

Shire of Denmark

Ordinary Council Meeting

MINUTES

19 SEPTEMBER 2023



HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 19 SEPTEMBER 2023.



Contact Us

953 South Coast Highway, Denmark WA 6333

Correspondence to:

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300

Email: enquiries@denmark.wa.gov.au

Website: www.denmark.wa.gov.au

Facebook: shireofdenmark

Your Denmark: www.yourdenmark.wa.gov.au

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	4
3. DECLARATIONS OF INTEREST	4
4. ANNOUNCEMENTS BY THE PERSON PRESIDING	5
5. PUBLIC QUESTION TIME	5
5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
5.2 PUBLIC QUESTIONS.....	5
5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	6
5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS.....	6
6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE	6
6.1 CR LEWIS.....	6
6.2 CR CAMPBELL.....	7
7. CONFIRMATION OF MINUTES.....	7
7.1 ORDINARY COUNCIL MEETING – 15 AUGUST 2023	7
7.2 STRATEGIC BRIEFING NOTES – 15 AUGUST 2023.....	7
7.3 SPECIAL COUNCIL MEETING – 5 SEPTEMBER 2023	8
8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	8
9. REPORTS OF OFFICERS.....	8
9.1 DEVELOPMENT SERVICES.....	8
9.1.1 PROPOSED TEN MULTIPLE DWELLINGS AT UNIT 1, 31 STRICKLAND STREET, DENMARK ..	9
9.1.2 SCHEME AMENDMENT 148 - PROPOSED TOURIST ZONE: LOT 305 (NO. 40) WENTWORTH ROAD, OCEAN BEACH.....	21
9.1.3 PROPOSED LAND EXCHANGE - REALIGNMENT OF BOUNDARIES BETWEEN RESERVE 45473 AND ADJOINING LOT 9003 (NO. 16) HONEYMYRTLE CIRCUIT	29
9.2 CORPORATE SERVICES	39
9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JULY 2023.....	39
9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 JULY 2023	42
9.3 INFRASTRUCTURE AND ASSETS.....	44
9.4 GOVERNANCE	44
9.4.1 VARIATION TO CONTRACT OF SALE OF LOT 9, 47 CORYMBIA CRESCENT, HAY	44
9.5 COMMUNITY SERVICES.....	47
10. COMMITTEE REPORTS AND RECOMMENDATIONS	47
10.1 SUSTAINABLE PROJECTS COMMITTEE MINUTES 5 SEPTEMBER 2023 & RECOMMENDATIONS.....	47
11. MATTERS BEHIND CLOSED DOORS.....	51
12. NEW BUSINESS OF AN URGENT NATURE	51
12.1 DESIGNATED SENIOR EMPLOYEES.....	51
13. CLOSURE OF MEETING.....	54

DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

No responsibility whatsoever is implied or accepted by the Shire of Denmark for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Denmark disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation or approval made by a member or officer of the Shire of Denmark during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Denmark. The Shire of Denmark warns that anyone who has an application lodged with the Shire of Denmark must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Denmark in respect of the application.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – The Shire President, Cr Gearon, declared the meeting open and acknowledged the Bibbulmun and Minang people as the traditional custodians of the land on which the meeting was being held. Cr Gearon paid her respects to Elders past, present and emerging.

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

MEMBERS:

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

STAFF:

- Craig Pursey (Acting Chief Executive Officer)
- Rob Westerberg (Director Infrastructure & Assets)
- Jodi Masson (Acting Manager Corporate Services)
- Claire Thompson (Governance Coordinator)
- Kriste Buss (Executive Support Officer)

APOLOGIES

Nil

ON APPROVED LEAVE(S) OF ABSENCE

Nil

ABSENT

Nil

VISITORS

Nil

3. DECLARATIONS OF INTEREST

Name	Item No	Interest	Nature
Cr Gearon	9.1.1	Impartiality	Board member Denmark Futures, registered charity.
Cr Gibson	9.1.1	Proximity	Owner of adjoining property.
Cr Gibson	10.1	Financial	Potential investor in DC car charging.
Cr Carman	9.1.1	Impartiality	Employee of a CBD business.

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that David King had accepted the Council's offer of a five year employment contract for the position of Chief Executive Officer. Cr Gearon congratulated David on his appointment, noting that he was currently on annual leave, and said that the Council and the Shire Staff were pleased to have David in the role.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

5.2.1 Jane Ferreira – No Spray Register

Jane asked why people had to re-apply every two years to be on the No Spray Register.

The Shire President advised that the question would be taken on notice and responded to in writing.

5.2.2 Trevor Hunt – Item 9.1.1 (Multiple Dwellings Proposal)

Trevor, Chair of Denmark Futures, provided an overview of the project and reasons behind the initiative to create additional housing options for vulnerable people.

Trevor noted that the adaptive re-use of the building was supported by officers but not the number of units. Trevor said that Denmark Futures' was prepared to work with Shire Officers to reduce the number of units to address intensity concerns raised within the Officer's report.

A number of Councillors asked Trevor questions about the project which were answered by him and the Project Manager, Juliet Grist.

5.2.3 Sam Williams – Item 9.1.2 (Scheme Amendment 148)

Sam spoke as the planning consultant for the applicant noting that Council’s decision would be the final stage, before the application for rezoning would be presented to the WA Planning Commission for approval.

Sam said that it had taken a number of years to get to this point and he acknowledged the previous support of Council and the assistance from Shire Staff.

Cr Carman and Cr Gearon asked questions which were answered by Sam.

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6.1 CR LEWIS

COUNCIL RESOLUTION	ITEM 6.1
MOVED: CR GEARON	SECONDED: CR GIBSON
That Cr Lewis be granted leave of absence from 23 October 2023 to 10 November 2023.	
CARRIED: 9/0	Res: 060923
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

6.2 CR CAMPBELL

COUNCIL RESOLUTION	ITEM 6.2
MOVED: CR GEARON	SECONDED: CR ORMSBY
That Cr Campbell be granted leave of absence from 13 to 17 November 2023.	
CARRIED: 9/0	Res: 070923
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 15 AUGUST 2023

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR GIBSON	SECONDED: CR CLARKE
That the minutes of the Ordinary Meeting of Council held on the 15 August 2023 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 9/0	Res: 080923
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7.2 STRATEGIC BRIEFING NOTES – 15 AUGUST 2023

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.2
MOVED: CR CARMAN	SECONDED: CR LEWIS
That the notes of the Strategic Briefing held on the 15 August 2023 be RECEIVED.	
CARRIED: 9/0	Res: 090923
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7.3 SPECIAL COUNCIL MEETING – 5 SEPTEMBER 2023

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.3
MOVED: CR ORMSBY	SECONDED: CR CLARKE
That the minutes of the Special Meeting of Council held on the 5 September 2023 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 9/0	Res: 100923
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

Cr Gearon declared that she is a member of the Denmark Futures’ Board and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Carman declared that she is an employee of a CBD business and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Gibson declared a financial interest on the basis that he is a potential investor in DC car charging.

4.3.3pm - Cr Gibson left the room and did not participate in discussion or vote on the matter.

9.1.1 PROPOSED TEN MULTIPLE DWELLINGS AT UNIT 1, 31 STRICKLAND STREET, DENMARK

File Ref:	A3850
Applicant / Proponent:	Denmark Futures Pty Ltd
Subject Land / Locality:	Lot 111 (#31) Strata Lot 1 Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	6 September 2023
Author:	Craig Pursey, Manager Development Services
Authorising Officer:	David King, Chief Executive Officer
	9.1.1a – Development application
	9.1.1b – Schedule of Submissions
Attachments:	9.1.1c – Applicant’s response to submissions
	9.1.1d – Residential Design Codes – Vol.2 Apartments – Objectives

IN BRIEF

- Council is to determine a development application to convert the existing Boarding House located on the first floor of at Unit 1, 31 Strickland Street, Denmark into ten (10) Multiple Dwellings.
- Assessment of Multiple Dwellings is conducted against the requirements of the Residential Design-Codes Volume 2 - Apartments which establish the minimum standards for apartment design.
- The conversion of the Boarding House to multiple dwellings is supported in principle as it recognises the need for additional, affordable rental accommodation in Denmark, allows for adaptive reuse of a heritage building and brings additional residential dwellings into the town centre.
- However, this assessment concludes that the design is too intense for the site, most of the proposed dwellings fail to meet many of the essential requirements of the Apartment Codes in particular the design elements for universal design, storage, private open space and balconies, size and layout of dwellings and parking.
- As stated in the Apartment Codes – “residents expect adequate, safe and accessible car parking and the local community should not be adversely impacted by on-street parking associated with development”. The lack of parking proposed with the number of dwellings, will shift the parking issues onto the surrounding community.
- On balance, this report recommends that the application be refused.

RECOMMENDATION

Simple majority.

OFFICER RECOMMENDATION

ITEM 9.1.1

That Council,

1. REFUSE the proposed change of use from Boarding House to ten (10) Multiple Dwellings (Use Not Listed) at Lot 111 (#31) Strata Lot 1 Strickland Street, Denmark for the following reasons:
 - a) The proposal fails to meet the requirements of the Residential Design Codes Volume 2 – Apartments, in particular the design elements for universal design, storage, private open space and balconies, size and layout of dwellings and parking.
 - b) The proposal would set an undesirable precedent for reducing the number of dedicated residential bays in a mixed-use or multiple dwelling development.
 - c) The proposal is inconsistent with the provisions of the Shire of Denmark’s Local Planning Policy: Local Planning Policy 47 – Town Centre Parking and Transportation, namely:
 - The requirement that all parking for residential and short stay developments, whether free-standing or as a component of mixed-use development, shall be provided on-site.

2. ADVISE the applicant:
 - a) That multiple dwellings are an appropriate land use and adaptive reuse of the heritage building for residential purposes is supported.
 - b) That the design and number of dwellings may need to be reconsidered to achieve acceptable development standards.

COUNCIL RESOLUTION

ITEM 9.1.1

MOVED: CR CLARKE

SECONDED: CR ORMSBY

1. ADVISE the applicant that the Council considers multiple dwellings to be an appropriate land use in the Commercial Zone and adaptive reuse of the heritage building for residential purposes is generally supported.
2. REQUEST the applicant consider submitting a revised proposal for a maximum of 6 multiple dwellings at Lot 111 (#31) Strata Lot 1 Strickland Street, Denmark, as the Council considers this to be the maximum appropriate number of dwellings when accounting for the availability of car parking and requirements of the Apartment Codes.
3. DELEGATE determination of the application to the Chief Executive Officer.

CARRIED: 5/3

Res: 110923

TOTAL VOTES FOR: 5

Cr Clarke, Cr Devenport, Cr Gearon, Cr Ormsby and Cr Phillips.

