



ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 20 AUGUST 2013.

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Ordinary Council Meeting

20 August 2013

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.10pm - The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Kelli Gillies
- Cr Jan Lewis
- Cr Barbara Marshall
- Cr Ian Osborne
- Cr Dawn Pedro
- Cr Belinda Rowland
- Cr Alex Syme
- Cr Adrian Hinds

STAFF:

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

APOLOGIES:

Cr David Morrell

ON LEAVE OF ABSENCE:

Cr Roger Seeney

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 16

Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Mr Dale Stewart	8.5.1	Financial	Mr Stewart declares and financial interest in the policy as it relates to a condition of his employment.
Mrs Annette Harbron	8.5.1	Financial	The policy relates to a condition of employment contract and the proposed modifications specifically pertain to Mrs Harbron's situation.
Mr Gregg Harwood	8.5.1	Financial	Mr Harwood declares and financial interest in the policy as it relates to a condition of his employment.
Cr Ross Thornton	8.1.1	Proximity	Cr Thornton owns property within the Denmark Townsite CBD.
Cr Belinda Rowland	8.2.1	Impartiality	Cr Rowland is a social member of the Denmark Dragon Boat Club Inc. and Chair of the Riverside Project Working Group.
Cr Ian Osborne	8.2.1	Impartiality	Cr Osborne is a member of the Denmark Dragon Boat Club Inc. and the Riverside Clubs.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that prior to the meeting Council had held a reception for a long serving Councillor, Alex Syme, who would be retiring in October 2013 and that the reception provided an opportunity to present Cr Syme with an Award which he had recently been bestowed from the Western Australian Local Government Association. Cr Thornton congratulated Cr Syme on his 16 years of service noting that his expertise and contributions would be greatly missed after the October 2013 Elections.

The Shire President announced that Cr Dawn Pedro had been awarded a Diploma of Local Government at the recent WALGA Local Government Week and was one of the first in the Local Government Association to receive one. Cr Thornton congratulated Cr Pedro on her achievement noting that she was the first Shire of Denmark Elected Member to receive such a credential.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the back of the front cover of this Agenda.

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

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

Questions from the Public

4.2.1 Mr Geoff Bowley – Item 8.2.1 (Denmark Riverside Club Inc. CSRFF Application Forward Planning Grant)

Mr Bowley gave an overview of the Club's Application and urged Council to support the Officer's Recommendation.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION	ITEM 5
MOVED: SYME	SECONDED: CR MARSHALL
That Council grant Leave of Absence to;	
1. Cr Belinda Rowland for the meeting of 10 September 2013 1 October 2013; and	
2. Cr Ross Thornton for the meetings of 10 September 2013 & 1 October 2013.	
CARRIED: 10/0	Res: 010813

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

OFFICER RECOMMENDATION ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 30 July 2013 be confirmed as a true and correct record of the proceedings.

COUNCIL RESOLUTION	ITEM 6.1
MOVED: CR MARSHALL	SECONDED: CR PEDRO
That the minutes of the Ordinary Meeting of Council held on the 30 July 2013 be confirmed as a true and correct record of the proceedings, subject to the following amendment;	
1. Page 23 – correct the name in the seconder of the Resolution from “PEDER” to “PEDRO”.	
CARRIED: 10/0	Res: 020813

6.2 SPECIAL COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR MARSHALL	SECONDED: CR ROWLAND
That the minutes of the Special Meeting of Council held on the 30 July 2013 be confirmed as a true and correct record of the proceedings.	
CARRIED: 10/0	Res: 030813

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

Prior to consideration of Item 8.1.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Thornton declares a proximity interest on the basis that he owns property within the Denmark Townsite CBD .

4.31pm – Cr Thornton requested the Deputy Shire President, Cr Sampson, to assume the chair as the Presiding Person. Cr Thornton left the room and did not participate in discussion or vote on the matter.

Cr Sampson assumed the chair as the Presiding Person.

8.1.1 PARKING TIME RESTRICTIONS AND LOADING/UNLOADING ZONES IN THE CBD

File Ref:	PBR.14A
Applicant / Proponent:	CBD Streetscape Redevelopment Working Group
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	31 July 2013
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1 a) – Letters from Main Roads WA and Denmark Co-operative Co Ltd 8.1.1.b) – Adopted Parking Plan (February 2011) 8.1.1 c) – Recommended Parking Arrangements for Strickland Street South 8.1.1 d) – Recommended Parking Arrangements for Strickland Street North 8.1.1 e) – Recommended Parking Arrangements for Hollings Road & South Coast Highway (Strickland Street – Hollings Road) 8.1.1 f) – Recommended Parking Arrangements for South Coast Highway (Strickland Street – Price Street) & Civic Centre 8.1.1 g) – Recommended Parking Arrangement for Waterfall Park Pull-in Bay 8.1.1 h) – Chamber of Commerce Survey Results

Summary:

The CBD Streetscape Redevelopment Working Group (CBD SRWG) has undertaken a review of parking time restrictions and loading/unloading zones in the CBD with the main objectives of:

- Ensuring there are a number of public car parking areas that are time restricted appropriately to facilitate turnover of vehicles; and
- Providing appropriately located loading/unloading zones.

As a result of the review, the CBD SRWG is recommending that Council adopt new parking arrangements for a number of public parking areas in the CBD.

Background:

At the 18 December 2012 Councillor’s Strategic Briefing Session, Councillors advised the Denmark Co-operative Co Ltd that the Shire was concerned with the current unloading/loading activities that were occurring on the South Coast Highway adjacent to No. 33 (Lot 6 & 226) Strickland Street, Denmark.

After the Strategic Briefing Session, the Director of Planning & Sustainability wrote to the Denmark Co-operative Co Ltd inviting them to participate in a meeting with Shire representatives, Main Roads WA and the Chamber of Commerce to progress a solution to solve the issue for the benefit of all parties.

Such meeting was held on 14 February 2013 – with Main Roads WA and the Denmark Co-operative Co Ltd formalising their respective comments on the issues via correspondence to the Shire of Denmark (refer Attachment 8.1.1a).

Previous Council Resolutions in Relation to Parking Time Restrictions and Loading Zone in Town Square

- At the Ordinary Meeting of Council held on 22 February 2011, Council considered an item in relation to parking time restrictions in Strickland Street South (from South Coast Highway to Barnett Street) and resolved the following (Res No: 220211):

That Council adopt the parking arrangements for Strickland Street (from South Coast Highway to Barnett Street) as per the attached plan, and converting the two parallel parking bays immediately north of the laneway exit to 1 hour motorcycle parking with the Fourth Schedule of the Shire of Denmark Parking and Parking Facilities Local Law being amended accordingly.

Attached at Attachment 8.1.1b is the plan referenced in the above Council resolution.

- At the Ordinary Meeting of Council held on 27 September 2011, Council considered an item primarily in relation to the issue of Town Square being used as a loading zone by vehicles and resolved the following (Res No: 160911A):

That Council approve an amendment to the Fourth Schedule of the Parking and Parking Facilities Local Law by altering the parking arrangements in Strickland Street, in addition to the existing CBD Parking Base Plan and Parking Signs Audit which currently make up the Fourth Schedule, such that:

1. *The 'No Parking' signs on the Town Square be replaced with 'No Standing' signs; and*
2. *That the bay outside of Denmark Hair Studio be changed to a maximum 15min parking duration.*

Comment:

The CBD SRWG has considered the issues of loading/unloading zones in Strickland Street and adjacent to the Denmark Co-op on South Coast Highway, along with parking time restrictions associated with numerous parking areas throughout the CBD over several meetings.

