently close to 300), and the wider community. The location of this facility

is at the entrance to the town of Denmark, travelling from the Albany direction and is highly visible to all visitors. This has been taken into account by the project committee as they have striven to provide a building that the Shire can be proud of and that will attract visitors.

Denmark attracts many visitors per year and it is anticipated that some of these visitors will wish to play bowls, paddle in their canoe/kayak, sail their yacht or join in with a dragon boat regatta. The quality of the facilities (bowling greens, the Club house, and launching area) may also encourage these visitors to stay longer particularly if they assess the facilities here to be "good". Similarly other visitors, who are currently not attracted to Denmark, may start to come because they are aware facilities here have been upgraded.

These extra visitors to Denmark, if attracted by the "appropriateness" of the facilities here, will bring economic benefit in the following ways:

- (a) Increased revenue (playing fees) for the recipient club. This extra revenue helps to justify the investment in the physical facilities, its maintenance and improvement.
- (b) Derivative opportunity for the clubs to gain sponsorship for organised events
- (c) Growth in the local economy.

The shared areas of the building are designed to be simultaneously accessible to different groups through the use of internal partitions. This will allow for either multiple functions operating at the one time, or for the partitions to be opened to catering for larger functions.

The Bowling, Dragon boat and Classic Boat clubs have been servicing the community of Denmark for considerable time. But the most exciting development is the formation and involvement of the Denmark Canoe & Kayak Club which is showing the potential to become the largest membership of the Riverside Clubs project. The proposed facility will provide good accessibility for these members and encourages the maximum use of the adjoining playing surfaces and water entry points.

Other community groups have also expressed an interest in becoming a part of the Riverside group; these include the Denmark Cantare Choral Group, Denmark Croquet Group and Denmark Petanque Group (Bocce). These are not large groups, but they have an active membership and require a suitable facility.

The Riverside Club has a strong membership base with 330 members during the 2012/13 period.

The application shows a strong financial base that appears to demonstrate a sustainable, financial club. The multi-use facility will be more cost efficient, housing numerous clubs under one roof, resulting in a more efficient use of public funds.

The Bowling Club have demonstrated since 2009 a capability to service loans through Council and has established a replacement fund for the synthetic greens which by 2013 has already reached \$130,000. These funds will be allocated to the Stage one of this project and they have budgeted to continue to build this reserve at the rate of \$32,000 per annum from 2013/14.

The Bowling club Annual report for 2013 showed an operating net profit of \$57,514.46, 2012 \$64,870.78 and in 2011 \$50,702.31 and the Club as at 31st March 2013 had \$191,767.17 in cash reserves. The club appears to be in a strong financial position generating sound year to year surpluses which are further reinforced by predicted membership growth due to the ageing population and increasing numbers of retirees moving to Denmark.

If this grant application is successful, work would commence from July 2015 and it is scheduled to be completed in December 2016.

The project budget in the application itemises each area and the cost associated with it. This is a requirement of DSR and may lead to them funding some components of the application and not others.

The proposal also considers the impact of the construction phase on the occupying clubs and they are proposing to use a combination of temporary on site and off site facilities to alleviate this. While this may lead to some dissatisfaction amongst members and a reduction in revenue through declining membership and associated takings the author does not believe this will have significant impact over the long term.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.3
MOVED: CR ROWLAND	SECONDED: CR OSBORNE
That with respect to the Riverside Club Inc.'s CSRFF Forward Planning Grant round application, Council:	
<ol style="list-style-type: none"> 1. Advise the Department of Sport and Recreation that the application received for the CSRFF Forward Planning grant round from the Denmark Riverside Club Inc. is supported by Council; 2. Agree to contribute a maximum of \$490,852 plus GST towards the total project cost of \$2,232,000 plus GST, subject to a successful CSRFF application; 3. Agree to a providing self-supporting loan(s) for the Denmark Riverside Club Inc. to a maximum of \$285,000 should the project proceed. 	
CARRIED UNANIMOUSLY: 9/0	Res: 100814

6.40pm – The Shire President called for a short recess.

6.47pm – The meeting resumed with all Councillors and Officers that were present prior to the adjournment, with the exception of the Director of Community & Regulatory Services, the Director of Finance & Administration and the Executive Assistant.

6.48pm – The Director of Finance & Administration returned to the room.

6.49pm – The Director of Community & Regulatory Services returned to the room.

6.50pm – The Executive Assistant returned to the room.

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 JUNE 2014

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	06 August 2014
Author:	Steve Broad, Accountant
Authorising Officer:	Kim Dolzadelli, Director of Finance And Administration
Attachments:	8.4.1 – June Monthly Financial Report

Summary:

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire's finances. In addition, Council is required to review the Municipal Budget on a six monthly basis to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored on a monthly basis in addition to the requirement for a six monthly review.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome enquiries in regard to the information contained within these reports.