TOTAL VOTES AGAINST: 3

Cr Carman, Cr Lewis and Cr Campbell

REASONS FOR CHANGE

The adaptive reuse of the heritage building and the provision of affordable housing in the town centre is supported. A less intense design will result in a better standard of apartment and the offsite impacts of a lack of parking reduced significantly.

With agreement to reduce in the maximum number of multiple dwellings, compliance with the Apartment Codes can be assessed and determined under delegation.

LOCATION

1. Lot 111, Strata Lot 1, No. 31 Strickland Street, Denmark is the upstairs portion of Edinboro House developed as a Boarding House.

Figure 1 – Location Plan



BACKGROUND

Subject Site

2. Lot 111, No. 31 Strickland Street, Denmark is zoned 'Commercial' by the Shire of Denmark Town Planning Scheme No.3 (the Scheme).
3. Lot 111 (the parent lot) is 972m² in area and is developed with a two-storey commercial development (Edinboro House) with shops and consulting rooms on the ground floor and a 'Boarding House' on the first floor. The parent lot has been strata titled into 13 built strata lots with common property.
4. Strata Lot 1, 31 Strickland Street, Denmark (the subject site) is 469m² in area, with the residential portion being 355m².
5. Edinboro House is listed on the Shire's Municipal Heritage Inventory and in the Scheme Heritage List as 'exceptional'.

Previous Approvals

6. Edinboro House was originally developed as a guest house in the 1940's.

7. A series of approvals were granted through the 1970's and 1990's for minor additions and internal renovations.
8. **March 2000** – Council approved an application to add two more commercial tenancies to Lot 111. This approval:

- Required 9 parking bays be provided on site including a disabled bay;
- Payment of 3 parking bays cash in lieu; and
- The Council report at the time stated:

“Car parking required for the new area of floorspace is 9 spaces plus three existing shops in Edinboro House would require 3 spaces bringing the total requirement to 12 spaces. Edinboro House, as a bed and breakfast facility requires its parking spaces at night and the proponents contend Council dispensation be granted in not requiring additional parking for this part of the development. The proponents are prepared to pay the required amount of cash-in-lieu of parking for 3 cars and this, together with 9 spaces on site means the equivalent of 12 are provided.

Clause 5.22 of Town Planning Scheme No.3 allows Council to permit land users to share parking facilities where peak demands for parking from activities sharing the parking area don't coincide. The peak time for Edinboro House is after normal business hours and as such this sharing of facilities is acceptable.”

This part of the Council report from 2000 is replicated in full as it informs the parking discussion later in this report.

9. **November 2002** – Existing tenancies on Lot 111 are built strata titled into 13 lots with parking and access through to South Coast Highway in common property.
10. **August 2003** – Planning approval issued to make internal renovations to increase the maximum number of beds in the Lodging House to 22. Three additional car parking bays were provided cash-in-lieu.

Current Proposal

11. Council is requested to consider a development application at Strata Lot 1, 31 Strickland Street, Denmark for:
 - A change of use from Boarding House to 10 single bedroom, multiple dwellings (micro-apartments). Development would be a comprehensive internal renovation.
 - The apartments will have 2 dedicated parking bays in total.
 - Access is from stairs up from a lobby fronting Strickland Street and the parking area at the rear of the property.
12. The applicant has provided considerable information on the need for additional affordable rental housing stock, this is detailed in Attachment 9.1.1a of this report.
13. A full copy of the development application is found at Attachment 9.1.1a of this report.

DISCUSSION / OFFICER COMMENTS

Affordable Housing Need

14. The shortage of rental accommodation, and in particular affordable housing for those in most need in the Denmark community, is acknowledged and not disputed. Council adopted a Housing Affordability policy in March 2022 which recognises the seriousness of the issue and focusses the Shire's response to areas which local government can influence including informing strategic and statutory planning documents, decisions on Shire owned properties and partnerships with private enterprise and not for profits, state and federal governments.
15. The draft Local Planning Strategy (soon to be released for public comment) acknowledges this issue and seeks to respond using what tools are available within the statutory planning framework including:
 - Identifying and zoning land for the development of new housing.
 - Introducing minimum requirements and incentives for housing diversity.
 - Increasing flexibility for housing development and reducing red tape.
16. This assessment of a change of use to enable to construction of 10 micro-apartments does not question the need for additional affordable housing. However, all development must comply with the requirements of the local planning framework (Town Planning Scheme and related policies); this is the role of this officer report.

Town Planning Scheme No.3

17. Multiple Dwellings are not listed in the zoning table of the Scheme and are therefore assessed as a 'Use Not Listed'. This requires Council to first determine if the use is appropriate to the zone and then advertise for public comment.
18. In this case staff have exercised delegated authority in determining that multiple dwellings are consistent with the Commercial zoning and progressed the application to public advertising.
19. The Commercial zone has a base residential density code of R25, however as a 'mixed use development' the Council decides on the appropriate density of development.
20. In this case the effective density of development would be one dwelling per 97m² or approximately R100.

Heritage Listing

21. Edinboro House is listed in the Shire's Municipal Heritage Inventory and in the Town Planning Scheme as a Place of Heritage Value.
22. The Deemed Provisions allow Council to consider varying any development requirement in the Scheme (including parking) to:
 - "Facilitate the built heritage conservation of a place...; or
 - Enhance or preserve heritage value in a heritage area."

Apartment Codes

General

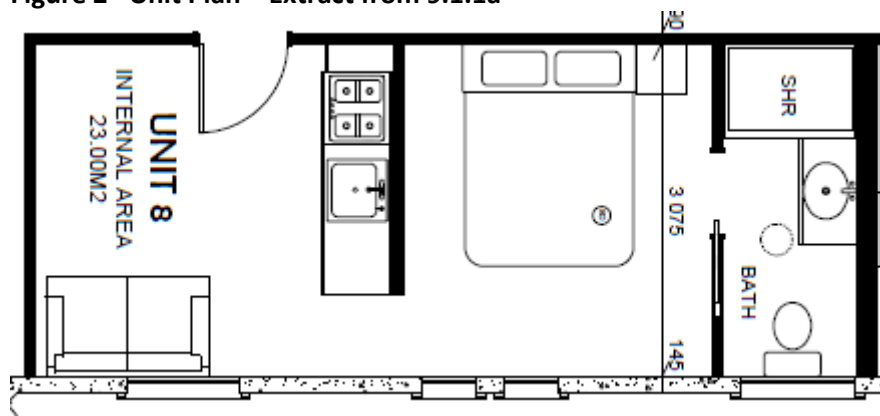
23. When assessing the multiple dwellings R-Codes Volume 2 Apartments apply. The 'purpose' of these Codes is to:
- "...to provide comprehensive guidance and controls for the development of multiple dwellings (apartments) in areas coded R40 and above, within mixed use development and activity centres."*
24. These Codes are written to assess Apartment development and are driven by a performance-based approach. The objectives of the Apartment Codes are:
- *"to provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
 - *to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
 - *to encourage design that considers and respects local heritage and culture.*
 - *to facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term."*
25. Applications for development approval need to demonstrate that the design achieves the objectives of each design element within the Codes either via meeting an 'acceptable outcome' or using an alternate solution. The objectives of the Apartment Codes are found at Attachment 9.1.1d of this report.
26. Design element 4.13 of the Codes provide for 'adaptive re-use' of a heritage building. The Codes states:
- "Configuring new apartments within existing buildings will involve adaptation and sometimes compromise relative to some elements of this policy, but the result can be very liveable and unique apartments. Achieving a balanced outcome between adaptive reuse and residential amenity should be a special focus for design reviewers and decision-makers when considering adaptive reuse proposals."*
27. The relevant element objective is *"...residential dwellings within an adapted building provide good amenity for residents, generally in accordance with the requirements of this policy."*
28. Design guidance for adaptive reuse of heritage buildings includes:
- "Where dwellings in adaptive reuse proposals cannot satisfy the acceptable outcomes or design guidance recommendations of this policy due to the limitations of the existing building, applicants should demonstrate that the overall amenity and performance of dwellings still meets the objectives. Typical residential standards that require greater flexibility in adaptive reuse proposals include:*
- *habitable room depths and ceiling heights*
 - *alternative approaches to natural ventilation and daylighting*

- alternatives landscape approaches where deep soil areas cannot be achieved
 - open space and circulation areas
 - visual and acoustic privacy
 - car-parking provision.”
29. To be considered against the Apartment Codes the flexibility provided for by the proposal being an adaptive reuse of a heritage building needs to be applied.
30. As an internal renovation, many of the requirements of the Apartment Codes do not apply (such as setbacks, building height, plot ratio, orientation, etc).
31. The objectives of the Codes still need to be met with the result providing good amenity for residents. Assessment against the Codes identify the following major issues with meeting the objectives of the Apartment Codes:

Size and Layout of Dwellings

32. The intent of this design element is to ensure that despite having smaller size, apartments have adequate space and efficiency to meet the needs of the occupants and their family, and friends, and are flexible enough to respond to changing circumstances.
33. Many of the proposed apartments do not meet minimum area of 37m² for a studio or 47m² for a one bedroom unit or the minimum dimension of 3.6m for as living area.
34. The objectives for the design element are not met in that the room layouts do not allow flexibility for furniture settings and personal goods and access to natural light and ventilation is questioned.

Figure 2 –Unit Plan – Extract from 9.1.1a



Private Open Space & Balconies

35. There appears to be a deficiency in the ‘private open space’ provided per apartment; the acceptable outcome’ is that each apartment has access to at least 8-10m² of private open space with a minimum dimension of 2m, accessible from a habitable room. Some apartments have access to a first-floor verandah, but many lack any private open space at all.
36. No communal open space is proposed where people may socialise and recreate beyond their private living spaces.

Storage

37. Given the extremely compact apartment sizes, dedicated storage space can help preserve living spaces, reduce the need for off-site storage and enable residents to pursue their hobbies and lifestyle choices.
38. The element objective is to provide well-designed, functional and conveniently located storage for each dwelling. Studio dwellings should provide at least 3m² of storage.
39. Most proposed apartments do not provide any storage space for future tenants.

Universal Design

40. The objective of this design element is that development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or facilitate aging in place.
41. As a first-floor renovation of an existing building no universal access is provided. This has the affect of limiting the range of tenants who may occupy the apartment and will hinder the use of the apartments by the elderly or let people 'aged in place'.

Apartment Codes - Car & Bicycle Parking

42. The intent for the element is that development balance the impact excessive car parking can have on a design with ensuring a suitable level of service. The intent of this element includes the following relevant statements:

"...residents expect adequate, safe and accessible car parking and the local community should not be adversely impacted by on-street parking associated with development".

43. The relevant objectives for this design element are that parking and facilities for cyclists are provided, that parking provision is appropriate to the location, and it is designed to be safe and accessible. The relevant acceptable outcome to this development are:

"Secure, undercover bicycle parking is provided... and

Parking is provided for cars and motorcycles in accordance with Table 3.9."