From these deliberations the CBD SRWG have recommended the following to Council for their due consideration:

Town Square

- A loading zone should be provided for on the bakery side of the Town Square.
- No bollards or linemarking should be used to delineate the loading zone (i.e. only signage should be used).
- The applicable time for the Town Square loading zone being 5am – 10.30am Mon-Fri and restricted to a parking time of 30 minutes, with the area being No Standing outside of the loading zone times.

Strickland Street South Parking Bays

- The current parallel loading zone on the northern side of the town square being converted to a parking bay (providing for longer parking bays in this area to provide for easier access/egress), with 1 hour parking time restriction to apply.
- The current 1/4P angled car parking bay on the southern side of the town square being converted to a loading zone bay from 7am-5.30PM Mon-Fri.
- On the southern side of the proposed loading zone, the current 1P car parking bay be modified to 1/4P car parking bay.

- The current 1/4P car parking bay out the front of the Denmark Vitality Hair Studio to be retained.
- A new 9m long loading zone being provided in front of the Community Living Association premises, with the applicable time being 5am – 10.30am and restricted to a parking time of 30 minutes, with the area being available for customer parking outside of the loading zone times.
- The current 15.5m long loading zone in front of Denmark Arts Office (former Infant Health Clinic Building) being converted to two x 1P car parking bays and motor cycle parking bay(s).
- The current 9m loading zone in front of the Anglican Church being converted to 1 x 1P car parking bay and motor cycle parking bay(s).
- All 1/4P parking bays being available for use from 8am-5.30pm Mon-Fri and 8am-12noon Sat.
- A loading zone be provided on the southern side of South Coast Highway in the vicinity of the Denmark Co-op. Such loading zone to be linemarked and appropriately signed as a loading zone from 7am – 5.30pm Mon-Fri. The remainder of the carriageway adjoining the Denmark Co-op to be linemarked and signposted as parking bays with 1 hour time restrictions to apply between 7am-5.30pm Mon-Fri.

Other CBD Parking Areas

- The time limit for car parking bays on the western side of Hollings Road (i.e. shop side) be changed from '2 hours' to '1 hour', with no time limit being imposed on the parking bays on the eastern side of Hollings Road (i.e. Norm Thornton Park side) at this point in time.
- That the time limit for car parking bays on the eastern side of Strickland Street opposite Supa IGA be '1 hour; 8am-5.30pm Mon-Fri and 8am-12noon Sat'.
- That the time limit for the three (3) car parking bays adjacent to Carters & Temptations Café be '1 hour; 8am-5.30pm Mon-Fri and 8am-12noon Sat'.
- That the time limit for car parking bays at the rear of the Civic Centre be '4 hours; 8am-5.30pm Mon-Fri'.
- That a no parking sign be erected associated with the pull-in bay at Waterfall Park – noting this facilitates the purpose of the pull-in bay whilst not allowing for long term parking in such bay; with a similar sign to be associated with the Scotsdale Road pull-in bay.
- That the time limit for car parking bays on the southern side of South Coast Highway adjacent to Morrison's Newsagency through to South Coast Properties be '1 hour; 8am-5.30pm Mon-Fri and 8am-12noon Sat', with the Lions Club and other similar organisations conducting approved fundraising stalls in the area being granted permission for use of a maximum of two (2) car parking bays for longer parking periods than the parking time limit provides for.

Loading Zone Timeframes

- That the parking time restriction for loading zones be up to 30 minutes, noting that the Working Group preference is for loading zones to be up to 15 minutes and that this be given due consideration in any future review of the Parking & Parking Facilities Local Law.

Attachments 8.1.1c, 8.1.1d, 8.1.1e, 8.1.1f and 8.1.1g detail plans of the above recommendations.

The Director of Planning & Sustainability Services supports the recommendations of the CBD SRWG with the exception that the signage associated with the pull-in bay at Waterfall Park should have a time limit of 5 minutes for although a 'No Parking' sign technically allows a vehicle to park for a time period of 2-3 minutes whilst remaining with the vehicle, this fact is not necessarily known by drivers. Therefore noting the intent of the bay is for people to pull-in and read the tourist information signage, it is recommended that a 5 minute parking time limit apply.

Consultation:

- The Chamber of Commerce undertook surveys of their members on two occasions specifically in relation to loading/unloading – refer Attachment 8.1.1h. This information was utilised by the CBD SRWG to guide their recommendations accordingly.
- The Director of Planning & Sustainability liaised with the Director of Finance & Administration and the Librarian for their comments/thoughts on any proposal for 2 hour parking time restrictions applying to the parking area at the rear of the Civic Centre – noting neither had any issue with 2 hours and the CBD SRWG is recommending a 4 hour parking time restriction apply.
- Discussions regarding the issues of loading/unloading on South Coast Highway have been undertaken with Main Roads WA and the Denmark Co-operative Co Ltd.
- Ranger Services
- Infrastructure Services – noting that the Director of Infrastructure Services does not support the use of the Town Square as a loading zone
- Chief Executive Officer

Statutory Obligations:

Clause 2.1: Determination of Parking Stalls and Parking Stations of the Shire of Denmark's *Parking & Parking Facilities Local Law 2008* states:

The local government may by resolution constitute, determine and vary and also indicate by signs –

- a) Parking stalls;*
- b) Parking stations;*
- c) Permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
- d) Permitted classes of vehicles which may park in parking stalls and parking stations;*
- e) Permitted classes of persons who may park in specified parking stalls or parking stations; and*
- f) The manner of parking in parking stalls and parking stations.*

Policy Implications:

Town Planning Scheme Policy No. 31: *Commercial Strategy* acknowledges the importance of public realm parking to the Denmark CBD.

Budget / Financial Implications:

Costs associated with amending existing signage, provision of new signage and linemarking (as required) are provided for in the 2013/14 Municipal Budget.

Strategic Implications:

Nil

Sustainability Implications:➤ **Environmental:**

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

➤ **Economic:**

The provision of suitably located car parking in the public realm supports the economic function of a CBD area, with time limited parking bays in parking areas generally provided in appropriate areas to facilitate the turnover of vehicles for shoppers/visitors to the CBD.

➤ **Social:**

Public realm car parking with time limits applying facilitates usage by shoppers/visitors to the CBD, with business owners, staff and customers who are utilising the CBD area for long periods of time should generally be accommodated for via on-site car parking and/or car parking areas that are on the edge of the main streets of the CBD.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION	ITEM 8.1.1
MOVED: CR SYME	SECONDED: CR HINDS
That Standing Orders be suspended to enable more informal discussion on the Item.	
CARRIED UNANIMOUSLY: 9/0	Res: 040813

COUNCIL RESOLUTION	ITEM 8.1.1
MOVED: CR SYME	SECONDED: CR HINDS
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 9/0	Res: 050813

OFFICER RECOMMENDATION ITEM 8.1.1

That with respect to Council’s Parking & Parking Facilities Local Law 2008, Council amend the parking time restrictions and loading/unloading zones in the CBD as follows:

1. Adopting the parking arrangements as per Attachments 8.1.1c, 8.1.1d, 8.1.1e and 8.1.1f;
2. Impose a 5 minute parking time limit associated with the tourist information sign pull-in bays at Waterfall Park and Scotsdale Road; and
3. Supporting the loading zone in the Town Square and it being delineated via signage and not through the use of bollards and/or linemarking.