Background:

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

The attached statements are prepared in accordance with the requirements of the Local Government Act 1995.

Policy Implications:

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopt a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$5,000.

The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.

This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

Due regard has been given to the Shire of Denmark's Strategic Community Plan "Denmark 2031", namely:

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Comment/Conclusion:

Shire Trust Funds of \$153,643 have been invested for 90 days with the National Bank, maturing 19 September 2014 at the quoted rate of 3.65%.

Reserve Funds totalling \$4,026,441 have only been placed on investment for 30 days to manage the cash flow at this time of year, the investment is with the National Bank, maturing 10 July 2014 at the quoted rate of 3.06%.

Only \$10,000 of Municipal Funds have been invested for 30 days with the National Bank, maturing 10 July 2014 at the quoted rate of 3.06%, as this is the minimum amount to retain the term deposits as the balance of Municipal Funds being required for short term cash flow requirements until the 2014/15 rating income is received.

The officer notes that the attached statements being presented as at 30 June 2014 do not include all Final non-cash End of Financial Year entries such as, movement in provisions for leave entitlements, final depreciation and final allocation of Public Works Overheads and Plant Operation costs; these final non cash entries will not have any impact on Council's 30 June 2014 projected Closing Surplus Position.

After restricting unspent grants in the amount of \$895,865 comprising of, Country Local Government Funding of \$779,865, Bridge Funding of \$106,000, and Youth Friendly Communities grant of \$10,000, Council's projected 30 June 2014 Closing Surplus

Position remains at \$495,000 as per the 2014/2015 Municipal Budget Opening Surplus position.

Key Financial Indicators at a Glance

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statement.

- Operating revenue is slightly lower than that predicted for 30 June 2014, largely due to the unclaimed grants budgeted for and not expended during 2013/14 (Statement of Financial Activity).
- Operating expenditure is lower than that predicted for June 2013, although is noted accounts are still being received and other final year-end adjustments to provisions and accruals are still to be made for this period (Statement of Financial Activity).
- Various transfers to and from Reserve Funds have been made as per the 2013/14 Municipal Budget.(Note 9)
- The 2013/14 Capital Works Program was 53.66% complete as at 30 June 2014 (Note 10). As previously reported, some major projects remain outstanding and will need to be carried forward into the 2014/15 year. These projects include:
 - Morgan Richards Community Centre.
 - Industrial Land Purchase
 - Remediation Reserve 32409
 - Bridge Const – Powley’s Road Bridge 4287
- Rates Collection percentage of 96.58%% is in keeping with historical collection rates (Note 6).
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

7.02pm – Cr Rowland left the room.

7.04pm – Cr Rowland returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR MORRELL
That with respect to Financial Statements for the month ending 30 June 2014, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for June 2014 as listed.	
CARRIED UNANIMOUSLY: 9/0	Res: 110814

8.5 Chief Executive Officer
Nil

9. COMMITTEE REPORTS & RECOMMENDATIONS

Prior to consideration of Item 9.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Morrell declares financial, proximity and impartiality interests on the basis that he is the co-owner of Craig’s Building, owner of Plantagenet Location 5434 and Trustee of the Nash/Franz Scout Hall.

7.05pm - Cr Morrell left the room and did not participate in discussion or vote on the matter. Cr Morrell did not return.

9.1 MUNICIPAL HERITAGE INVENTORY ADVISORY COMMITTEE – ANNUAL UPDATES TO MUNICIPAL HERITAGE INVENTORY

File Ref:	COMM.MHIAC; PLN.8
Applicant / Proponent:	Municipal Heritage Inventory Advisory Committee
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 August 2014
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	No

Summary:

The Municipal Heritage Inventory Advisory Committee (MHIAC) have recently undertaken a review of the Municipal Heritage Inventory (MHI) as per Section 45(2) of the *Heritage of Western Australia Act 1990* and are recommending that Council update the MHI accordingly to ensure accuracy of the information provided.

Background:

The MHI was adopted at the Ordinary Meeting of Council held on 28 June 2011 (Res No: 150611). Due to the size of the document, a copy of the MHI is available for Councillors via Dropbox or USB, with a printed version available for Councillors upon request. The public may view the document in the Shire Office or Library.

Consultation:

The nature of the amendments/corrections that have been recommended by the MHIAC are administrative, matter of fact and minor updates that, in the opinion of the Officer and Committee, do not require community consultation to be undertaken.