44. Given the town centre location and acknowledging that fact that residents can walk to shops, entertainment and so forth the lowest rate of parking per apartment is to be applied. This results in a requirement to provide 10 parking bays (7.5 for the apartments and 2.5 for visitors).
45. The applicant has lodged a Parking Management Plan prepared by town planning consultants Taylor, Burrell Barnett, found at Attachment 9.1.1a of this report.
46. This Plan provides a review of the planning context and existing parking and access arrangements on the subject site and in the town centre generally and concludes that 10 parking bays are required, 2 are available on site, leaving a short fall of 8 bays.
47. The methodology for arriving at this conclusion is supported as being consistent with the requirements of the Apartment Codes for a town centre location.

48. The Plan goes on to propose a solution of assigning 8 parking bays in the CRC car park on North Street to the development and (if required) securing these by a lease or similar legal agreement.
49. The proposal is to secure 8 bays in CRC parking area is not recommended for consideration because:
 - This space has a high occupancy rate during the summer.
 - There are redevelopment proposals in this part of town that will result in even greater demand on this parking area.
 - The distance to the apartments may be problematic in the winter months for tenants. It is questioned that a 200m distance to parking meets the requirement for the parking to be considered 'safe and accessible'.

Parking - General

50. As noted above, the provision of parking bays should be balanced with the impact upon a design, needs of the future tenants and any shortfall in parking should not impact the local community. Ideally parking does not drive/determine an apartment development but should be appropriate to the local circumstances.
51. The parking ratios applied through the acceptable development criteria of the Apartment Codes already provide for the lowest number of parking bays usually permissible. Essentially residents will want to drive a car and they will want to have visitors to their apartment.
52. The existing parking arrangement with the Boarding House upstairs that assumes reciprocal parking arrangements with the shops downstairs appears to have largely worked because there is on-site management who can insist that tenants at the boarding house move their vehicles during the day.
53. Other examples, such as in Fremantle, have been approved with on-street parking only. This may work in a residential setting, where there is an acceptance of some control over the parking bays in the street for residential purposes. In this case the current proposal is in the middle of Denmark commercial area and on the two busiest streets in Denmark.
54. In this case, even if demand for parking from future residents is less than anticipated, it will still be greater than the two bays available. Only providing two bays on site is highly likely to shift the issue onto the local community as evidenced by the following:
 - The closest unrestricted public parking bays are in the CRC car parking in North Street (as requested), Berridge Park and Randall Park. This is a long walk for a resident needing to unload goods, sometimes in inclement weather or the dark.
 - The site is surrounded by (time restricted) parking bays in Strickland Street and South Coast Highway that currently service commercial development.
 - The bays in adjacent private property have been provided by each developer in turn and are intended to service the level of demand from their development. The Shire of Denmark has no ability to police parking bays on private properties which has the potential to lead to conflict with nearby landowners and business owners.

- Accessing a vehicle that is distant to the apartment can be inconvenient but also unsafe.
 - The Shire's Town Centre Parking and Sustainable Transportation policy was prepared to encourage redevelopment of commercial premises without car parking ratio's unduly restricting redevelopment opportunities. This approach acknowledges the fact that commercial parking bays are more flexible as shoppers use bays for limited time and move on. Residents can occupy a bay all day and therefore are usually required to have a dedicated bay.
55. Cash in lieu of parking has been accepted for commercial land uses in the past. A Boarding House is considered to be a commercial land use. Residential land use has consistently required bays on site in the past. Supporting the current proposal would be a departure from past practice.

Development Incentives for community benefit

56. Section 2.8 of the Apartment Codes allow for Council to grant 'development incentives' for development that provides 'community benefit'. Examples include greater height or plot ratio in return for a percentage of affordable and/or accessible housing.
57. The relaxation to code listed in this discussion would not be considered acceptable on a green field development and ordinarily would be refused under delegation. However, the following considerations are made:
- It is a brown field site and there are no other similar sites in town, so the issue of setting a precedent for other multiple dwelling development in the town centre is reduced.
 - The proposal will provide affordable housing that could be seen as a community benefit
58. Council have the discretion to waiving the parking requirement and other issues relating to the apartment guidelines as discussed above.
59. However, section 2.8 of the Apartment Codes strongly recommends that this clause be applied strategically and to ensure that they are linked with design excellence as established through a design review.

Conclusion

60. Overall, the proposed Apartments fail to meet the Apartment Code design elements for universal design, storage, private open space and balconies, size and layout and parking. The development is seen as too intense for the site, the apartment designs failing to provide sustainable housing options.
61. As an adaptive reuse of an existing heritage building the Apartment Codes allow for considerable discretion. The proposed redevelopment of the Boarding House to 10 Multiple Dwellings for affordable rental accommodation has the benefits of adaptively reusing a heritage building, providing apartments in walking distance of the town centre in a manner encourage by the local and state planning framework and it would positively affect the housing continuum by providing some affordable rental accommodation.

62. However, in this case the proposed multiple dwelling development falls substantially short in meeting the requirements of the Residential Design Codes Volume 2 – Apartments. As such the liveability of the design is compromised, and it is highly likely that there will be parking issues resulting from the development for the surrounding businesses and for the future tenants of the multiple dwellings.
63. In order for the concerns to be acceptable to officers, a lower intensity development is recommended. A lower intensity development would still provide affordable housing, but improve the liveability and lower the impact of parking issues to a point that relaxations to code become acceptable.

CONSULTATION AND EXTERNAL ADVICE

64. Multiple Dwellings are a 'Use Not Listed' in the Scheme and therefore required public advertising for a period of 28 days from 29 June 2023 until 28th July 2023. The advertising has included:
- A notice in the Denmark Bulletin
 - Referral of the application to the Denmark Historical Society
 - Referral to all landowners within 200m of the subject site
 - Signs on site
 - The development application documents being available for viewing at the Shire Administration Office and on the Shire's website.
65. During public advertising the Shire of Denmark received 29 public submissions. 22 submissions supported the proposal largely on the grounds that it provides much needed affordable rental accommodation. 7 submissions, largely from nearby business owners, raise objections based around the lack of parking and loss of budget tourist accommodation.
66. A Schedule of Submissions is found at Attachment 9.1.1b which provides a copy of the submission and the officer response.
67. The applicant was given the opportunity to review the submissions and respond as part of standard Shire practice, a copy of which is provided in full at Attachment 9.1.1c of this report.

STATUTORY / LEGAL IMPLICATIONS

68. Town Planning Scheme No.3 (the Scheme) specifies the pertinent planning provisions for the proposed use.
69. Schedule 2, Part 2, Clause 3(5) of the Planning and Development (Local Planning Schemes) Regulations 2015 states:

In making a determination under this Scheme the local government must have due regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

70. The following policies have been given due consideration:

- *State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments*

- *Local Planning Policy 47 – Town Centre Parking and Transportation*
- *Council policy – Housing Affordability*

71. In accordance with the Scheme requirements, the subject site is zoned “Commercial (R25)”, and given the proposal is for a mixed-use development, as per Clause 5.3.3 of the Scheme Council is to determine the applicable density code that relates to the development proposal (notwithstanding the designation on the Scheme map).
72. Should Council refuse this Development Application or impose conditions on a development approval that the applicant is aggrieved by, 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.

STRATEGIC / POLICY IMPLICATIONS

73. The development proposal is consistent with many of the housing availability and affordability community priorities in ‘Our Future 2033’ where the Shire recognises that it has an advocacy and partnership role including:
- more low-cost residential housing for rent and purchase.
 - more social housing.
 - alternate housing options, including tiny homes.
 - to reduce the level of homelessness.

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

77. The proposed affordable rental accommodation has the potential to positively impact the housing continuum by providing single bedroom options that may in turn free up 2-3 bedroom houses.
78. The lack of parking provided with the development has the potential to cause conflict with local business operators.

RISK MANAGEMENT

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

4.54pm - Cr Gibson returned to the room.

9.1.2 SCHEME AMENDMENT 148 - PROPOSED TOURIST ZONE: LOT 305 (No. 40) WENTWORTH ROAD, OCEAN BEACH

File Ref:	TPS3/SA148
Applicant / Proponent:	Williams Consulting on behalf of K. Birkbeck
Subject Land / Locality:	Lot 305 (No. 40) Wentworth Road, Ocean Beach'
Disclosure of Officer Interest:	'Nil'
Date:	31 August 2023
Author:	Craig Pursey, Manager Development Services
Authorising Officer:	David King, Chief Executive Officer
	9.1.2a – Location Plan
	9.1.2b – Extract of Scheme Amendment 148 Report. (The entire Scheme Amendment can be found on the Shire’s website or by contacting the Shire’s Planning Team)
Attachments:	9.1.2c – EPA Advice
	9.1.2d –WAPC Advice
	9.1.2e – Schedule of Submissions
	9.1.2f – Landowner submission
	9.1.2g – Schedule of Modifications

IN BRIEF

- At it’s meeting in February 2021 Council resolved to adopt Scheme Amendment 148 to Town Planning Scheme No.3 subject to modifications.
- The primary purpose of the Amendment is to rezone Lot 305 from Rural to the Tourist zone, substantially expanding the range of tourism related land uses permissible on the property.
- During public advertising the Shire of Denmark received 37 public submissions and 7 government agency submissions. In addition to this, the landowner ran their own parallel consultation process, the results of which were compiled in a summary report, which includes 590 submissions.
- This report assesses the scheme amendment documentation against the submissions received and recommends supporting the scheme amendment subject to modifications.

RECOMMENDATION

Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.1.2

MOVED: CR GEARON SECONDED: CR PHILLIPS

That Council:

1. In accordance with Regulation 41(2) of the Planning and Development (Local Planning Schemes) Regulations 2015:
 - a) NOTES the submissions received in respect to Amendment No. 148 to the Shire of Denmark Town Planning Scheme No.3;
 - b) ENDORSES the response to the submissions as contained at Attachment 9.1.2e of this report; and
2. In accordance with Regulation 41(3)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, SUPPORT with modifications Amendment No. 148 to the Shire of Denmark Town Planning Scheme No.3 as detailed in Attachment 9.1.2g.
3. AUTHORISES the Shire President and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal Amendment No.148 to the Shire of Denmark Town Planning Scheme No.3.
4. ADVISES those who provided a submission of the Council’s resolution.

CARRIED: 9/0 Res: 120923

TOTAL VOTES FOR: 9
 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

1. Amendment 148 applies to Lot 305 (#40) Wentworth Road, Ocean Beach, approximately 10km west of the Denmark town centre, as shown in Attachment 9.1.2a.