COUNCIL RESOLUTION	ITEM 8.1.1
MOVED: CR OSBORNE	SECONDED: CR MARSHALL
That with respect to Council’s Parking & Parking Facilities Local Law 2008, Council amend the parking time restrictions and loading/unloading zones in the CBD as follows noting that other arrangements particularly the location of disabled parking bays are to remain unchanged:	
<ol style="list-style-type: none"> 1. Adopting the parking time restrictions and loading/unloading zones as per Attachments 8.1.1c, 8.1.1d, 8.1.1e and 8.1.1f; 2. Impose a 5 minute parking time limit associated with the tourist information sign pull-in bays at Waterfall Park and Scotsdale Road; and 3. Supporting the loading zone in the Town Square and it being delineated via signage and not through the use of bollards and/or linemarking. 	
AMENDMENT	
MOVED: CR LEWIS	SECONDED: CR GILLIES
That the loading zone times be 5.00am to 8.30am in the Town Square.	
CARRIED: 8/1	Res: 060813
AMENDMENT	
MOVED: CR SYME	SECONDED: CR LEWIS
After the words “Town Square” the words “7 days a week” be added.	
CARRIED: 8/1	Res: 070813
AMENDMENT	
MOVED: CR HINDS	SECONDED: CR LEWIS
That reference to 8.1.1f in part 1 be removed and that the parking bays behind the Civic Centre be limited to 3 hour periods.	
LOST: 4/5	Res: 080813
AMENDED MOTION	

That with respect to Council's Parking & Parking Facilities Local Law 2008, Council amend the parking time restrictions and loading/unloading zones in the CBD as follows noting that other arrangements particularly the location of disabled parking bays are to remain unchanged:

1. Adopting the parking time restrictions and loading/unloading zones as per Attachments 8.1.1c, 8.1.1d, 8.1.1e and 8.1.1f and that the loading zone times in the Town Square 7 days a week and from 5.00am to 8.30am;
2. Impose a 5 minute parking time limit associated with the tourist information sign pull-in bays at Waterfall Park and Scotsdale Road; and
3. Supporting the loading zone in the Town Square and it being delineated via signage and not through the use of bollards and/or linemarking.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS
PUT & CARRIED: 8/1 Res: 090813

REASONS FOR CHANGE

Council made reference that "other arrangements particularly the location of disabled parking bays" were to remain unchanged and amended part 1 to refer to parking time restrictions and loading/unloading zones rather than parking arrangements for clarification.

5.35pm – The Shire President entered the room and resumed the chair as the Presiding Person.

8.1.2 PROPOSAL TO RENAME JON GLADE TO RESEARCH STATION AVENUE
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File Ref:	R30436; ORG.15
Applicant / Proponent:	Denmark Historical Society
Subject Land / Locality:	Jon Glade Road Reserve
Disclosure of Officer Interest:	Nil
Date:	31 July 2013
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2 – Schedule of Submissions

Summary:

Public advertising of the proposal to rename “Jon Glade” to “Research Station Avenue” was recently undertaken, with four (4) submissions received – three (3) submissions supporting the proposal and one (1) objecting to the proposal.

Having regard to the submissions received on the proposal and Council’s desire to acknowledge the local heritage significance that the Research Station played in the history of Denmark, it is recommended that the renaming proposal be referred to Geographic Names Committee for approval.

Background:

The request from Denmark Historical Society to rename “Jon Glade” to “State Farm Road” or “Research Station Road” was considered at the Ordinary Meeting of Council held on 28 May 2013 wherein Council resolved the following (Res No: 150513):

That with respect to the request to rename “Jon Glade” to “State Farm Road” or “Research Station Road”, Council advertise the suggested name of “Research Station Avenue” for a minimum period of 30 days and should there be no objections, the Chief Executive Officer be authorised to submit the name to the Geographic Names Committee.

Comment:

Public advertising of the proposal was undertaken in accordance with Council’s resolution (refer ‘Consultation’ section of the report), with four (4) submissions received – with three (3) submissions supporting the proposal and one (1) submission objecting to the proposal. Attached at Attachment 8.1.2a is the Schedule of Submissions – with the submission received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission.

Notwithstanding that the officer’s recommendation on this renaming request for the 28 May 2013 Council meeting was not supported by Council on the basis that the renaming criteria as provided for in the Geographic Names Committee’s document titled *Policies and Standards for Geographical Naming in Western Australia* was not met, having regard to the submissions received on the proposal and Council’s desire to acknowledge the local heritage significance that the Research Station played in the history of Denmark, it is recommended that the renaming proposal be referred to Geographic Names Committee for approval.

Consultation:

Public comment on the proposal to rename “Jon Glade” to “Research Station Avenue” has been undertaken as per the following:

- Notice published in the Denmark Bulletin on 27 June 2013 inviting public comment;
- Letter sent to three (3) adjoining landowners inviting comment; and
- Letter sent to Denmark Historical Society inviting comment.

As per the Geographic Names Committee’s *Policies and Standards for Geographical Naming in Western Australia (Version 1.2)*, community consultation is required for all road naming proposals – with the required extent of community consultation dependent on the nature of the proposal.

Statutory Obligations:

The Geographic Names Committee, under delegation from the Minister for Lands, approves road naming proposals having regard to the *Policies and Standards for Geographical Naming in Western Australia*. Proposals normally require the support of local government, but the Minister for Lands is the final authority in all such matters.

As referenced in the officer’s report when the original request was considered at the 28 May 2013 Ordinary Meeting, this road renaming proposal does not comply with the renaming criteria as provided for in the Geographic Names Committee’s document titled *Policies and Standards for Geographical Naming in Western Australia*.

Policy Implications:

Council Policy *P100603: Road & Reserve Naming Within the Shire* comprises a list of road names that have been approved by Council and/or the Geographic Names Committee for use when naming roads and reserves within the Shire.

Although the proposed name of “Research Station” is not contained on the list, Council has the ability to submit any names for approval of Geographic Names Committee.

Budget / Financial Implications:

Should Council resolve to seek approval for the name of “Research Station Avenue”, when the road name change request is lodged with Geographic Names Committee for approval, a service charge (currently \$257.00 GST inclusive) will be incurred as based on advice provided to date this request will be considered a non-essential road name change.

Strategic Implications:

The Research Station played an important role in the development of Denmark and it is acknowledged that the local heritage significance of the former usage of the Kwoorabup Community Park area should be recognised.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The Research Station both played an important role in the history of Denmark and should be appropriately recorded/captured.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR ROWLAND	SECONDED: CR SYME
That with respect to the proposal to rename “Jon Glade” to “Research Station Avenue”, Council:	
1. Note the submissions received;	
2. Recommend to the Geographic Names Committee that they approve the proposed name on the basis that “Research Station Avenue” is appropriate having regard to the Research Station’s former usage of the area and the broad community support to the proposal; and	
3. Advise the submitters of Council’s recommendation in part 2.	
CARRIED: 7/3	Res: 100813

Prior to consideration of Item 8.2.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a member of the Denmark Dragon Boat Club Inc. and the Denmark Riverside Clubs and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Rowland is a member of the Denmark Dragon Boat Club Inc. and is the Chair of the Denmark Riverside Clubs Working Group.

Cr Osborne & Cr Rowland both declared that they will consider this matter on its merits and vote accordingly.

8.2 Director of Community & Regulatory Services

8.2.1 DENMARK RIVERSIDE CLUB INC. CSRFF APPLICATION FORWARD PLANNING GRANT

File Ref:	A3035
Applicant / Proponent:	Denmark Riverside Club Inc.
Subject Land / Locality:	Denmark Bowling Club,1 Morgan Road Denmark, A Class Reserve 20403
Disclosure of Officer Interest:	Nil
Date:	30 July 2013
Author:	Damian Schwarzbach, Manager of Recreation Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.1.2 - CSRFF Forward Planning Grant Application 2013

Summary:

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

The Club requests Council to:

1. Assess and recommend approval of their CSRFF forward planning grant application to the Department of Sport & Recreation;
2. Contribute a 17.5% contribution of \$490,852 towards the total project cost of \$2,101,500, subject to a successful CSRFF application; and
3. Agree to a self-supporting loan for the Denmark Riverside Club (Inc.) for \$285,000.