Statutory Obligations:

Under the *Heritage of Western Australia Act 1990* there are no statutory implications relating to the amendment of a MHI other than a requirement for a copy of the list to be sent to the Heritage Council for its recording.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no known financial implications upon either the Council’s current Budget or Long Term Financial Plan.

The process of undertaking the amendments/corrections to the MHI will be undertaken in-house by Planning Services.

Strategic Implications:

The report and officer recommendation is consistent with Council’s adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives & Goals:

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning – that the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Environment Objective: Denmark's natural environment is regionally significant, wild and beautiful, yet so inviting and fragile that its protection and enhancement is carefully balanced in meeting the needs of current and future generations' lifestyle, development and tourism needs.

Environment Goal: Natural Environment – that the Shire of Denmark acknowledge the importance of the natural environment to the residents of Denmark and the region, and works with residents and all relevant agencies to maintain a high standard of environmental protection and its integration with community life.

Sustainability Implications:

➤ **Governance**

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

➤ **Environmental:**

The MHI recognise places of natural heritage value which has been identified by the community as having heritage and cultural value for today's and future generations.

➤ **Economic:**

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

➤ **Social:**

The MHI provides a list of places which the community believes is of cultural heritage significance. This significance may be the aesthetic, historic, scientific or social significance a place may have for present and future generations.

Comment/Conclusion:

As per Section 45(2) of the Heritage of Western Australia Act 1990, an annual review of the MHI should be undertaken. The Shire of Denmark's Municipal Heritage Inventory was adopted in June 2011 and to date there have not been any formal updates undertaken.

At the meeting held on 24 June 2014, the MHIAC reviewed all 123 Place Record Forms to ensure the accuracy of information provided and from this review there were a number of amendments/corrections recommended that primarily are of an administrative, matter of fact and minor (i.e. property detail corrections, details of building approvals granted since 2011, details of new supporting information pertaining to the place, recognition of dual names as per the Shire's Dual Naming Project etc).

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That the Municipal Heritage Inventory Advisory Committee recommend to Council that the Shire of Denmark's Municipal Heritage Inventory be updated as per the following

amendments/corrections:

1. Page i) – include notation at the bottom of the page that the Annual Review was undertaken in 2014 by the Shire’s Municipal Heritage Inventory Advisory Committee
2. Place Record Form: The Esplanade
 - Reserve No: 19912 & 14376 (Ptn of)
 - ASS Number: 3065; 3027
3. Place Record Form: Old Railway Station
 - Reserve No: 20403 (Ptn of)
 - Address: Fyfe Street
 - ASS Number: 3069; 5589
 - History Commentary: New paragraph to read as follows:
“The Shire of Denmark adopted the Denmark Railway Station No. 3 Reserve Heritage Precinct Concept Plan at the Ordinary Meeting of Council held on 27 May 2014 (Res No: 240514). This Concept Plan provides for the Old Railway Station Building to be relocated to this Heritage Precinct in recognition that the building was originally located in this Precinct.”
 - History: 3rd line – delete the word ‘the’ such that it reads “In early 1964...”
4. Place Record Form: Country Women’s Association Rest Rooms
 - Address: 9 Mitchell Street
 - Reserve No: 22410
5. Place Record Form: Craig’s Building
 - Lot/Location No: Lots 38 & 39
6. Place Record Form: Old Denmark Agricultural College
 - Current Use: High School/Great Southern Institute of Technology (Denmark Campus)
 - Lot/Location No: Lot 1117
 - Reserve No: 47020 (Ptn of)
 - ASS Number: 5603
7. Place Record Form: Denmark Primary School
 - Other Name: add “Denmark Agricultural Junior High School”
 - Lot/Location No: Lot 910
 - Reserve No: 21020
 - Address: 21 Mitchell Street
8. Place Record Form: Old Denmark District Hospital
 - Other Name: add ‘Morgan Richards Community Centre’
 - Lot/Location No: Lot 228
 - Reserve No: 18587
 - Address: 15 Horsley Road
 - Description: Good
 - History Commentary: add the following:
“The Shire of Denmark granted planning approval in 2013 for the refurbishment of the Denmark District Hospital (Fmr) and Denmark Frail and Aged Lodge (Fmr) to the Morgan Richards Community Centre. In mid-2014 the building permit and associated tenders were let for the refurbishment works required”.
 - Supporting Information Commentary: amend Bidy Osborne’s title from “Director of Nursing” to “Matron”
 - Supporting Information Commentary: add the following:
 - “H&H Architects for WA Country Health Services, *Denmark District Hospital (Fmr) Conservation Plan (2010).*”
 - “Lynne Farrow Architect for Shire of Denmark, *Denmark Hospital (Fmr) and Denmark Frail and Aged Lodge (Fmr) Adaptive Reuse Study (2011)*”.
9. Place Record Form: House – 44 Hollings Road
 - Vol/Folio: remove as heading as not referenced on any other Place Record Forms
10. Place Record Form: House – 90 Strickland Street