BACKGROUND

Proposal

2. Amendment 148 seeks to rezone Lot 305 (#40) Wentworth Road, Ocean Beach from the Rural zone to the Tourist (15) zone and can be summarised as follows:
 - Rezoning No.40 (Lot 305) Wentworth Road, Ocean Beach, from ‘Rural’ to ‘Tourist (T15)’;
 - Inserting ‘Tourist (T15)’ and associated Special Provisions into Appendix XIII – Schedule of Tourist Zones of the Scheme text.
 - Introducing the land use definitions for “Brewery” and “Tourist Development”;
 - Adding discretionary tourism land uses to the permissible uses on Lot 305 including (but not limited to) Brewery, Boarding House, Caravan Park, Caretaker’s Dwellings, Holiday Accommodation, Tavern, Restaurant, Shop, Winery, Market and Reception Centre.

- Establishing conditions of when these uses may be contemplated including (but not limited to):
 - Development to be in accordance with a Local Development Plan (LDP).
 - All development connected to a secondary treatment system for effluent disposal.
 - Preparation and implementation of a bushfire management plan, Urban Water Management Plan, Noise Management Plan and Landscape/Revegetation Plan.
 - Controls on management and strata titling of development on Lot 305.
- 3. Essentially, Amendment 148 seeks to facilitate a range of tourism and related land uses. The landowner proposes to develop a boutique premium food and beverage tourism centre with associated accommodation options.
- 4. The main proposal is to expand the existing tourist centre that will include a restaurant (café), bar, cellar sales (in association with an approved distillery), the sale of take away packaged alcohol and the hosting of events. This will be complemented by tourist accommodation and a spa retreat (private recreation). A number of forms of tourist accommodation are proposed to cater for different tourist needs, including boarding house, chalets and camping sites (i.e. caravan and glamping).
- 5. A series of supporting documents have been provided including a Site and Soil Assessment, Bushfire Management Plan, traffic assessment and noise management plan.
- 6. Attachment 9.1.2b provides an extract of the Amendment 148 documentation, a full copy of the documentation can be found on the Shire's website and will be made available to Councillors via Dropbox.

Assessment Process to Date

- 7. Council considered and initiated Amendment 148 at their meeting in February 2021, subject to modifications. The amendment documentation included a Local Development Plan (LDP) intend to guide the future development of the Tourist zone.
- 8. In September 2022 the landowner lodged a subdivision with the Western Australian Planning Commission (WAPC) to amalgamate a 9.3ha portion of the adjacent Lot 304 into Lot 305 to provide additional area for effluent disposal. This application was subsequently approved in November 2022.
- 9. The modifications to the scheme amendment documentation were completed to the satisfaction of Shire staff in November 2022.
- 10. The modified amendment documentation was referred to the Environmental Protection Authority (EPA) for assessment on the 7 November 2022. After some discussion and additional information, the EPA determined that the Scheme Amendment is not formally assessed and offered advice which includes:
 - a) Recommendations to retain and protect existing remnant vegetation.
 - b) Notes that the ability of the portion of Lot 304 amalgamated with Lot 305 to receive wastewater will be a limiting factor on the development potential of the Tourist site.

- c) Recommends that the Shire consider the following changes to the Scheme provisions:
- Future development and associated wastewater disposal systems within the amendment area should demonstrate consistency with the Government Sewerage Policy 2019 and consider appropriate setbacks from on-site waterways and dams.
 - Future development should be connected to secondary treatment system approved by the Shire and the Department of Health, and with advice from the Department of Water and Environmental Regulation (DWER). A secondary system with nutrient removal may be required.
 - An updated Site and Soil Evaluation, to the satisfaction of the Shire and DWER, may be required at a future development application stage to confirm the suitability of the entire land application area to absorb and manage wastewater.
 - The preparation and implementation of a Local Water Management Strategy (LWMS) for the amendment area should be provided to the satisfaction of DWER and the Shire and include consideration of the Wilson Inlet Management Strategy 2013 (and/or superseding versions of the strategy).
 - The EPA recognises the opportunity to enhance the environmental value and function of the Little River tributary as part of future development planning processes. Revegetation of the stream with riparian species may provide for improved water quality outcomes and assist with stormwater management.

A copy of the EPA advice is attached to this report at Attachment 9.1.2.c.

11. As a 'complex' scheme amendment, Amendment 148 was forwarded to the WAPC for permission to advertise on the 7th November 2022.
12. The WAPC reviewed the documentation and the EPA advice and granted approval to advertise the amendment subject to modifications that include:
 - Removing and adjusting a number of land uses for consistency with the Model Scheme Text.
 - Removal of the term 'Residential Building' as this land use would not be appropriate in a tourism zone due to its permanent residential nature.
 - Adjust reference to the Local Development Plan (LDP) to ensure that this is indicative only. The preparation of a LDP will be a separate planning process to the scheme amendment.
 - Explicitly require all development to be connected to a Secondary Treatment System for effluent disposal which is approved by the Department of Health.
 - Adjust references to the strata scheme to provide for integrated common management of the strata lots as a single tourism facility.
 - Noting the EPA recommendations, require that an Urban Water Management Plan be prepared at the time of development to address concerns with the relationship

of development, effluent disposal and trade waste with the water bodies on Lot 305.

A copy of the WAPC permission to advertise is provided at Attachment 9.1.2.d of this report.

13. Modifications required by the WAPC were completed in May 2023, formal public advertising commenced on the 1st June 2023.

DISCUSSION / OFFICER COMMENTS

14. This report is presented to Council for consideration of submissions received on the Amendment and to pass a resolution to either support the Amendment with or without modifications; or not to support the Amendment. The final decision on whether to proceed with the Amendment rests with the Minister for Planning having regard to the recommendation and advice of the Western Australian Planning Commission (WAPC).
15. Major issues raised in the submissions are discussed below.

Wastewater Management

16. The EPA, DWER and Department of Health raised questions regarding the ability of Lot 305 to accommodate onsite effluent disposal and trade waste from the distillery and brewery land uses given the proximity to water bodies and the information on land capability contained in the Site and Soil Evaluation.
17. There is an existing, approved Secondary Treatment System for effluent disposal for the existing restaurant and bar and an approved wastewater system for the existing distillery. Therefore, it is possible to accommodate effluent and trade waste on the site.
18. An additional 9.3ha of land has been added to Lot 305 for the express purpose of providing additional land, further from water bodies, to accommodate further applications for effluent disposal and trade waste.
19. The scheme amendment would allow for the development of a range of tourist related land uses on Lot 305, importantly, they all remain discretionary land uses. Future planning applications will need to show compliance with technical requirements such as the ability to dispose of waste to the satisfaction of the Department of Health and the DWER. This is not seen as a fatal flaw but something that can be adequately addressed, and future approvals suitably scaled, to address this issue.

Vegetation Protection

20. There are large stands of existing vegetation on and around Lot 305.
21. Retention of the roadside vegetation and the vegetation in the Nornalup Heritage Trail has some protection afforded to it by being a Place of Heritage Value in the Scheme and being in public ownership.
22. In regard to vegetation within Lot 305, an earlier version of the indicative Local Development Plan (LDP) provided at Appendix E of the amendment documentation had clearly shown retention of existing vegetation on Lot 305. However, the latest version seems to have deleted this.

23. In accordance with the recommendations of the EPA, it is recommended that clause viii of the 'conditions of Tourist Use' be modified to include protection of existing remnant vegetation, accommodation of black cockatoo habitat and revegetation of water courses.

Bushfire Management

24. DFES raised concern with the standard of the Bushfire Management Plan lodged with the amendment documentation. Issues included the age of the documentation (it references superceded Guidelines) and DFES questioned several of the assumptions on vegetation type and ongoing management measures.
25. None of the issues raised in the DFES submission are considered a fatal flaw. The site has adequate vehicular access/egress, access to firefighting water and the existing buildings are sited appropriate to their BAL Rating.
26. Moving forward, the LDP and subsequent development applications will require an updated Bushfire Management Plan that references the current version of the Planning in Bushfire Prone Area Guidelines.

Affordable Housing and Workers Accommodation

27. The issue of providing workers accommodation and the proposed tourist zone facilitating affordable housing was raised in the template letter generated by the landowner's consultation process.
28. Concerns with affordable housing are noted as this is a serious issue throughout the Denmark Shire, and it is unsurprising that provision of affordable housing was supported by most people who responded using the template letter. However, the proposed scheme amendment is concerned with zoning to enable a wider range of tourist land uses, the residential options within the scheme amendment as proposed, are limited to a Single House and Caretaker's Dwellings.
29. It should be noted that the WAPC required the removal of 'Residential Building' from the amendment document as it was a residential rather than tourist land use. Permanent residential land uses are not generally supported by the WAPC in Tourist zones.
30. A Single House is defined as:

"A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property."
31. The applicability of this land use would be limited to a single dwelling only and is questionable at all given the intention to strata title the development on this site. It is recommended that Single House as a standalone land use be removed from the permissible land uses in the proposed Tourist zone because it is impractical to develop.
32. Caretaker's Dwellings are defined in the Scheme as:

"means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site."

33. As the proposed Scheme provisions allow for more than one Caretaker's Dwelling, the number and distribution of these will be subject to a subsequent planning process in the preparation of the Local Development Plan that is to guide the detailed planning for the site once zoned.
34. Whilst the Scheme provisions require that this Tourist zone present as a centrally managed, single tourism site, it could be argued that there are a number of individual land uses that may require their own caretaker's dwelling and/or on-site management.
35. Judiciously used, Caretakers Dwellings could be used to house key workers and provide onsite management for the tourist development.

CONSULTATION AND EXTERNAL ADVICE

36. The Amendment was subject to public advertising for a period of 60 days from 1 June 2023 until 1 August 2023. The advertising has included:
 - A notice in the Denmark Bulletin
 - Referral of the Amendment documentation to various government agencies
 - Referral to nearby landowners
 - Signs on site
 - The Amendment documents being available for viewing at the Shire Administration Office and on the Shire's website.
37. During public advertising the Shire of Denmark received 38 public submissions and 7 government agency submissions. A Schedule of Submissions is found at Attachment 9.1.2e which provides a copy of the submission and the officer response.
38. In addition to this, the landowner ran their own parallel consultation process, the results of which were compiled in a summary report, which includes 590 submissions.
39. The landowner chose to undertake their own independent consultation process, which included:
 1. Information displays at The Dam restaurant, The Temple in Albany and the Little Temple in Denmark including rezoning documentation, plans and posters;
 2. Options to comment online;
 3. Options offered to provide comment including a template letter with tick box options and opportunity to comment and standard Shire comment forms.
 4. A community forum on the 30th June 2023 with the landowner and architect.
 5. Offer of one-on-one meetings every Friday through June and July.
40. The submissions generated utilise a standard template response, with planning topics to choose from and support and the ability to provide their own comments.
41. This consultation process generated 590 submissions, of which all but one supported the proposal. The executive summary of this submission along with a table of responses is attached to this report at Attachment 9.x.x.f, a full copy is available on request.