The officer report recommends that Council support the application and notify DSR in writing, allow for the provision of \$490,852 in the 2014/15 budget and agree to the principle of a self-supporting loan of \$285,000 in that same budget.

Background:

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

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

In order to qualify for the current round, grant applications must be assessed for priority and supported by the Local Government and submitted to the DSR by the 30th September 2013.

If the application is successful the Forward Planning Grant can be utilised over a three year period. The Club would be notified in February/March 2014 of the outcome and be entitled to start the project as of 1st July 2014.

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

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

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

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

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

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

The establishment of a river sports precinct and river trail has merit and would give exposure to the respective clubs and increase the probability of attracting members.

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

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

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

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

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

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

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

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

Then on 25 September 2012, the following Council resolution 110912, was lost

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

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

Council raised some areas for concern when the Resolution 100912 was rejected.

One of those concerns was the increase in project costs from \$533,000 to \$773,833.

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

The Denmark Riverside Club Inc. (DRC) represents all the member clubs and their constitution is an attachment in the application. The first Annual General Meeting for the body was held on 22 November 2012 and representatives from all clubs have an opportunity to nominate for positions on the management committee. The DRC have

demonstrated an inclusive process for all of their member clubs and the 300 community members who they represent. The constitution has been designed so that no club has a controlling interest.

At the 27 November 2012 Council meeting Resolution 151112, resolved the following in support of a RDA funding submission;

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

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

This expression of interest and the subsequent funding application was successful in achieving a RDA round 3 application outcome of \$500,000 towards the Riverside Club development.

An aerial photo of the Bowling Club is below.



Comment:

The CSRFF application received from the DRC is well researched, contains all of the elements requested by DSR and demonstrates a need for this facility and a diversity of

users. The DRC have also regularly informed and updated Council staff, Councillors and DSR of their progress in relation to this application and the design.

The club's proposal has two stages:

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

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

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

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

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

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

The Indigenous cultural heritage of the site (being the 30m immediately adjacent the River) is recognised conceptually in the design after consultation with local elders and the Department of Aboriginal Affairs. A Section 18 approval is not required for Stage One works but one will be needed prior to Stage Two commencing.

The proposed Riverside facility will provide flexible, multi-use facilities for both the club's members (currently close to 300), and the wider community. The location of this facility is at the entrance to the town of Denmark, travelling from the Albany direction and is highly visible to all visitors. This has been taken into account by the project committee as they have striven to provide a building that the Shire can be proud of and that will attract visitors.

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

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

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

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

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

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

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

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

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

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

If this grant application is successful, work would commence from July 2014 and it is scheduled to be completed in December 2015.

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

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

It is important for Council to understand that there will be two applications for CSRFF in this agenda, this application and the Denmark Pistol Club Inc. which is discussed in the previous agenda item. These applications are funded from two entirely different rounds of funding; this one for a Forward Planning Grant (larger scale projects) and the Pistol Club is for a CSRFF Small Grant which is for projects up to a total cost of \$150,000. Council's support for one will not affect the outcome of the other grant.

Consultation:

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

Statutory Obligations:

Nil

Policy Implications:

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

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

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

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

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

Budget / Financial Implications:

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

The Denmark Bowling Club currently has two self-supporting loans for the synthetic greens with Council:

- Loan 140 \$52,774 with annual repayments of \$11,919 and maturing in 2017/18.
- Loan 141 \$49,846 with annual repayments of \$10,215.99 and maturing in 2018/19.

The cost to Council of this project will be \$490,852 in the 2014/15 Budget plus the provision of \$285,000 in self-supporting loans to the DRC.

The DRC will pay out the existing self-supporting loans (Loan 140 & 141) if Council agree to a new self-supporting loan of \$285,000.

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

If the CRFFS grant funding short falls exceed this contingency then the Riverside Club may require additional self-supporting loan for that shortfall. This however should not be an issue as the financials that have been received for the Bowling Club and projected incomes for the Riverside club indicate that they have the capability of servicing such loans.

Strategic Implications:

The Denmark Bowling Club's lease expires on the 30 October 2029, which was a new 21 year lease approved by Council on the 28 October 2008.

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

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

➤ Social:

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

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

Voting Requirements:

Simple majority.

5.41pm – Cr Marshall left the room.

5.42pm – The Director of Planning & Sustainability & the Director of Infrastructure Services left the room.

5.43pm – Cr Marshall returned to the room.

5.46pm – The Director of Planning & Sustainability & the Director of Infrastructure Services returned to the room.

OFFICER RECOMMENDATION**ITEM 8.2.1**

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

1. Advise the Department of Sport and Recreation that the application received for the CSRFF Forward Planning Grant Round from the Denmark Riverside Club Inc. is supported by Council;
2. Agree to contribute a maximum of \$490,852 towards the total project cost of \$2,101,500 subject to a successful CSRFF application and Council being able to access its projected level of Country Local Government Fund (CGLF) funding;
3. Agree to providing a self-supporting loan(s) for the Denmark Riverside Club Inc. to a maximum of \$285,000 should the project proceed.

Post Script: On the 8 August 2013 the State Government adopted its 2013/14 State Budget and accompanying four year Budget forecast. The Budget specifically notes the significant reduction to funding allocated with respect to the Country Local Government Fund (CLGF) such that, effective from the current financial year, there is no new direct or 'as of right' funding for regional Local Governments. The Shire of Denmark had, through previous resolutions, tentatively allocated \$500,000 of its annual allocation of approximately \$1,100,000 towards the Riverside Project in the 2014/15 financial year.

The proponents of the Riverside Club note that whilst they hope to commence construction of the facility in July 2014 with completion by June 2015, the approved

Federal Grant allows for construction to be concluded by June 2016. This provides some flexibility in how Council might respond to this new dynamic.

Accordingly an Alternative Officer Recommendation has been provided to reflect this new information.

COUNCIL	RESOLUTION	&	ALTERNATE	OFFICER	ITEM 8.2.1
	RECOMMENDATION				
	MOVED: CR ROWLAND			SECONDED: CR OSBORNE	
That with respect to the Riverside Clubs Inc.'s CSRFF Forward Planning Grant Round Application Council:					
<ol style="list-style-type: none"> 1. Advise the Department of Sport and Recreation that the application received for the CSRFF Forward Planning Grant Round from the Denmark Riverside Club Inc. is supported by Council; 2. Agree to the principle of Council contributing a maximum of \$490,852 towards the total project cost of \$2,101,500 subject to a successful CSRFF application and Council being able to accommodate its contribution in consideration of the constraints of its 2014/15 and or 2015/16 financial year budgets which may be able to be sourced by other available grant funds such as the Country Local Government Fund (CGLF), at that time; 3. Agree to providing self-supporting loan(s) for the Denmark Riverside Club Inc. to a maximum of \$285,000 should the project proceed, noting this requires the acquittal of any previous self-supporting loans owing by the Denmark Bowling Club Inc. 					
CARRIED: 9/1				Res: 110813	



Comment:

An assessment of the situation has been conducted and the following factors were noted:

- 1) A total of 19 lots have access to the rear of the lots via the lane way.
- 2) The rear access to each of the properties at this stage is only secondary access given all lots have legal road frontage to Chiltern Rd, Minsterly Rd or Cotswold Drive.
- 3) The lane way currently has direct access to Chiltern Rd via Hawes Rd and access to Minsterly Rd via Harington Park. Both directions are equally trafficable in a 2wd car.
- 4) It appears that in the past Council has sought to control and facilitate the access through Harington Park by erecting a pine log entry point. This point however is some distance from the side boundary of the park and its safety could be improved by shifting 20-30m to this location and delineating it with further pine logs for the distance that it traverses the park.
- 5) The closing of the Harington Park access would, in the opinion of the Author, not unreasonably affect the property owners as all of the lots have existing bitumen road frontages or battle axe accesses to those roads and the furthest rear lane access distance to Hawes Rd would be no more than 200m.
- 6) The lane way is identified in a 1968 small lot structure plan (refer Attachment 8.2.2) as being a future road running along the edge of the park that will connect Hawes Rd to Minsterly Rd via the park and has been created by the lots on each side of the lane way ceding a portion land to Council as a condition of subdivision and nominating it as a right of way.