- Current Use: remove 'Commercial' reference
11. Place Record Form: John Clark Memorial Bandstand
 - Lot/Location No: Lot 1002
 - Reserve No: 39066
 - Address: Bambrey Road
 - Significance Commentary: amend reference of "Denmark Memorial Silver Band" to "John Clark Memorial Silver Band"
 - Significance Commentary: add the following sentence:
"In 2014, remedial works were undertaken to the roof and foundations for structural integrity purposes".
 - Photo Reference: add reference to opening day being 29 February 1964
 12. Place Record Form: Poison Point
 - Reserve No: 12344 (Ptn of) and 22248 (Ptn of)
 - Address: Inlet Drive; Poison Point Road
 - ASS Number: 3080; 3013
 13. Place Record Form: Railway Precinct
 - Other Name: Denmark Railway Station No. 3 Reserve
 - Reserve No: 30277 and 41815 (Ptn of)
 - Current Use: Recreation, Community & Historical purposes
 - Significance Commentary: end of 1st paragraph add the following sentence:
"In 2014, a new concrete deck and new railing work was undertaken to sustain the life of the Bridge. The Bridge also requires new cross bracing and work on the abutments in the near future."
 - History Commentary: New paragraph to read as follows:
"The Shire of Denmark adopted the Denmark Railway Station No. 3 Reserve Heritage Precinct Concept Plan at the Ordinary Meeting of Council held on 27 May 2014 (Res No: 240514) to guide development and use of the Reserve into the future."
 14. Place Record Form: Federal Street Precinct
 - Lot/Location No: Lots 10, 11, 165, 13 & 14
 - Address: amend reference of "9" to "9B"
 - ASS Number: amend reference of "1410" to "5463"
 - Assessment Date: amend reference of "2011" to "1999"
 15. Place Record Form: Moreton Bay Fig Tree
 - Lot/Location No: Lot 36
 - Address: 27 Strickland Street
 16. Place Record Form: Butter Factory
 - Lot/Location No: Lot 232
 - Address: 10-12 Mount Shadforth Road
 - Significance Commentary: Amend last 2 sentences of the paragraph to read as follows:
"In 2010, an antique business operated from the premises. Within the same complex as the Butter Factory is Mrs Jones Café (previously known as the Mary Rose Tea Shoppe) which was added in keeping with the original buildings."
 17. Place Record Form: Old Police Station
 - Lot/Location No: Lot 1021
 - Reserve No: 42278
 - History Commentary: New sentence to read as follows:
"The Shire of Denmark has granted planning approval for a new store/work room to the north-eastern side of the building; the building permit application is pending as at July 2014."
 18. Place Record Form: Old Town Dam
 - Lot/Location No: Lot 335
 - Reserve No: 46688 (Ptn of)
 - Address: Peace Street

19. Place Record Form: Plane Tree
 - Lot/Location No: Lot 41
 - Reserve No: 26026 (Ptn of)
 - Address: 41 Mitchell Street
20. Place Record Form: Coronation Park
 - Other Name: add "Popgun Park"
 - Lot/Location No: Lot 780
 - Reserve No: 22558
21. Place Record Form: Old Methodist Church
 - Lot/Location No: Lot 1010
 - Reserve No: 18535
 - Address: 12 Price Street
 - HCWA Number: 14403
 - Significance Commentary: New paragraph to read as follows:
"The Shire of Denmark granted planning approval and a building permit in 2012 for renovation works consistent with the Conservation Plan for the Old Methodist Church building."
 - Supporting Information Commentary: add the following:
"D Heaver, *Conservation Management Plan: Denmark Red Cross Building (fmr) Methodist Church Denmark (2004).*"
22. Place Record Form: Nocklolds' Store
 - Lot/Location No: Strata Lot 2/Lot 150
 - Address: 24 South Coast Highway
23. Place Record Form: RSL Memorial Hall
 - Lot/Location No: Lot 40
 - Reserve No: 23631
 - Significance Commentary: add the following:
"In 2010 and 2012, the Shire of Denmark have granted planning approval and building permits for storeroom and verandah additions respectively".
24. Place Record Form: Seventh Day Adventist Church
 - Lot/Location No: Lot 91
 - Reserve No: 23047
25. Place Record Form: Denmark War Memorial
 - Lot/Location No: Lot 205
 - Reserve No: 19050
 - History Commentary: add the following:
"In 2012/13, the War Memorial was reconstructed on the site such that it was located further away from the South Coast Highway/Hollings Road intersection".
26. Place Record Form: St Leonards' Anglican Church
 - Lot/Location No: Lot 5
 - Reserve No: 12134 (Ptn of)
 - History Commentary: add the following:
"Renovation/restoration works in line with the Conservation Plan for St Leonard's Church commenced in 2013".
 - Supporting Information Commentary: add the following:
"Lynne Farrow for Anglican Parish of Denmark, *Conservation Plan for St Leonard's Church, Denmark (2012).*"
27. Place Record Form: St Mary's Roman Catholic Church
 - Lot/Location No: Lot 102
 - Reserve No: 12384
 - Address: 55 South Coast Highway
 - Description Commentary: Amend 3rd sentence to read as follows:
"The gabled roof is emulated on the small porch at the front – noting the porch was an addition to the building (date of porch construction unknown)."