42. It is fair to say that the landowner consultation process shows considerable support for the further development of tourist land uses at Lot 305. However, the planning matters that affect the Council's consideration of the proposed rezoning from Rural to Tourist zone are limited to discussion on workers accommodation and affordable housing which are discussed above.

STATUTORY / LEGAL IMPLICATIONS

43. *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act.
44. Planning and Development (Local Planning Scheme) Regulations 2015; in particular clause 41, that describes the process for consideration of submissions following public advertising and referral.

STRATEGIC / POLICY IMPLICATIONS

45. The proposed Scheme Amendment is consistent with the following priorities of the Strategic Community Plan 'Our Future 2033':
- *To attract new industry to Denmark* – this scheme amendment will facilitate the growth an existing tourist facility and expand the range of tourist opportunities in a suitable location.
46. The Shire's draft Local Planning Strategy has many actions aimed at assisting with housing affordability and availability, largely focussed on the opportunities in the Denmark townsite where appropriate services and infrastructure are available.
47. The Tourism Precincts within the draft Local Planning Strategy allow for some permanent accommodation options depending upon the precinct's proximity to the Denmark townsite. In this case Lot 305 is part of the William Bay Tourism Precinct. This precinct is only 10km from the Denmark townsite and a permanent residential component (not including Caretakers Dwellings) was not recommended.
48. The following policies have been given due consideration:
- *State Planning Policy No. 3: Urban Growth and Settlement*
 - *State Planning Policy 3.7: Planning in Bushfire Prone Areas*
 - *Government Sewerage Policy*
 - *Planning Bulletin 83/2013: Planning for Tourism*
 - *Denmark Tourism Strategy – Stage 1*

FINANCIAL IMPLICATIONS

49. Fees associated with the Amendment have been paid as per Council's operative Fees and Charges Schedule.

OTHER IMPLICATIONS

Environmental

50. The amendment incorporates zoning provisions to address the environmental considerations, including those identified by the EPA.

Economic

- 51. Tourist development is an important contributor to Denmark’s economy.

Social

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

RISK MANAGEMENT

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

9.1.3 PROPOSED LAND EXCHANGE - REALIGNMENT OF BOUNDARIES BETWEEN RESERVE 45473 AND ADJOINING LOT 9003 (NO. 16) HONEYMYRTLE CIRCUIT

File Ref:	A3557 and A5812
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Reserve 45473 (including portion known as Kingdon Park) Lot 9003 (No. 16) Honeymyrtle Circuit
Disclosure of Officer Interest:	Nil
Date:	29 August 2023
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.3a – Location Map 9.1.3b – Existing Lots 9.1.3c – Proposed Lots 9.1.3d – Feature Survey 9.1.3e – Schedule of Submissions (preliminary referral to utility agencies) 9.1.3f – Valuation Advice (CONFIDENTIAL)

IN BRIEF

- This report outlines a proposed land exchange that involves a realignment of the lot boundaries between Reserve 45473 and adjoining Lot 9003 Honeymyrtle Circuit.
- This report recommends that the Council endorse the proposed land exchange for the purpose of undertaking public consultation.

RECOMMENDATION

Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1.3
MOVED: CR CLARKE	SECONDED: CR CARMAN
That Council:	
1. ENDORSE the proposed realignment of boundaries between portions of Reserve 45473 and Lot 9003 (No. 16) Honeymyrtle Circuit, Denmark (shown in Attachment 9.1.3c – Proposed Lots) for the purpose of public consultation.	
2. ADVERTISE the proposed changes to Reserve 45473 for a period of 30 days on the Shire’s website, in the Shire’s offices, in a local newspaper and via signage on site.	
CARRIED: 9/0	Res: 130923
TOTAL VOTES FOR: 9	
Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

1. The proposed land exchange includes the following lots:
 - Lot 1088 (No. 12) Clarke Close (northern portion of Reserve 45473, known as Kingdon Park)
 - Lots 301 and 302 Honeymyrtle Circuit (southern portions of Reserve 45473)
 - Lot 9003 (No. 16) Honeymyrtle Circuit

The location of the site is shown in Attachment 9.1.3a (Location Map) and the current arrangement of lots is shown in Attachment 9.1.3b (Existing Lots).

BACKGROUND

Kingdon Park

2. Kingdon Park was created in 1994 as part of the subdivision of residential lots in and around Clarke Close. Kingdon Park was originally known as Seaton Park, but neither name is formally gazetted.
3. At the time of subdivision, the landowner requested permission from the Shire and the WA Planning Commission (WAPC) to provide a financial contribution in lieu of the creation of Kingdon Park. The Shire and WAPC agreed to this request; however, the landowner subsequently elected not to take up this option.
4. Kingdon Park is held as a reserve for public recreation ceded to the State, with the Shire having accepted a management order. Kingdon Park is a portion of Reserve 45473, which also includes two other lots to the south. The land is zoned ‘Residential’ in the Shire’s Town Planning Scheme No. 3.

5. Kingdon Park contains a drainage outlet running from Clarke Close to the east of the park, which then discharges onto adjoining Reserve 37702. A sewerage main also exists along the western boundary of the park, servicing adjoining residential lots. The park is 2022m² and does not contain any other infrastructure.

Future of Kingdon Park

6. The Draft Local Planning Strategy (LPS) provides strategic direction for the development of public open space (POS) to meet community needs into the future. This includes long term objectives for POS, a classification structure, and specific direction for the acquisition, improvement and rationalising of POS areas.
7. The Draft LPS identifies Kingdon Park as suitable for rationalisation on the basis that it is smaller than is desirable for a local park, its location limits accessibility, it has drainage issues limiting its use, does not have natural environmental values, has never contained any recreational infrastructure, and the community's interests would be better served by resources being directed to other nearby POS.
8. The Draft LPS recommends that any funding for the upgrading of recreational facilities in this neighbourhood is directed to Hopson Park (corner Ocean Beach Rd and Harlequin St) as this is a more attractive and accessible site that would provide greater consolidation of community assets and value for money. Hopson Park is located approximately 300m (450m walk) from Kingdon Park.

Proposed Landscape Buffer

9. The Draft LPS identifies the potential for Kingdon Park and other portions of Reserve 45473 to be exchanged with portions of Lot 9003 Honeymyrtle Circuit to achieve the following strategic objectives:
 - Establishment of a buffer area between land zoned for residential and industrial uses (addressing potential impacts on residents as well as limitations on business development)
 - Establishment of an ecological corridor from Buckley Street to Zimmerman Street (connecting vegetation on Reserve 37702 with the creek that traverses the southern portions of Reserve 45473).
 - Connection of drainage infrastructure between Clarke Close and Zimmerman Street (noting there are erosion and discharge issues with current infrastructure).
 - Establishment of a formal north-south pedestrian linkage (currently this occurs informally across private land).
10. The Draft LPS proposes to establish a landscape buffer through the land exchange detailed in this report and changes to the zoning of the northern portion of Lot 672 (No. 15) Zimmerman Street. The establishment of a buffer between residential and industrial land uses helps to minimise conflicts, often the result of the normal operation of industrial and service business. The industrial area is existing and contains a vegetated buffer on all sides except for the south-western corner where changes are now proposed.

Lot 9003 Honeymyrtle Circuit

11. Lot 9003 is a remnant from the subdivision(s) that created Honeymyrtle Circuit, Matthews Place and the lots fronting these roads. Lot 9003 is 4608m² and zoned 'Residential' with an R20 density coding. The site is at its highest point at the north-west and lowest at the south-east.
12. Previous plans to subdivide the land have not been implemented as the cost of road extensions, servicing and site works is prohibitive. The property has been on-sold from the original developer/ subdivider.
13. In early 2022, Shire officers were contacted by a real estate sales agent requesting advice on the development potential and any other concerns relating to Lot 9003. At this opportunity officers engaged with the current landowner regarding the concepts under consideration as part of the preparation of the Draft Local Planning Strategy. To date the landowners have been supportive of the Shire's investigations and to the land exchange proposed.

Proposed Land Exchange

14. In consultation with the owners of Lot 9003, officers have prepared a concept for a proposed land exchange with the intent of achieving the strategic objectives outlined above. This proposal (see Attachment 9.1.3c – Proposed Lots) would see the realignment of lot boundaries between portions of Reserve 45473 (Kingdon Park to the north, Lots 301 and 302 to the south) and Lot 9003.
15. In support of this concept the Shire has commissioned a detailed feature survey (see Attachment 9.1.3d – Feature Survey), prepared designs for the future realignment of drainage infrastructure, and sought advice from the Department of Planning, Lands and Heritage (DPLH) and servicing agencies.
16. Land exchanges involving reserved land and private freehold land are administered by DPLH, with the Shire requested to provide:
 - Details of the strategic rationale for the proposed exchange, demonstrating clear community benefit.
 - Statutory declarations from the Shire (as land manager of the reserve) and the private landowner regarding any known interests and/or contamination.
 - Comments from servicing agencies that may be affected by the proposal.
 - A Council resolution in support of the proposal.
17. An appraisal has also been commissioned from a licensed valuer (see Attachment 9.1.3f – Valuation Advice) to understand any potential financial implications and to enable DPLH to prepare a land exchange deed.
18. The land area proposed to be exchanged is not equal, resulting in an additional 300m² (approximately, subject to final agreement and survey) being added to State reserves. However, due to the improved development conditions (relatively higher land) and reduced cost of infrastructure (service connections, road extension and bridge

construction) the valuation advice notes that the resulting private landholding, though smaller, is more valuable.

19. While the valuation advice reflects a reduction in value of the State's landholding, this is based on its capacity for development which is not the intended outcome. The proposed land exchange both increases the State's landholding and provides in a location that serves several strategic purposes and could therefore be considered to be of greater value to the public estate.
20. As part of preliminary discussions, the private landowners and Shire officers have agreed in principle to the land exchange proposed at nil consideration subject to the Shire meeting administrative costs. This will be assessed in detail by DPLH as part of progressing the proposed land exchange and the Shire will seek further advice on whether the Department is likely to recommend support to the Minister for Lands.
21. DPLH staff have also recommended that the Shire undertake community consultation, which is discussed in the 'Consultation and External Advice' section of this report.