The process is all but complete with only two lots that are yet to make the required land contribution. The first is lot 104 Minsterly Rd meaning that the lane way is

constricted to single lane width for a distance of approximately 50m but is still quite passable and the second is the proponent's own property at lot 214 Minsterly Rd which abuts the Harington Park (Reserve No. 24175). Looking at the map this lot should have already given up a thin strip of land along its entire length when it was last subdivided, but it did not. This needs to be done if this land goes to future small lot subdivision because there is no allowance for a cul-de-sac in the current laneway design or land acquisition strategy and if it is not taken then a kink will be required in the future road where it enters the park.

In considering this comment Councillors should note that while the land that has been ceded to Council as a condition of subdivision as a right of way but the adjoining park is not. This means that Council has the power to close the vehicle access through the park without warning until such time as it chooses to gazette and build it as a public road.

- 7) Once the area is deep sewerred the development densities under Council's Town Planning Scheme would probably increase. This increased density will allow for further subdivision of the lots in this area. This increased lot density will lead to the creation of rear facing lots that will trigger a need to construct a normal urban standard road within the laneway.

When this road is constructed Ocean Beach's very high fire risk will mean that a long cul-de-sac will not be advisable making a case for the consideration of the construction of a road through Harington Park.

Given the above observations the most appropriate cause of action would be for Council to take one of the two following courses of action.

- a) To go to community consultation regarding the temporary closure of the vehicle access through the park until such time as the area is serviced by deep sewerage making small lot subdivision and the gazettal and construction of the lane way as a road becomes viable.
- b) Address the claimed safety issue by shifting the current vehicle access point some 20-30m south of its current location to the park's boundary and delineating it with pine logs for the distance that it traverses through the park. Public consultation would not be required under such a scenario as the access way is being controlled as opposed to being removed but a letter would be sent to nearby and affected property owners as a matter of courtesy.
- c) Refuse the request and retain the status quo.

Of the two approaches option A is the preferred option, in the opinion of the Author, because Hawes Rd provides suitable level of access for all of the affected lots and vehicles crossing parks near playgrounds is never a good idea. On this basis it is recommended that Council consult with nearby and affected property owners regarding the temporary closure of vehicle access through Harington Park.

It is also recommended that if Council chooses option B that it should also consider closing the portion of lane way that runs through the park for at least one day per year so that it does not become a public right of way until such time as Council has specifically resolved to make it one.

Consultation:

Consultation has taken place with the Director of Planning & Sustainability and the Director of Infrastructure Services. The Director of Planning & Sustainability supports the closure until Council decides to connect the laneway through to Minsterly Road which will only occur once all of the land for the laneway has been ceded.

Statutory Obligations:

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

Policy Implications:

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

Budget / Financial Implications:

There are Budget / Financial implications relating to the report and the officer recommendation in that there is no specific budget item for either the closure or the delineation of the access through Harington Park.

These costs however are quite minor and would be in the order of \$500 for the closure and \$1500 for the delineation. It is envisaged that these costs would be booked against the maintenance of the park.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

There are no known negative environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

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

➤ **Social:**

There are no known significant economic considerations relating to the report or officer recommendation or than the obvious desirability of keeping traffic as far as possible from children’s play areas.

Voting Requirements:

Simple Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.2
MOVED: CR MARSHALL	SECONDED: CR SAMPSON
That with respect to the request that the access route through Harington Park be closed, Council advertise its intention to close the current vehicle access through Harington Park until such time as the area is serviced by deep sewerage and small lot subdivision and the gazettal and construction of the lane way as a road becomes viable.	
LOST: 5/6 BY THE CASTING VOTE OF THE SHIRE PRESIDENT	Res: 120813

8.2.3 ILLEGAL CAMPING AT THE VALLEY OF THE GIANTS PARKING BAY
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File Ref:	HLTH.1
Applicant / Proponent:	Mr J Goodsell
Subject Land / Locality:	Valley of the Giants Parking Bay, Tingledale
Disclosure of Officer Interest:	Nil
Date:	3 August 2013
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.3 a) – Applicant’s Submission 8.2.3 b) – Pictures of Parking Bay 8.2.3 c) – Letter to the Department of Health

Summary:

The officer report discusses a submission that has been tabled by the proprietor of the Valley of Giants Eco Park detailing his research into illegal camping in the Valley of the Giants Parking Bay on South Coast Highway, Tingledale, controlled by the Main Roads Department WA.

The submission provides statistics and requests that Council either lobby Main Roads to close the bay or alternatively employ a western districts ranger to police illegal camping and embark on an extensive environmental monitoring program to assess the effects of illegal camping down slope of that bay.

While the Author agrees that illegal camping in parking bays all along South Coast Highway is an issue, the proponent’s claims in terms of environmental impact are rejected by the Author and the officer’s recommendation is that the bay be retained for road safety reasons and that illegal camping be controlled by regular patrols, issuing infringements and encouraging the Valley of Giants Ecopark to actively market itself and to be reliably open for business from passing trade.

Background:

The bay which is controlled by the Main Roads Department of WA is only 1.8km from Valley of Giants Eco Park and is typical of those created as part of straightening out roads in that it is set back well from South Coast Highway and is particularly large and scenic making it an attractive place to camp.

The proprietor of the Valley of Giants Eco Park first started complaining about illegal camping in the bay in late 2011 following its listing as being ideal for that purpose in a free book camping book that is sold in newsagents and visitors centres around Australia.

An assessment showed this that this complaint was valid and a targeted compliance program was initiated in early 2012 which quickly brought the problem under control and for a time all but eliminated it allowing a reduction in the resources that were allocated to it.

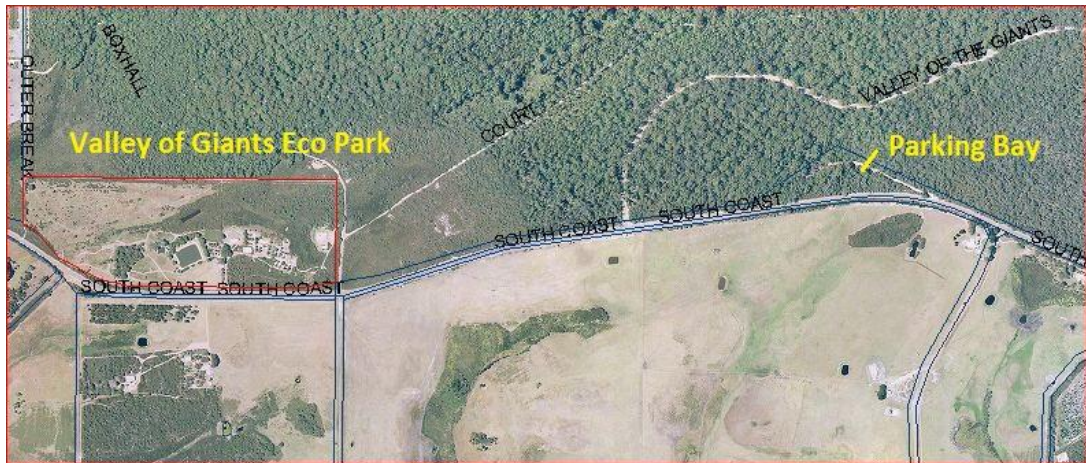
This said, it does however periodically resurface due to the existence of ever increasing free camping books and websites and a sense of entitlement and activism amongst “free camping” advocates that actively promote emergent free camping opportunities via social networking mediums and free camping guides and websites.