28. Place Record Form: The Rectory
 - Lot/Location No: Lot 154
 - Description Commentary: add the following:
“The Shire of Denmark granted planning approval and a building permit for additions/alterations to the dwelling (laundry & bathroom extensions) and a detached carport on-site”.
29. Place Record Form: Uniting Church
 - Lot/Location No: Lot 996
 - Reserve No: 37515
 - Address: 83-93 South Coast Highway
30. Place Record Form: Frail and Aged Lodge Grounds
 - Other Name: Waterfall Park
 - Lot/Location No: Lot 1093
 - Reserve No: 45623
 - Address: 2 Scotsdale Road
31. Place Record Form: Commercial Building (1)
 - Current Use: Restaurant/Café
 - Lot/Location No: Lot 118
32. Place Record Form: Commercial Building (2)
 - Lot/Location No: Lot 118
33. Place Record Form: Karri Trees - East
 - Lot/Location No: delete as reference is not correct
 - Description Commentary: add the following sentence:
“One tree was removed by Main Roads WA (as the controlling authority for the road) in 2014 for safety reasons.”
34. Place Record Form: Old Post Office
 - Lot/Location No: Lot 952
 - Reserve No: 30277
 - Address: 2 Inlet Drive
 - History Commentary: New paragraph to read as follows:
“The Shire of Denmark adopted the Denmark Railway Station No. 3 Reserve Heritage Precinct Concept Plan at the Ordinary Meeting of Council held on 27 May 2014 (Res No: 240514) to guide development and use of the Reserve into the future. In considering the Concept Plan, Council also resolved that an expanded Spirit of Play School at the site is not considered a long term complementary use at the Heritage Precinct”.
35. Place Record Form: Group School
 - Current Use: Denmark Cottage Crafts
 - Lot/Location No: 41
 - Reserve No: 26026 (Ptn of)
 - Address: 1 Mitchell Street
 - History Commentary: amend 2nd sentence of 2nd paragraph to read as follows:
“The building was extended to the west for use by Denmark Cottage Crafts
....”
36. Place Record Form: Denmark Cooperative Co Ltd
 - Current Use: Department store, hardware store and pharmacy
 - Lot/Location No: Lots 6 & 226
37. Place Record Form: Berridge Building
 - Lot/Location No: Lot 35
 - Address: 35 Strickland Street
 - ASS Number: 1141, 2622, 2623, 3747
 - History Commentary: add sentence to last paragraph to read as follows:
“The Shire of Denmark granted planning approval and a building permit in 2014 for new additions/alterations to the Denmark Environment Centre in the area that was destroyed in the fire. Works on the development commenced in mid 2014.”