DISCUSSION / OFFICER COMMENTS

22. The Draft LPS takes a strategic view and provides direction for how the Shire can develop a high quality, accessible network of POS. This identifies areas of POS that are well used, highly accessible and would benefit from further investment, as well as areas of POS that have limited use, are not well suited to their purpose and may be considered surplus assets. Kingdon Park is an example of POS that currently provides limited community service, is a lower priority for investment compared to other nearby parks and is identified as suitable for rationalisation in the Draft LPS.
23. Although the Draft LPS refers to rationalisation, this term only applies to the extent that the land might no longer be considered part of the network of active-use POS. In effect, the proposed land exchange would result in the relocation and repurposing of the land, with a gain in the amount of public land or open space (in more general terms) within the locality. The land area of Kingdon Park that is currently used passively as public open space would be exchanged for an area of land that will be used as a landscape buffer, environmental corridor, drainage outflow, and pedestrian and fire connection.
24. As well as fulfilling this range of community objectives the proposed land exchange will result in a net increase in public land. The proposed land exchange therefore achieves substantial community benefit.
25. Lot 9003 is a large, consolidated, Residential zoned parcel of land in close proximity to the Denmark town centre, and is ideal for the development of medium density housing. Under its current zoning/ coding (R20) the site could potentially be developed for up to 9 dwellings.
26. The land exchange proposed could potentially address some of the constraints to development of Lot 9003 and therefore provide the opportunity for the development of (relatively) affordable housing. This is considered a mutually beneficial outcome as it improves the development options for the landowner while also enabling housing development, which responds to broader community needs. Development constraints are addressed by:

- Providing direct access to an already constructed road reserve, removing potential costs associated with road extensions (and avoiding further disturbance of the creekline).
 - Providing improved access to reticulated services (electricity, water, sewer).
 - Enabling development on the highest part of the site to reduce fill and drainage management requirements (with public land in a preferred location to manage drainage outflows from both Lot 9003 and surrounds).
27. The Shire has received requests from residents in Clarke Close for maintenance and/or upgrading of Kingdon Park in the past, including as recently as November 2022. It is anticipated that some neighbouring residents may prefer that Kingdon Park is retained and/or upgraded in its current location instead of the site being developed for housing, due to the amenity/ outlook that this currently provides.
28. While there are a range of broader community benefits, residents of Clarke Close and surrounds will directly benefit from the establishment of a formal pedestrian and fire access way and the potential to improve drainage infrastructure will also benefit landowners on the western side of Clarke Close. This provides greater certainty for residents in the area on the future of currently undeveloped land and the establishment of a buffer between residential and industrial areas.
29. The following alternative options are available to secure a portion of Lot 9003 that would enable the establishment of buffer/ corridor/ access/ drainage as proposed:
- Purchase the entirety of Lot 9003 by negotiation and transfer land into reserves as required.

This option is not recommended as it would result in substantial legal, acquisition and holding costs not currently budgeted for, and would result in the Shire owning and maintaining land without an intended purpose that is difficult to develop or sell without the simultaneous rationalisation of Kingdon Park.
 - Zoning of a portion of Lot 9003 as a 'Reserve' in the Town Planning Scheme and pursuing compulsory acquisition.

This option is not recommended as it would require a lengthy rezoning process, substantial legal and acquisition costs not currently budgeted for, and may affect the agreement and goodwill of the landowners. This option would reduce land available for housing development, further reducing the viability of development on the remainder of Lot 9003 and does not resolve the future of Kingdon Park.
30. This proposal would ideally follow the finalisation of the Local Planning Strategy, which includes direction for the management, development and disposal of public open space. However, the timeliness of progressing this particular proposal is a relevant consideration, with the willingness of the landowner to engage with the Shire an important element in achieving the desired outcome in the simplest and most beneficial manner.
31. Kingdon Park currently contains drainage infrastructure that conveys stormwater from Clarke Close through to adjoining Reserve 37702. This infrastructure will be retained in situ

and protected via an easement. If Lot 9003 is developed in future and the landowner/ developer at that time would prefer to relocate this infrastructure it could potentially be realigned within the lot or alternatively accommodated within the access leg that joins Clarke Close to Reserve 37702. No provision for this to occur is required as part of the proposed land exchange.

32. The proposed land exchange achieves a range of substantial and desirable objectives in a way that is mutually beneficial to both the community and private landowner, minimises the length of the process involved, and avoids substantial costs being borne by ratepayers.

CONSULTATION AND EXTERNAL ADVICE

33. The proposed land exchange has been discussed with the owners of Lot 9003, who have been supportive of the Shire progressing the proposal and provided access to the site for relevant investigations.
34. Advice has been sought from utility/ servicing agencies regarding any requirements for preserving and/or providing for infrastructure. Responses received are detailed in Attachment 9.1.3e – Schedule of Submissions, noting that no concerns or objections were raised.
35. Advice has been sought from the Department of Planning, Lands & Heritage (DPLH) who have provided detail of the required process (administered by DPLH) and the information required to be put together by the Shire. This includes recommended community consultation as follows:
- Advertising on the Shire website and in a local newspaper
 - Signage provided on the site
 - Notification of adjoining landowners
36. It is proposed to undertake public consultation in accordance with the direction provided by DPLH for a period of 30 days, after which time submissions will be reviewed and a subsequent report prepared for the Council. Advertising will occur concurrent with the Draft Local Planning Strategy, as the Strategy details the context and strategic approach to public open space.
37. Following public consultation a report will be presented to the Council with an assessment of any submissions received and recommendations accordingly.

STATUTORY / LEGAL IMPLICATIONS

38. Each of the three lots that comprise Reserve 45473 were ceded to the State as a condition of the subdivision of land to create residential lots. It is common for land to be required by the State for the creation of roads, parks, drainage and environmental reserves when residential subdivision occurs, as enabled by Sections 152 and 153 of the *Planning and Development Act 2005* (and previously Section 20A of the *Town Planning and Development Act 1928*). The consent of the WA Planning Commission is required for the disposal or amendment of any reserve ceded in this way and will be supported only where there is sufficient strategic-level justification.

39. Any proposal to amend or dispose of land set aside as a public reserve is governed by the *Land Administration Act 1997*. Dealings with the land are progressed in accordance with the Act and accompanying Regulations. To be supported, any proposal that potentially adversely affects a public reserve must demonstrate strategic justification, clear community benefit and a high order of necessity or desirability.

The Shire has prepared this proposal in accordance with the direction of officers of the Department of Planning, Lands & Heritage, and the land exchange dealings will be progressed by officers of the Department in accordance with the requirements of the Act.

40. The WA Planning Commission's *Draft Operational Policy 2.3: Planning for Public Open Space* provides direction for how POS is considered and addressed through the planning framework, including the role of a local planning strategy. The Policy states:

"Where a local government considers that an existing area of POS is not in a suitable location, of an appropriate size or function, and does not meet the needs of the existing or anticipated future community, POS disposal may be considered, but it is to be assessed in the same strategic manner as determining POS provision. Preferably, the local planning strategy should be used to inform the suitability of disposal proposals."

The Shire has identified the proposed land exchange within the Draft Local Planning Strategy and considered the direction of the Policy in preparing this proposal.

41. As part of the proposed land exchange the Shire will be required to address the following legal requirements:
- Complete a statutory declaration confirming that the Shire is not aware of any land contamination issues existing on the reserves under its management.
 - Complete a 'land exchange deed' prepared by the Department of Planning, Lands & Heritage that details the agreed conditions of the proposed land exchange.

The private landowner of Lot 9003 has also completed a statutory declaration that will be forwarded to the Department.

STRATEGIC / POLICY IMPLICATIONS

42. The proposed changes to Reserve 45473 are consistent with the following priorities of the Strategic Community Plan 'Our Future 2033':
- *Local roads and storm water drainage* – this proposal would facilitate the future resolution of existing drainage issues occurring at and around the site.
 - *Environmental conservation and protection* – this proposal will enable the establishment of a reserve corridor and connection of Reserve 37702 with the creekline passing through the southern portions of Reserve 45473.
 - *Housing availability and affordability* – this proposal will reduce constraints to the development of Lot 9003 for housing in a location that has utility services available, is close to community services, and potentially provides for the development of (relatively) affordable housing.

- *Engagement and decision making* – this proposal reflects the community’s desire for value for rates and funds to be spent wisely. The consolidation of recreational assets and public open space proposed in the Draft Local Planning Strategy aims to support a network of high quality and accessible parks with the efficient use of available funding.
43. The Shire’s Draft Local Planning Strategy, adopted by Council in September 2022, classifies public open space and details a strategic approach to future development, management and rationalisation. The Strategy aims to support the provision of a public open space network that is centralised and accessible, equitably distributed, diverse, flexible, resource efficient, and maintains environmental, social and cultural values.
 44. The Draft Strategy identifies Kingdon Park as suitable for rationalisation from the public open space network on the basis of it having a poor location for accessibility, poor passive surveillance, no existing recreational infrastructure and drainage issues. The Draft Strategy identifies potential reinvestment being via the proposed land exchange that establishes a reserve corridor as is proposed in this report. Nearby Hopson Park is identified as a ‘neighbourhood’ level park with the potential for further development of recreational infrastructure.
 45. The Draft Strategy also notes the need to establish buffers between the existing light industrial area and adjoining residential land uses. It is noted that even if the zoning of this area changes and accommodates less offensive types of commercial land uses, existing industrial land uses may remain indefinitely.

FINANCIAL IMPLICATIONS

46. As part of investigations into the proposed land exchange the Shire has commissioned a licensed valuer to complete an assessment. This is a requirement for the Department of Planning, Lands & Heritage to inform the preparation of a land exchange deed, which will detail the costs and considerations of each party. The completed valuation assessment is provided as Attachment 9.1.3f.
47. Shire officers have discussed the proposed land exchange with the private landowners concerned, with in-principle agreement that the exchange would occur for nil consideration (ie. the land exchange would occur at no cost to either party). Although the area of Lot 9033 is reduced from 4608m² to approximately 4308m² (subject to final agreement and survey), the resulting lot would have substantially reduced development costs compared to its present situation. This in-principle agreement will be reviewed by the Department as part of assessing the proposal.
48. The Shire is to be responsible for all administrative costs associated with the exchange. Costs incurred to date include the land survey (\$2750) and valuation (\$2200), completed with existing budget for general consultancies. Advertising of two public notices in a local newspaper is estimated at \$500.
49. Based on the advice of service agencies the Shire has not made any provision for costs associated with the connection or relocation of services. This may be required if/ when development of the remaining private freehold lot occurs, depending on the type and form of development proposed, and is therefore a cost to be borne by the developer. The Shire’s existing drainage infrastructure will remain in-situ protected by an easement, with land available for its relocation if required in future.

50. The Shire is not aware of any further costs associated with the proposed land exchange at this time and on this basis the proposal will be completed with existing resources.
51. Although not required to enact the proposed land exchange, the Council may consider provision of funding for the following works in future:
 - Revegetation of a portion of the land acquired through this exchange to provide a visual buffer between residential and industrial land uses.
 - Formation of a limestone firebreak/ walk trail along a north south alignment (may be supported in full or part by funding from the State's Bushfire Mitigation Activity Fund).
 - Improvement/ realignment of drainage channels to reduce erosion and redirect stormwater flows.