While the effectiveness of these mediums means that a “free camping” problem can quickly mushroom, it also means that it can be stopped equally as quickly once the word gets out that infringements are being issued. It is also known that the proprietor of the nearby Eco Park has been active in advising the publishers and authors of those publications and websites that the bay is not authorised for overnight camping.

With the total change of staff in the Council’s Ranger team in late 2012 the policing of illegal camping in the Western part of the Shire took a secondary priority to fire regulation notice compliance and illegal camping elsewhere in the Shire. Despite this shift in resources the incidence of “free camping” at the bay, as shown by the

proponents own statistics, has stayed well below pre enforcement levels but he is seeking further reductions through either the closure of the bay or the provision of a local ranger's presence.

In considering the proponents requests, Councillors should note that while the proponent greatly assists Council's Rangers by voluntarily patrolling the bay so that they are only patrolling the bay when there is a high likelihood of actually catching illegal campers, he conversely does not help the situation frequently closing his park to those same campers by placing a chain across the gate and displaying a "no vacancy" sign. This sign is pictured below together with maps of the locality.



Comment:

Consultation with Main Roads regarding the bay has indicated that they are not prepared to close it as they made a specific decision to create it when the road was realigned on the basis that it was needed as a roadside rest area to provide drivers with

an opportunity to overcome driver fatigue. They have also advised that it is only marked as "P" bay or short term rest area as opposed to a "P24" bay which is designed and equipped for overnight transit camping. This means that people can rest in the Valley of Giants Bay but they can't camp in it because it has not been established for that purpose.

They have also communicated that the bay's designation as "P" area means that Council can infringe people who camp in the bay. When these factors are considered collectively, Main Roads stance that the bay should be kept is reasonable, given that its location is desirable from a road safety perspective and there are sufficient legal mechanisms for Council staff to police illegal camping in the bay if it is found to be a chronic problem.

The proponent also is of the opinion that bacteria and parasites from illegal campers defecating in the bush around the bay will travel considerable distances and contaminate nearby farming properties. As an Environmental Health Officer it is the Author's professional opinion that these allegations are exaggerated and should be largely dismissed. While illegal campers defecating in the bush around the bay is in itself a sufficient public health and amenity concern to warrant policing the bay, the risk is an immediate one to the people using that bay and not the surrounding farms. While a fuller explanation which can be found in the attached letter to the Department of Health dated the 26 March 2012 states that given the bays elevated location, soil type and surrounding bushland the level excremental contamination that would be required to leach bacteria and viruses into nearby farms would be such that the bay would be highly objectionable to drive past let alone camp in.

Given these factors, arguments regarding the offsite environmental impacts of illegal camping should be largely dismissed and instead Council's deliberations should be centred on the degradation that illegal campers cause to the bushland and amenity of the parking bays and its impact on viability of nearby caravan parks.

When considering these perspectives alone there is good grounds for Council's rangers to be regularly patrolling the Valley of the Giants parking bay and in fact all other bays along South Coast Highway and issuing \$100 infringements to illegal campers. The only question is whether Council needs to employ a western districts ranger to do that role effectively or whether its existing Denmark based resources are adequate.

While there is potentially a demand for a western districts ranger during the peak summer peak season there would actually be very little for that ranger to do for the other 9 months of the year. It is the officer's opinion that when compared to Walpole which has a larger population and is serviced by rangers that are based 110km away in Manjimup the western sectors of the Shire of Denmark are currently well serviced. The comment is based on the fact that while Valley of the Giants parking bay is 50km away most of the other areas where illegal camping occurs are much closer.

The final factor Councillors should consider in discussing the merits of a western districts ranger is whether allocating resources to satisfy one operator's immediate concerns is more effective than a Shire wide program with periodic blitzes on emergent problem areas that achieves a long term reduction across the shire rather than just focusing on one area and by default shifting illegal campers to another less visible location that is not patrolled.

From an officer's perspective, an ongoing shire wide program with periodic blitzes on emergent problem areas is the preferred scenario as it will achieve meaningful reductions in illegal camping across the Shire and improve the viability of all caravan parks and particularly the ones that put an effort into marketing themselves. Similarly illegal camping may also be further reduced by the improved sign posting of caravan parks and the installation of maps in parking bays showing where people can legally camp and how to book into those locations.

Consultation:

While specific industry consultation has not taken place in the preparation of this item Council staff are aware of industry and community concerns regarding illegal camping through their inspections of caravan parks and attendances a local meetings and have considered these perspectives in the preparation of this report.

Statutory Obligations:

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

Policy Implications:

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

Budget / Financial Implications:

There are known Budget / Financial implications relating to the report in that the employment of a western districts ranger would significantly increase the operational costs of the Ranger’s team.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

There are known negative environmental considerations relating to the report or officer recommendation in that on-going illegal camping degrades surrounding bush land.

➤ **Economic:**

There are known significant economic considerations relating to the report or officer recommendation in that wide spread illegal camping undermines the viability of local caravan parks.

➤ **Social:**

There are known negative social considerations relating to the report or officer recommendation in that frequent illegal camping degrades the amenity of road side parking bays meaning that they are no longer pleasant places for motorist to stop and rest.

Voting Requirements:

Simple Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.3
MOVED: CR GILLIES	SECONDED: CR PEDRO
That with respect to illegal camping in the Valley of the Giants South Coast Highway Parking Bay, Council:	
1. Advise Main Roads that it supports the retention of the Valley of the Giants parking bay on South Coast Highway as a short term “P” classification bay and;	
2. Advise Mr Goodsell that;	
a) Whilst Council does not support the concept of illegal camping in the Valley of the Giants parking bay on the South Coast Highway, it can find no reasonable grounds to support allegations that there are measurable offsite environmental impacts that are associated with that activity; and	
b) Council cannot currently justify additional Ranger resources and will continue with its current approach to illegal camping enforcement across the Shire.	
CARRIED: 10/0	Res: 130813

6.05pm - Public Question Time

The Shire President stated that the second public question time would begin & called for questions from members of the public.

Mr Shane Smith – Bar Opening at Wilson Inlet

Mr Smith referred to the opening of Wilson and congratulated Council for choosing the west side again however Mr Smith expressed concern about the lack of communication between the Department of Water & the Water Corporation and the local Fisherman stating that most lost Fisherman would like more say in matters relating to the Wilson Inlet.

8.2.4 CSRFF SMALL GRANTS – DENMARK PISTOL CLUB (INC.)

File Ref:	A3035 & A3167
Applicant / Proponent:	Denmark Pistol Club (Inc.).
Subject Land / Locality:	223 Churchill Road, Scotsdale (Reserve No. 36044)
Disclosure of Officer Interest:	Nil
Date:	29 July 2013
Author:	Damian Schwarzbach, Manager of Recreation Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.4 - CSRFF Small Grant Round – Denmark Pistol Club (Inc.) application

Summary:

The Denmark Pistol Club Inc. has submitted a Community Sport & Recreation Facilities Fund (CSRFF) small grants application for the 2013/14 grant funding round.

The Club is seeking assistance with the construction of an all-weather shelter on its existing 100 metre firing range which is located at 223 (Lot 7441) Churchill Road, Scotsdale, Reserve 36044 vested in the Shire of Denmark for the purposes of "Pistol Club".