38. Place Record Form: Edinboro House
 - Current Use: Accommodation/Retail
 - Lot/Location No: Lot 111
 - Address: 21-31 South Coast Highway
 - ASS Number: 3850; 3881 – 3886
39. Place Record Form: Infant Health Centre
 - Lot/Location No: Lot 41
 - Reserve No: 26026 (Ptn of)
 - Condition: Fair
40. Place Record Form: Nockolds' Second Building
 - Original Use: Newsagency, Kernutt's Bakery
 - Current Use: Newsagency, café
41. Place Record Form: Murphy's Workshop
 - Photo Reference: amend spelling to "Alan" not "Allan"
 - History Commentary: add new paragraph
"In 2013, the Shire of Denmark named the laneway to the west of the site as "Murphy Lane" in recognition that the Murphy's owned and resided at 1 Short Street for over 60 years and the property is still held by the family, and that Bill Murphy was a Councillor with the Shire of Denmark (served from 1955-1961 and 1962-1963)."
42. Place Record Form: Denmark Frail & Aged Lodge
 - Original Use: Accommodation for frail and aged
 - Current Use: Vacant (to be occupied by Denmark Arts once refurbishment works completed)
 - Lot/Location No: Lot 1093
 - Reserve No: 45623
 - Architect: Wallace Greenham
 - History Commentary: amend last sentence of last paragraph to read:
"The Shire of Denmark granted planning approval in 2013 for the refurbishment of the Denmark District Hospital (Fmr) and Denmark Frail and Aged Lodge (Fmr) to the Morgan Richards Community Centre. In mid-2014 the building permit and associated tenders were let for the refurbishment works required".
 - Supporting Information Commentary: add the following:
"Lynne Farrow Architect for Shire of Denmark, *Denmark Hospital (Fmr) and Denmark Frail and Aged Lodge (Fmr) Adaptive Reuse Study (2011)*".
43. Place Record Form: Station Master's House
 - Lot/Location No: 952
 - Reserve No: 30277
 - Address: 2 Inlet Drive
 - History Commentary: New paragraph to read as follows:
"The Shire of Denmark adopted the Denmark Railway Station No. 3 Reserve Heritage Precinct Concept Plan at the Ordinary Meeting of Council held on 27 May 2014 (Res No: 240514) to guide development and use of the Reserve into the future."
44. Place Record Form: Denmark Public Cemetery
 - Lot/Location No: 7478
 - Reserve No: 11655
 - Address: 854 South Coast Highway
 - History Commentary: New paragraph to read as follows:
"The Shire of Denmark adopted the Denmark Cemetery Development Concept Plan at the Ordinary Meeting of Council held on 6 May 2014 (Res No: 060514) to guide development and use of the Cemetery Reserve into the future."
45. Place Record Form: Denmark River Railway Bridge
 - Current Use: Recreation, Community & Historical purposes

- Reserve No: 41815 (Ptn of)
 - Significance Commentary: end of 1st paragraph add the following sentence:
“In 2014, a new concrete deck and new railing work was undertaken to sustain the life of the Bridge. The Bridge also requires new cross bracing and work on the abutments in the near future.”
46. Place Record Form: House – 2146 South Coast Highway
- Description Commentary: amend 1st sentence to read as follows:
“This pisé de terre (rammed earth) house ...”.
47. Place Record Form: Urban Bushland - Greenbelt Reserve
- Lot/Location No: Lots 965, 1030, 1031 (UCL), 191 (UCL), 377 (UCL), 828 (UCL), 1029 & 1096
 - Reserve No: 36260 and 42507 (Ptn of)
 - ASS Number: 2187, 2978
48. Place Record Form: Urban Bushland - Recreation Centre and Oval Reserve
- Other Name: Karri Walk Trail, McLean Park Precinct, Annie Harrison Park
 - Lot/Location No: Lot 1087
 - Reserve No: 15513 (Ptn of)
 - Address: Area bordered by Brazier Street, Barnett Street, Hollings Road & Haire Street excluding the private properties abutting Karriglen Way and corner of Barnett Street/Brazier Street.”
49. Place Record Form: Urban Bushland - River Reserve
- Lot/Location No: Lots 1113, 1045 & 1002
 - Reserve No: 19912, 14376 and 39066
 - ASS Number: 3065, 3027 & 3188
50. Place Record Form: Urban Bushland - Teesdale Lane Reserve
- Other Name: Hamilton Reserve
 - Lot/Location No: Lot 3003
 - Reserve No.: 46256
 - Address: South Coast Highway
51. Place Record Form: Urban Bushland - Jamieson Hill
- Reserve No: 46688
52. Place Record Form: Urban Bushland - Pioneer Park
- Reserve No: 38440
 - Address: Ocean Beach Road
53. Place Record Form: Urban Bushland - Industrial Estate Reserve
- Lot/Location No: Lots 673 & 674
 - Address: 15 Middleton Street & 55 Zimmerman Street
 - Assessment Date: 2011
54. Place Record Form: Urban Bushland - Paterson Street Reserve
- Lot/Location No: Lots 906, 1060 & 1061
 - Reserve No: 37702
 - Address: Paterson/Buckley Street
55. Place Record Form: Urban Bushland – South Coast Highway
- Lot/Location No: Lot 1117
 - Reserve No: 47020 (Ptn of)
 - Address: South Coast Highway
56. Place Record Form: Nash Franz Scout Hall
- Lot/Location No: Lot 1087
 - Reserve No: 15513 (Ptn of)
57. Place Record Form: Yurunga
- Description Commentary: amend to read “brick home” not “timber home”
58. Place Record Form: Harewood Forest
- Current Use: DPaW Conservation Park
 - Lot/Location No: Lot 513, 514 & 522
59. Place Record Form: Karri Trees – Lights Road
- Lights Road road reserve in vicinity of Lots 4329 & 4330