OTHER IMPLICATIONS

Environmental

52. The proposed land exchange is not anticipated to have any environmental implications.

Economic

53. The proposed land exchange is not anticipated to have any broad economic implications, noting that it will improve the viability of private residential development.
54. It is expected that any impact on the value of adjoining properties will be negligible, noting that Kingdon Park does not currently contain any recreational infrastructure that would enhance the value of adjoining properties, while resolution of the potential future development of land and establishment of buffers between residential and industrial land uses provides greater certainty for adjoining landowners.

Social

55. The proposed land exchange will enable the viability of housing development in a location with existing road and utility services, supporting the development of relatively affordable housing in close proximity to community services.
56. The proposed land exchange may be perceived as resulting in a detrimental social impact by the neighbouring landowners, who may potentially prefer the development of public open space for recreational use in this location. Officers consider that strategically consolidating recreational assets will provide broader social benefit, in this case focussing any future funding for recreational infrastructure on Hopson Park which is a more open, accessible and desirable site with existing facilities in place.
57. The clear delineation of buffers between residential and industrial land uses in this location is also highly desirable to maintain the residential amenity that landowners currently enjoy.

RISK MANAGEMENT

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

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JULY 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 August 2023
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.1 – July 2023 Monthly Financial Report

IN BRIEF

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

RECOMMENDATION

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR GIBSON	SECONDED: CR CLARKE
That Council RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, for the period ending 31 July 2023, as per Attachment 9.2.1.	
CARRIED: 9/0	Res: 140923
TOTAL VOTES FOR: 9 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

1. Nil

BACKGROUND

2. In order to fill statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the Shire’s year-to-date financial performance. The report provides:

1. Statement of Financial Activity by Nature or Type;
 2. Statement of Financial Activity by Program;
 3. Explanation of Material Variances;
 4. Net Current Funding Position;
 5. Receivables;
 6. Capital Acquisitions;
 7. Cash Backed Reserve Balances;
 8. Loan Schedule;
 9. Investment Register;
 10. Cash and Investments Summary.
3. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Resolution 030823, Council adopted the monthly reporting variance for the 2023/2024 financial year of 10% or greater for each program area in the budget as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.
 4. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

Statement of Financial Activity

5. The Statement of Financial Activity for July 2023 shows a closing funding surplus of \$1,897,157. The adopted budget for the year ended 30 June 2024 is premised on a zero year end closing funding position. Operating expenditure is \$446,797 less than the year-to-date budgeted amount. The main factors for this variance is the depreciation expense for all asset classes have not been calculated for this reporting period. Depreciation expense will be applied once the annual audit of the financial accounts for the year ended 30 June 2023 has been completed. There are also some variances in timing for undertaking contracted works when compared to the budget profile. (Refer to Materials & Contracts Expense).
6. A summary of the financial position for July 2023 is detailed in the table below:

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	1,882,014	1,882,014	1,963,355	81,341	4%
Revenue					
Operating revenue	13,468,609	375,238	379,445	4,207	1%
Capital revenue, grants and contributions	7,743,453	602,751	602,603	-148	0%
	21,212,062	977,989	982,047	4,058	
Expenditure					
Operating Expenditure	-17,590,191	-1,483,721	-1,036,924	446,797	30%
Capital Expenditure	-10,109,504	-2,085	-11,323	-9,238	-15%

	-27,699,695	- 1,485,806	-1,048,246	437,560	
Funding balance adjustments	4,605,619	380,033	0	-380,033	-100%
Closing Funding Surplus / (Deficit)	0	1,754,229	1,897,157	142,928	

INVESTMENT REPORT

7. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The Investment Register is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.

8. As at 31 July 2023, total cash funds held (including trust funds) totals \$6,254,552

(Summary – Investment Register).

- Municipal Funds total \$1,657,452
- Shire Trust Funds total \$850
- Reserve Funds (restricted) invested, total \$4,596,250
- Municipal Funds (unrestricted) invested, total \$Nil

9. The official Reserve Bank of Australia’s (RBA) cash rate was lifted by 0.25% from 3.85% to 4.10% at the Reserve Bank Board meeting held on 7 June 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

11. Regulation 34 (1-5) of the Local Government (Financial Management) Regulations 1996, details the form and manner in which a local government is to prepare financial activity statements.
12. The Local Government Act 1995 – Section 6.14.
13. The Trustees Act 1962 – Part III Investments.
14. The Local Government (Financial Management) Regulations 1996 - Reg. 19, 28 and 49; and The Australian Accounting Standards, sets out the statutory conditions under which Council funds may be invested.

STRATEGIC / POLICY IMPLICATIONS

15. Nil

FINANCIAL IMPLICATIONS

- 16. The Shire’s 2023/2024 Annual Budget provides a set of parameters that guides the Shire’s financial practices.
- 17. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 21. An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 JULY 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 August 2023
Author:	Kelly Schroeter, Assistant Accountant (Acting)
Authorising Officer:	Jodi Masson, Manager Corporate Services (Acting)
Attachments:	9.2.2 – July 2023 Monthly List of Payments Summary

IN BRIEF

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

RECOMMENDATION

Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.2
MOVED: CR CAMPBELL	SECONDED: CR PHILLIPS
<p>That with respect to the attached Schedule of Payments totalling \$1,920,852.56 for the month of July 2023, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT 35921 to EFT 36144 - \$1,368,532.28 • Municipal Fund Cheque No. 60542 - \$90.20 • Internal Account Transfers (Payroll) - \$438,573.15 • Direct Debit - \$8,536.37 • Corporate Credit Card - \$4,348.47 • Department of Transport Remittances - \$84,265.70 • Loan Payments – \$16,506.39 	
CARRIED: 9/0	Res: 150923
<p>TOTAL VOTES FOR: 9 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.</p>	
<p>TOTAL VOTES AGAINST: 0</p>	

LOCATION

- 1. Nil

BACKGROUND

- 2. Nil

DISCUSSION / OFFICER COMMENTS

- 3. Nil

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS

- 5. Local Government (Financial Management) Regulation 13 relates.

STRATEGIC / POLICY IMPLICATIONS

- 6. Nil

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 11. An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

9.3 INFRASTRUCTURE AND ASSETS

Nil

9.4 GOVERNANCE

9.4.1 VARIATION TO CONTRACT OF SALE OF LOT 9, 47 CORYMBIA CRESCENT, HAY

File Ref:	A5970
Applicant / Proponent:	Denmark Freightlines Pty Ltd
Subject Land / Locality:	Lot 9 on Deposited Plan 413974, No. 47 Corymbia Crescent, Hay
Disclosure of Officer Interest:	Nil
Date:	5 September 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.1 - Contract Variation (confidential)

IN BRIEF

- Council requested to approve a contract variation for the sale of a lot within the Industrial Area.

RECOMMENDATION

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.4.1
 MOVED: CR LEWIS SECONDED: CR CAMPBELL

That Council:

1. APPROVE the Deed of Variation of Contract to amend the name of the purchaser of Lot 9 on Deposited Plan 413974 from Judith Lucre to Denmark Freightlines Pty Ltd;
2. CONFIRM the agreed sale price of \$225,000 (excluding GST).
3. REQUEST the Chief Executive Officer to advertise the disposal in accordance with the Local Government Act 1995 and associated Regulations; and
4. AUTHORISE the Chief Executive Officer to consider any submissions.

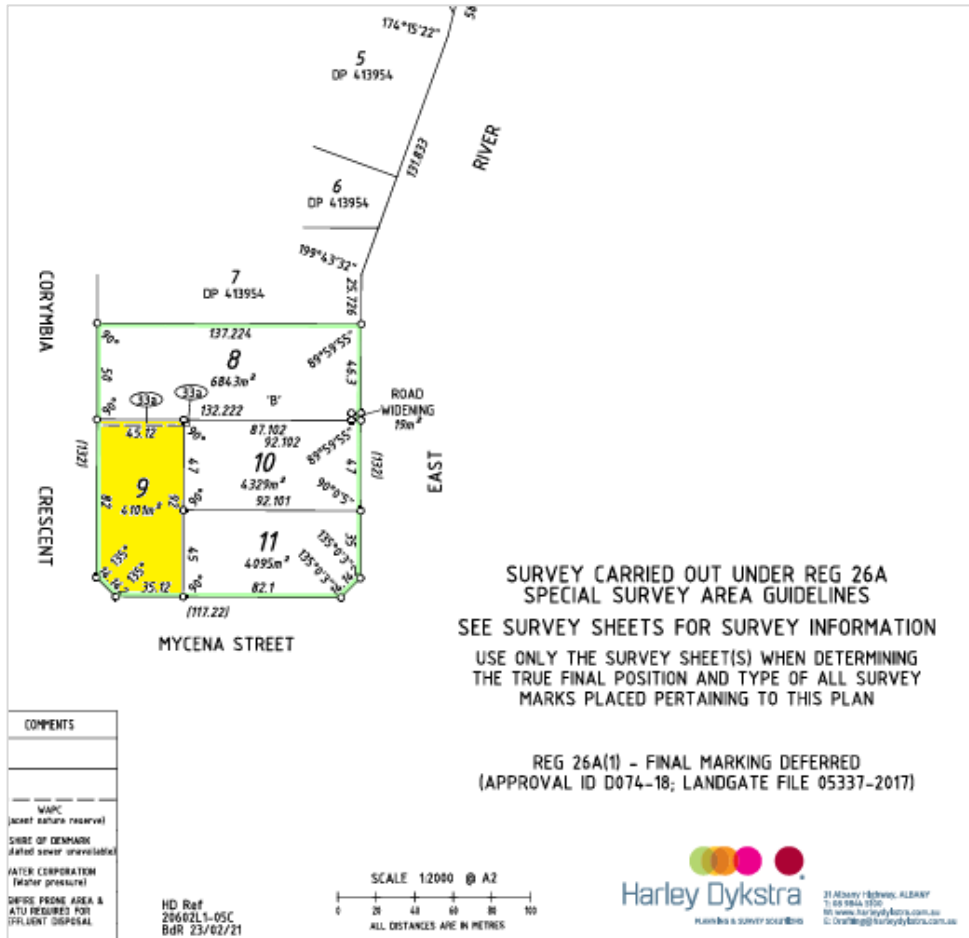
CARRIED: 9/0 Res: 160923

TOTAL VOTES FOR: 9
 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

1. Lot 9 on Deposited Plan 413974, 47 Corymbia Crescent, Hay (highlighted yellow below).



BACKGROUND

2. In July 2023, Council resolved to sell Industrial Area Lot 9 on Deposited Plan 413974 to Judith Lucre for \$225,000 (excluding GST).
3. The purchaser is seeking a variation to the contract to change the name of the purchaser to her business name of Denmark Freightlines Pty Ltd.