The officer report recommends that Council support the application as it will not be competing with the Riverside Clubs Project which is funded from an entirely different pool of funds.

Background:

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

Prior to the consideration of applications for funding assistance, the Department of Sport and Recreation (DSR) requires Local Governments to consider all of the funding applications from community groups within their area and to place a funding priority on each application.

In order to qualify for the current round of grant applications must be assessed for priority and supported by the Local Government and submitted to the DSR by the 30th August 2013.

The Denmark Pistol Club (DPC) are associated with their State Sporting Association and the Sporting Shooting Association of Australia and receive insurance cover from that source.

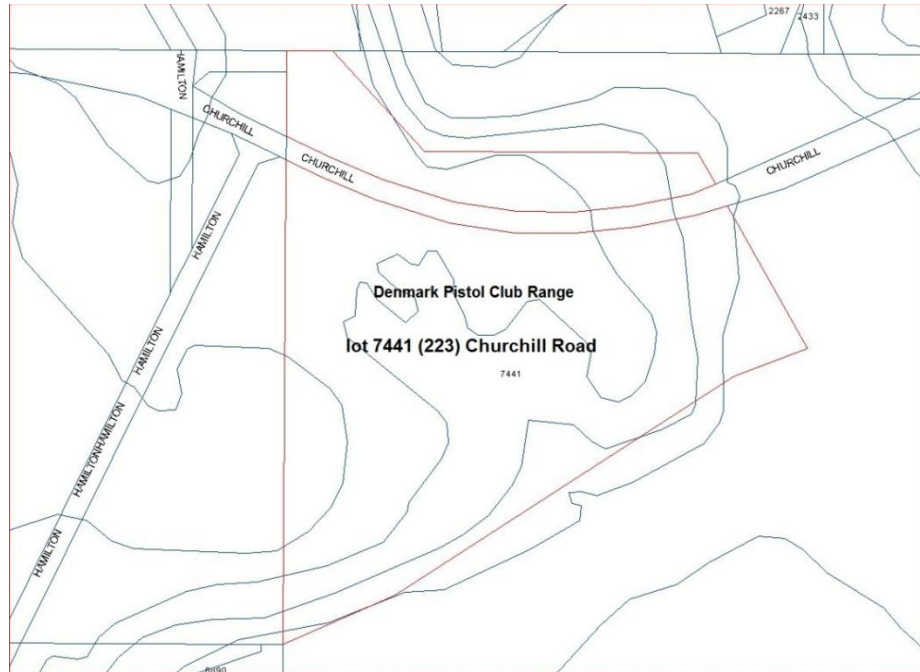
Their membership numbers have increased from 24 in 2010/11 to 35 for 2012/13 and they now have 6 junior members and the club also share the facility with the Western Australian Police force who use it for their training requirements.

223 (Lot 7441) Churchill Road is vested in the Shire of Denmark with a management order that allows Council to lease the land for up to 21 years and in 2011 a 21 year lease was granted to the DPC which expires in 2032.

The club runs a variety of events including Pistol, Small Bore, Shot Gun and Revolver.

They have been largely self-funded for the past 25 years and have other infrastructure on the property.

In 1998 Council has provided \$5,000 towards their Club rooms which cost \$15,000 and in 2007 the DPC extended their Western Action Range out to 100 metres and this expansion has led to the increase in membership.



Comment

The DPC's 100 metre range is currently open to all weather conditions which can adversely affect the programming of competition and participation. This exposure to the weather is also a deterrent to potential members who want to join such a Club.

The proposed all weather shelter will allow scheduled programmes to precede thereby reducing cancellations, improve the shooting experience for visitors and members by not being exposed to the elements and increase the attractiveness of the club as a membership destination for potential new participants.

The DPC have been planning the all-weather shelter for the sometime and the project already has all of its planning and building approvals in place and is shovel ready.

The DPC has a strong focus on the educational aspect, demonstrating a role in helping shooters, especially junior members, to keep themselves and others safe.

The DPC has also consulted with the Officer, Club Development Officer and their own members in relation to this application and it reflects a desire to improve their facilities. They have met with the Great Southern Regional Manager for the Department of Sport & Recreation on site and he has encouraged the DPC to submit an application.

The total cost of the project is \$19,250.00 including GST, which includes earthworks, concrete pad and building.

Council's contribution will be \$6,416.67, the DPC \$6,416.67 and the Department of Sport & Recreation granting \$6,416.67.

The DPC's finances show improved performance with each year with a closing balance of \$7,729.00 at financial year end 2013. These finances appear to adequately cover their expected financial contribution for this project and the DPC have communicated if there are any cost escalations then they will cover out of their own funds.

The application will be lodged with DSR by the end of August 2013, and Council will be notified by the end of October 2013, if they are successful in obtaining the funding. If they are successful the funding will be available November 2013 and the work can commence once this has occurred. Under the grant conditions the work must be completed and the grant acquitted by June 2014.

It is important for Council to understand that there will be two applications for CSRFF during the next 2 months, one for the Denmark Pistol Club which is this application and one for the Riverside Club Inc. project which is discussed in the next agenda item. These applications are for two different rounds of funding, this one is for Small Grants up to \$150,000 whereas the Riverside Clubs application is for a Forward Planning Grant which is a pool funding specifically allocated to larger scale projects. Council's support for one will not affect the outcome of the other grant.

Consultation:

Department of Sport and Recreation.

Statutory Obligations:

Nil

Policy Implications:

Policy P110304 Sustainability & Collocation (Sport & Recreation Facilities) relates as follows;

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

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

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

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

The DPC request is in accordance with this Policy.

Budget / Financial Implications:

The item is not in Council’s 2013/14 budget so the amount would need to be sourced from other funds if the grant application is successful.

The cost to Council would be \$6,416.67 including GST and funding would need to be found from identified budget savings if the project was to proceed in the 2013/14 financial year.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The DPC is a community sporting organisation who provides physical activity opportunities for 35 community members each year to participate in shooting activities.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.4
MOVED: CR MARSHALL	SECONDED: CR ROWLAND
That the Department of Sport and Recreation be advised that the application received for the Community Sport & Recreation Facilities Fund Small Grants Round from the Denmark Pistol Club (Inc.) is supported by Council with Council’s one third contribution of up to \$6,416.67 being funded from identified budget savings to be identified at Council’s scheduled budget review if the grant application is successful.	
CARRIED BY AN ABSOLUTE MAJORITY: 8/2	Res: 140813

The Shire President requested that the Director of Community & Regulatory Services investigate the activities authorised under their Lease Agreement at the Pistol Club, compared to what is stated in the Officer’s Report. The Director agreed that he would look into it and advise Councillors.

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration

8.4.1 DENMARK AIRPORT HANGAR LEASE PROPOSAL

File Ref:	ORG.80; A3209; A5418
Applicant / Proponent:	Barry Heard
Subject Land / Locality:	Reserve 41390 (Lot 8027) Lot 5
Disclosure of Officer Interest:	Nil
Date:	20/08/2013
Author:	Janet Paull, Finance and Administration Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.1 a) – Notice of Intention to Lease 8.4.1 b) – Opteon Current Market Valuation Report 8.4.1 c) – Draft Proposed Lease Agreement

Summary:

In accordance with the provisions of the Local Government Act 1995 Section 3.58, the Shire of Denmark intends to lease a portion of Reserve 41390 (8027) being Lot 5, to Mr Barry Heard. This site is known as the "Airport Hangar Lease HLS5" and comprises 210 square metres.