- ASS Number: 5491 & 1008 (adjoining properties)
60. Place Record Form: Wynella
- Lot/Location No: Lot 5504
 - Address: 2547 South Coast Highway
61. Place Record Form: Kwoorabup Beela Denmark River
- Amend Place Record Name title to read “Kwoorabup Beela / Denmark River”
Place Type: As per the local Noongar language, Kwoorabup means *Place of the Brush Tailed Wallabies/Place we Return To*.
 - Lot/Location No: DAA Site Number 22081
 - Supporting Information Commentary: add the following:
 - “D Guilfoyle – Applied Archaeology Australia, *Aboriginal Cultural Heritage Management Plan for Southern Section of Kwoorabup Beelia (Denmark River): Report for Shire of Denmark and Department of Indigenous Affairs (2011)*.”
 - “Shire of Denmark Dual Naming Project”.
62. Place Record Form: Kwoora Kaip Blue Lake
- Amend Place Record Name title to read “Kwoora Kaip / Blue Lake”
 - Place Type: As per the local Noongar language, *Kwoora Kaip means Water where the Kwoora (western brush tailed wallaby) drinks*.
 - Lot/Location No: DAA Site Number 4553
63. Place Record Form: Wilson Inlet
- Other Name: Marat
64. Place Record Form: Mt Hallowell Reserve
- Amend Place Record Name title to read “Kooryunderup / Mt Hallowell Reserve”
 - Place Type: As per the local Noongar language, *Kooryunderup means Place of Many Bush Kangaroo (brush tail kanga)*.
 - Lot/Location No: Lots 7560, 7572 & 8065
 - Reserve No: 46618, 4239
 - ASS Number: 3011, 3025
 - Supporting Information Commentary: add the following: “Shire of Denmark Dual Naming Project”
65. Place Record Form: Mt Lindesay School
- Current Use: Private Use
 - Lot/Location No: Lot 511 (Current); Lot 1792 (Original)
 - Reserve No: 18875 (Original)
 - Address: 798 Scotsdale Road (Current)
 - ASS Number: 360 (Current); 3052 (Original)
66. Place Record Form: Mt Shadforth Reserve
- Amend Place Record Name title to read “Wakundup / Mt Shadforth Reserve”
 - Place Type: As per the local Noongar language, *Wakundup means Place of Wakoon (water fowl)*.
 - Lot/Location No: Lots 409 & 411
 - Reserve No: 18340
 - HCWA Number: delete as reference is not correct
 - Supporting Information Commentary: add the following: “Shire of Denmark Dual Naming Project”
67. Place Record Form: Mambray Park
- Lot/Location No: Lot 2521
68. Place Record Form: Possum Trappers Cave
- Lot/Location No: Lot 3061
 - Reserve No: 47891
69. Place Record Form: Genulup Beela Hay River
- Amend Place Record Name title to read “Genulup Beela / Hay River”
 - Place Type: As per the local Noongar language, *Genulup means Place of Day Foot Crossing*.

- Supporting Information Commentary: add the following:
“Shire of Denmark Dual Naming Project”
70. Place Record Form: Parry Beach Settlement
- Other Name: Kordabup
 - Place Type: Fishing Settlement; As per the local Noongar language, *Kordabup means Place of the Heart*.
 - Lot/Location No: Lots 303, 304, 307 & 308
 - Reserve No: 20928
 - Address: Parry Beach Road
 - History Commentary: add the following:
“As part of the Shire of Denmark’s Centenary Celebrations in 2011, the walk trail in the area was named the “Bill Pinniger Walk Trail”.
 - Supporting Information Commentary: add the following:
“Shire of Denmark Dual Naming Project”
71. Place Record Form: Parryville School
- Lot/Location No: Lot 5393
 - Reserve No: 19925 (Brenton Reserve)
 - Address: 2830 South Coast Highway
 - Locality: William Bay
72. Place Record Form: Point Hillier Cairn
- Lot/Location No: Lot 7
 - Reserve No: 11960
 - Address: near Parry Road
 - Locality: Parryville
73. Place Record Form: Tingledale School
- Lot/Location No: Lot 2381
 - Reserve No: 19264 (Ravenhill Reserve)
 - Address: 976 Valley of the Giants Road
 - Locality: Tingledale
 - History Commentary: add sentence to last paragraph to read as follows:
“The Shire of Denmark granted planning approval and a building permit in 2013 and 2014 respectively for a new toilet block and gazebo additions. Work on the development proposals was undertaken in 2014”.
74. Place Record Form: Group Settlement House (Parryville)
- Lot/Location No: Lot 5420
 - Address: 194 Pates Road
 - Locality: William Bay
75. Place Record Form: Kentdale Hall
- Lot/Location No: Lot 300
 - Reserve No: 27490
 - Address: 518 Parker Road
76. Place Record Form: Shingle Hut & Stables
- Lot/Location No: Lot 101 (formerly Lot 1)
 - Address: 518 Parker Road
 - Description Commentary: amend 1st paragraph to reflect new lot details.
77. Place Record Form: Devon and Cornwall Group Park
- Lot/Location No: Lot 1749
 - Reserve No: 18949
 - Locality: Kordabup
78. Place Record Form: Kordabup Beela Styx River
- Locality: Kordabup
79. Place Record Form: Forest Hill and Moriarty – Camballup Trails
- Reserve No: 24660, 29660
 - Locality: Kordabup
80. Place Record Form: Parker’s House