DISCUSSION / OFFICER COMMENTS

4. The variation will not change any other provisions in the contract and Shire Officers have no objection to it.

CONSULTATION AND EXTERNAL ADVICE

5. The variation means that the disposal will need to be readvertised and any submissions will need to be considered.
6. Given the timeframe for settlement and that fact that there were no submissions received for the original proposed disposal, Officer's are recommending that the Council authorise the CEO to consider any submissions.

STATUTORY / LEGAL IMPLICATIONS

7. LOCAL GOVERNMENT ACT 1995

Section 3.58 – local governments can dispose of property by private treaty following a period of advertising and the consideration of any submissions.

STRATEGIC / POLICY IMPLICATIONS

8. Nil

FINANCIAL IMPLICATIONS

9. Lot 9 was valued at \$240,000 (ex GST).
10. A negotiated offer of \$225,000 (ex GST) was endorsed by the Council at the July 2023 meeting.
11. Council also agreed that the proceeds of the sale will be placed into the Shire's Infrastructure Reserve.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

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

9.5 COMMUNITY SERVICES

Nil

10. COMMITTEE REPORTS AND RECOMMENDATIONS

10.1 SUSTAINABLE PROJECTS COMMITTEE MINUTES 5 SEPTEMBER 2023 & RECOMMENDATIONS

File Ref:	COMM.SPC
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 September 2023
Author:	Damian Schwarzbach, Manager Sustainable Projects Laura Delbene, Sustainable Projects
Authorising Officer:	David King, Chief Executive Officer
Attachments:	10.1 – Sustainable Projects Committee Minutes

IN BRIEF

- The Sustainable Projects Committee met on 5 September 2023.
- A recommendation to fund a Western Power transformer upgrade is presented for Councils consideration.

RECOMMENDATION

Cr Gibson declared a financial interest on the basis that he is a potential investor in DC car charging.

5.17pm - Cr Gibson left the room and did not participate in discussion or vote on the matter.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1a
MOVED: CR LEWIS	SECONDED: CR CLARKE
That Council RECEIVE the Committee Minutes for the meeting held on 5 September 2023.	
CARRIED: 8/0	Res: 170923
TOTAL VOTES FOR: 8 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

COMMITTEE RECOMMENDATION ITEM 10.1b

That Council APPROVE an amendment to the 2023/2024 adopted budget to include a Western Power Network Upgrade to enable future DC fast charging infrastructure at the Community Resource Centre (CRC) carpark.

Officer Comment

The Officer Recommendation is provided to include reference to the Reserve transfer amount and the nominated Account and Job Number.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1b
MOVED: CR ORMSBY	SECONDED: CR LEWIS
That Council APPROVE the following amendment to the 2023/2024 adopted budget in relation to a Western Power Network Upgrade to allow future installation of DC fast charging infrastructure:	
Increase capital expenditure for a Western Power Network Upgrade by \$40,000 excluding GST to be fully funded by a transfer from the Infrastructure Reserve to A/c 1220104 – Job 50130.	
CARRIED BY AN ABSOLUTE MAJORITY: 8/0	Res: 180923
TOTAL VOTES FOR: 8 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

1. Not applicable

BACKGROUND

2. On 30 November 2020 the Western Australian State Government released the Electric Vehicle (EV) Strategy with initiatives aimed at preparing for the transition to low and zero-emission electric vehicles.
3. This included the creation of an EV highway network throughout regional Western Australia to facilitate travel reaching north to Kununurra, through the southwest as far round as Eucla and east to Kalgoorlie. A progressive roll out will see the State's electric vehicle network fully operational by 2024, with 49 locations across Western Australia set to receive charging infrastructure.
4. Denmark was not identified as a strategic location, falling between proposed charger installations in Albany and Walpole.
5. The Shire currently provides one Dual AC 22kW charger at Berridge Park. There are no DC fast chargers in the Shire of Denmark and there are no known sites in a suitable location capable of supporting DC fast charging without undergoing power network upgrades to allow implementation.
6. In a report regarding EV charging tariffs made to Council at the 21 February 2023 Ordinary Meeting, officers addressed the delays around a pending application to Western Power (WP) for the upgrade of power supply required to support the installation of a DC fast charger in town. It was the Shire's intention at the time to facilitate the installation of DC charging infrastructure, however progress of this was stymied by the WP processing timeframes, therefore the AC charger was installed in town to help meet demand whilst the WP application progressed.
7. Following the installation of the AC charger, no provision was made in the 2023/2024 budget for DC charging, seeing as early indications were that the WP upgrade fees would be in the vicinity of \$80,000.

DISCUSSION / OFFICER COMMENTS

8. The WP quote has now been received, and at \$37,498 it is considerably less than anticipated.
9. The proposed connection would accommodate a 150kW DC charger in the future.
10. This prompted a discussion at the September Sustainable Projects Committee meeting to consider the acceptance of the quote, noting there is a 60 day period in which WP require a commitment or the quote value may not remain valid.
11. WP cannot guarantee that additional lengthy delays wouldn't occur if the quote lapses.
12. With EV cars sales in the first half of 2023 surpassing total sales for 2022 by 120%, the need for charging infrastructure is also increasing and the pressure on Western Power to provide power augmentation needs for charging infrastructure has resulted in delays of 12-18 months to go through a design, quote, construct process.
13. The acceptance of the quote will allow provision of a power supply in the town centre that is capable of supporting DC charging when the opportunity arises without further delays to implement.

14. With potential future grid capacity issues, securing a 150kW connection was considered valuable by the Sustainable Projects Committee.

CONSULTATION AND EXTERNAL ADVICE

15. The Officer has provided project updates and sought comments from the Sustainable Projects Committee regarding the power augmentation application and quotation received.
16. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995

17. Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting's proceedings.
18. Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees' activities, all Advisory Committee minutes will be presented to Council to be received.
19. Council Committees are generally established to advise and make recommendations to Council.

STRATEGIC / POLICY IMPLICATIONS

Sustainability Strategy

20. By upgrading the power network, we are supporting the transition to low and zero-emission electric vehicles.

FINANCIAL IMPLICATIONS

21. The Shire's 2023/2024 Annual Budget provides a set of parameters that guides the Shire's financial practices. This report includes recommendations to include additional capital expenditure of up to \$40,000 to A/c 1220104 (Job 50130) with the amount to be fully funded as a transfer from the Infrastructure Reserve.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

5.20pm – Cr Gibson returned to the room.

11. MATTERS BEHIND CLOSED DOORS

Nil

12. NEW BUSINESS OF AN URGENT NATURE

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 12
MOVED: CR GEARON	SECONDED: CR GIBSON
That in accordance with clause 3.11 of the Shire of Denmark Standing Orders Local Law, Council ACCEPT an item of new business to allow the Chief Executive Officer to advertise for the currently vacant senior employee positions.	
CARRIED: 9/0	Res: 190923
TOTAL VOTES FOR: 9 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

12.1 DESIGNATED SENIOR EMPLOYEES

File Ref:	ADMIN.2
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	09 September 2023
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	11.1a – Temporary Employment of Appointment of CEO and Designation of Senior Employees Policy 11.1b – Proposed structure changes (Confidential)

IN BRIEF

- Council needs to review the designated senior employee positions to allow flexibility in structural changes and facilitate recruitment.

RECOMMENDATION

COUNCIL RESOLUTION
 MOVED: CR GEARON SECONDED: CR CLARKE
 That the meeting move behind closed doors, in accordance with section 5.23(2)(a) of the Local Government Act 1995, to discuss a matter effecting Shire employees.
 CARRIED: 9/0 Res: 200923
 TOTAL VOTES FOR: 9
 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.
 TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION
 MOVED: CR PHILLIPS SECONDED: CR CAMPBELL
 That the meeting proceed in public.
 CARRIED: 9/0 Res: 210923
 TOTAL VOTES FOR: 9
 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.
 TOTAL VOTES AGAINST: 0

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 12.1
 MOVED: CR PHILLIPS SECONDED: CR ORMSBY
 That Council AMEND the *Temporary Employment or Appointment of CEO and Designation of Seniors Employees Policy* by:
 1. REMOVING the:
 a) Director Assets & Sustainable Development / Deputy CEO;
 b) Director Corporate & Community Services; and
 c) Acting Director Corporate & Community Services.
 2. DESIGNATING the following positions and position classes as senior employees, for the purposes of section 5.37(1) of the Local Government Act 1995.
 a) Positions prefixed with Director
 b) Positions prefixed with Executive Manager
 c) Manager Development Services
 CARRIED: 9/0 Res: 220923
 TOTAL VOTES FOR: 9
 Cr Campbell, Cr Carman, Cr Clarke, Cr Devenport, Cr Gearon, Cr Gibson, Cr Ormsby, Cr Lewis and Cr Phillips.
 TOTAL VOTES AGAINST: 0

LOCATION

1. Not applicable.

BACKGROUND

2. Various iterations of the Policy have been presented to Council at various times to suit the operational needs of the organisation.

DISCUSSION / OFFICER COMMENTS

3. As part of a restructure, the Chief Executive Officer is proposing to rename the titles and responsibilities of the designated senior officer positions. The restructure is provided as a confidential attachment to this report (see Attachment 11.1b).
4. The Local Government Act 1995 and the Local Government (Administration) Regulations 1996 detail the requirements for the appointment of a senior employees and advertising requirements for such positions.
5. It is proposed to amend the *Temporary Employment or Appoint of CEO and Designation of Senior Employees Policy* to encompass the 'class of employee' (as opposed to full position titles) to be those prefixed with 'Director' or 'Executive Manager'.
6. This will increase the flexibility of the Policy, noting that all appointments will require the CEO to inform the council of each proposal to employ or dismiss a senior employee.
7. The Manager Development Services is proposed to be remain included to ensure that there is still a senior employee available prior to the recruitment of other permanent senior employees.

CONSULTATION AND EXTERNAL ADVICE

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

STATUTORY / LEGAL IMPLICATIONS**Local Government Act 1995**

9. Section 5.37(1) – local government may designate employees or persons belonging to a class of employee to be senior employees.
10. Section 5.39C(1)(b) – local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the appointment of an employee to act in the position of CEO, for a term not exceeding 1 year.
11. Section 5.39C(2) – local government may amend the policy by an Absolute Majority.

STRATEGIC / POLICY IMPLICATIONS**Temporary Employment of Appointment of CEO And Designated Senior Employees Policy**

- 12. Clause 2 - Current designated Senior Employees are Chief Executive Officer, Director Assets & Sustainable Development / Deputy CEO, Director Corporate & Community Services, Acting Director Corporate & Community Services and Manager Sustainable Development.

FINANCIAL IMPLICATIONS

- 13. Nil

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

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

13. CLOSURE OF MEETING

5.33pm – *There being no further business to discuss, the Shire President declared the meeting closed.*

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

Signed: _____
Craig Pursey – Acting Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

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