- Lot/Location No: Lot 2320
 - Address: 4341 South Coast Highway
 - Locality: Bow Bridge
81. Place Record Form: Parker Hall
- Current Use: Restaurant
 - Locality: Kordabup
82. Place Record Form: Tree Top Walk
- Lot/Location No: Lot 2396
 - Reserve No: 46682
 - Address Walpole-Nornalup National Park
 - Locality: Bow Bridge
83. Place Record Form: Bow River
- Amend Place Record Name title to read “Waalitchup Beela / Bow River”
 - Place Type: As per the local Noongar language, *Waalitchup means Place of the Eagles.*
 - Locality: Bow Bridge
 - Supporting Information Commentary: add the following:
“Shire of Denmark Dual Naming Project”
84. Place Record Form: Original Peaceful Bay Settlement
- Other Name: Kwallup
 - Place Type: Village; As per the local Noongar language, *Kwallup means Place of Sand*
 - Lot/Location No: Lots 1423, 1427 & 2229
 - Reserve No: 24510
 - Supporting Information Commentary: add the following:
“Shire of Denmark Dual Naming Project”
85. Place Record Form: Tobacco Kiln
- Lot/Location No: Lot 1
86. Place Record Form: Kwakoorillup Beela Frankland River
- Amend Place Record Name title to read “Kwakoorillup Beela / Frankland River”
 - Place Type: As per the local Noongar language, *Kwakoorillup means Place of the Quokka.*
 - Supporting Information Commentary: add the following:
“Shire of Denmark Dual Naming Project”
87. Place Record Form: Bernard Bellanger Home
- Locality: Nornalup
88. Place Record Form: Monastery Landing
- Reserve No: 13045 (Ptn of) – noting however that Monastery Landing is actually located in the Shire of Manjimup as it is on the western side of the Frankland River.
 - Address Walpole-Nornalup National Park
89. Place Record Form: Mrs Smith’s Haberdashery Store
- Condition: N/A (demolished in 2013)
 - History Commentary: add sentence to last paragraph to read as follows:
“The Shire of Denmark granted planning approval and a demolition permit in 2013 for the building on-site. Demolition occurred in 2013 and a new dwelling has been erected on-site.
90. Place Record Form: Nornalup Hospital
- Original Use: Hospital, Boarding House, Museum
91. Place Record Form: Nornalup Tea House
- Current Use: Vacant (approved for use as restaurant)
92. Update “The Inventory” table on Pages 48-53 accordingly in light of above amendments/corrections.
93. Update “Place Record Form Index” on Pages 57-65 accordingly in light of above amendments/corrections.
94. Update “Heritage Lists” table on Pages 402-406 accordingly in light of above

amendments/corrections.

- 95. Amend any references from Department of Indigenous Affairs to Department of Aboriginal Affairs.

The following Officer Recommendation is provided as the Geographic Names Committee has yet to approve the Dual Names that the Shire of Denmark adopted as part of the Dual Naming Project, and also adds an additional point to authorise the Municipal Heritage Inventory Advisory Committee to undertake minor amendments/corrections without referral back to Council for adoption.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1
MOVED: CR OSBORNE	SECONDED: CR SEENEY
That with respect to the Shire of Denmark’s Municipal Heritage Inventory, Council:	
<ol style="list-style-type: none"> 1. Adopt the Municipal Heritage Inventory Advisory Committee’s recommendation with respect to amendments/corrections with the exception of the Dual Naming references until the Geographic Names Committee has approved such names; and 2. Amend the current Charter for the Municipal Heritage Inventory Advisory Committee such that the Municipal Heritage Inventory Advisory Committee is authorised to make administrative, matter of fact and minor updates that, in the opinion of the Committee and the Officer, do not require community consultation to be undertaken. 	
CARRIED UNANIMOUSLY: 8/0	Res: 120814

10. MATTERS BEHIND CLOSED DOORS

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

12. CLOSURE OF MEETING

7.10pm - *There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.*

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: _____
Dale Stewart – Chief Executive Officer

Date: _____

These minutes were confirmed at the meeting of the _____

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed.)