As per the attached Draft Lease it is recommended that this new lease arrangement with Mr Heard be entered into for a term of six (6) years, seven (7) months and nineteen (19) days, which will align the expiration of all the existing Hangar Lease Agreements to 30 April 2020.

The proposed new lease commencement date is 11 September 2013 which will follow the closure of the required public notice period inviting submissions.

Background:

The Shire of Denmark currently leases 7 of the existing 9 hangar sites at the Denmark Airfield. The existing hangar lease agreements have been leased by the Shire since the 1 May 2010 at the fixed lease fee of \$1.00m² (plus GST) (as determined at the time by a licensed land valuer), plus annual rates and charges.

Comment:

Following the initiation of this proposed new lease, a review of the current market valuation for fair rental was requested of Opteon and has been received, dated 16 July 2013. The fair rental valuation as reviewed has been advised at the fee of \$2.00m² (plus GST). Predetermined review periods remain as contained within the attached lease documents.

Council has advertised in accordance with provisions of the Local Government Act 1995 Section 3.58 in the public notices section of the Denmark Bulletin with written submissions to be received no later than Friday 6 September 2013.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995
Local Government (Functions and General) Regulations 1996
Land Act 1933

Policy Implications:

The Council's adopted Local Planning Policy 25.1 - Denmark Airfield and Airpark, Denmark Airfield and Land Strategy relates and the leasing of this lot is in accordance with it.

Budget / Financial Implications:

The hangar lease rental for this proposed new lease “HLS5” will be for the period between 11 Sept 2013 to 1 May 2014 (232 days) in the sum of \$267 (plus GST) plus annual property rates and charges. Thereon forward, the annual rental will be \$420 (plus GST), until the rent review date or the expiration of the proposed lease period, whichever comes first.

Strategic Implications:

The proposed lease is consistent with the Denmark Airfield Land use strategy 2010.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

6.18pm – *The Director of Community & Regulatory Services left the room.*

6.19pm – *Cr Sampson left the room.*

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.4.1
MOVED: CR OSBORNE	SECONDED: CR MARSHALL	
That should there be no adverse submissions received following the closure of the public comment period, Council agree to lease Lot 5, a portion Reserve 41390 (Lot 8027) “Airport Hangar Lease HLS5” for a term expiring on 30 April 2020 at a current annual rental of \$2m ² , with all other terms and conditions to be as per the attached Draft Lease.		
CARRIED: 9/0		Res: 150813

8.5 Chief Executive Officer

Prior to consideration of Item 8.5.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

The Chief Executive Officer, the Director of Planning & Sustainability and the Director of Community & Regulatory Services declare financial interest on the basis that the Policy relates to a condition of their employment.

8.5.1 DESIGNATED SENIOR STAFF HOUSING POLICY P090101

File Ref:	Policy Manual
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The CEO declares and financial interest in the policy as it relates to a condition of is employment
Date:	12 August 2013
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

This report recommends the Council give consideration to an amendment to its current senior staff housing policy to reflect greater encouragement for senior staff to own their own home within the Shire rather than renting. This has become relevant given one senior staff member has recently moved in a home constructed by that officer and another officer is due to move from a Council owned house into their own home in coming weeks.

The office has questioned whether the policy is fair and equitable given it could be argued that it discourages ownership and encourages renting the way it is currently structured.

Background:

The current situation with Council's senior staff is as follows;

- CEO - rents a Council house in accordance with the policy (rent free)
- Director of Finance & Administration – position vacant
- Director of Community & Regulatory Services – rents a private house
- Director of Planning & Sustainability – has recently moved from a private rental to her own home within the Shire
- Director of Infrastructure Services – currently rents a Council house at \$150 / week and is scheduled to move into his own home in coming weeks.

Comment:

The proposed policy is recommended to be changed as follows;

Objective

Council values its CEO and Designated Senior Employees living within the Shire due to the inherent social, economic and environmental benefits from living in the Shire that employs the individual. Whilst not a determining factor in selecting a preferred applicant, Council encourages living within the Shire through offering attractive housing incentives designed to attract and retain these employees.

Policy

Where the Council employs the CEO or a designated Senior Employee (S 5.37 of the Local Government Act 1995), it agrees to provide a rental subsidy on the following basis;

1. *CEO designated house - rent free, noting a residential tenancy lease is still required;*
2. *Designated Senior Officer in a Council supplied house – \$150 rent per week, noting a residential tenancy lease is still required;*
3. *If the officer lives within the Shire of Denmark in private residential tenancy rental – a rent subsidy payable direct to the landlord or the employee of up to \$200 per week;*
4. *If the CEO or officer lives within the Shire of Denmark in their own home – a payment of \$325 per week;*
5. *No rent subsidy will be applicable for any senior officer who resides outside of the Shire of Denmark boundary;*
6. *Noting that any tax payable under Federal Tax law such as Personal Income Tax or Fringe Benefits Tax as a result of any of the above payments (as the law is amended from time to time) are to be borne by the employee.*

Responsible Officer

The CEO is the responsible officer for implementing this policy.

The proposed changes reflects that the officer holding the position of CEO is treated the same as other senior officers in being encouraged to own their own home rather than renting and the change of the subsidy paid to any officer that owns their home increasing from \$250 per week to \$325 per week.

This has been calculated based on a deemed tax rate of 37c tax per dollar over \$80,000 of income plus 1.5c for Medicare. Thus if one was to deduct 38.50c for each dollar on \$325 of extra income, the net benefit retained by the employee would be \$200, equating to the same rent benefit that they would have enjoyed if they were renting privately and the rent was salary sacrificed (as permitted by the tax legislation).

Consultation:

Senior staff have requested the proposed policy change to not 'disadvantage' those that choose to own their own home rather than renting.

Statutory Obligations:

There are no known statutory obligations.

Policy Implications:

P090101 DESIGNATED SENIOR STAFF HOUSING POLICY

Objective

Council values its CEO and Designated Senior Employees living within the Shire due to the inherent social, economic and environmental benefits from living in the Shire that employs the individual. Whilst not a determining factor in selecting a preferred applicant, Council encourages living within the Shire through offering attractive housing incentives designed to attract and retain these employees.

Policy

Where the Council employs the CEO or a designated Senior Employee (S 5.37 of the Local Government Act 1995), it agrees to provide a rental subsidy on the following basis;

7. CEO designated house - rent free, noting a residential tenancy lease is still required;
8. Designated Senior Officer in a Council supplied house – \$150 rent per week, noting a residential tenancy lease is still required;
9. If the officer lives within the Shire of Denmark in private residential tenancy rental – a rent subsidy payable direct to the landlord or the employee of up to \$200 per week;
10. If the officer lives within the Shire of Denmark in their own home – a payment of \$250 per week;
11. No rent subsidy will be applicable for any senior officer who resides outside of the Shire of Denmark boundary. Any senior officer presently residing outside the Shire of Denmark boundary to retain their existing subsidy for the remaining term of their contract.
12. Noting that any tax payable under Federal Tax law such as Personal Income Tax or Fringe Benefits Tax as a result of any of the above payments (as the law is amended from time to time) are to be borne by the employee.

Responsible Officer

The CEO is the responsible officer for implementing this policy.

Budget / Financial Implications:

The current Budget has been adopted on the premise of the proposed policy amendment.

Strategic Implications:

Strategically the issue relates to the importance of attracting and retaining its senior staff in key positions.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That Council amend Policy P090101 Designated Senior Staff Housing Policy such that reads as follows;

Objective

Council values its CEO and Designated Senior Employees living within the Shire due to the inherent social, economic and environmental benefits from living in the Shire that employs the individual. Whilst not a determining factor in selecting a preferred applicant, Council encourages living within the Shire through offering attractive housing incentives designed to attract and retain these employees.

Policy

Where the Council employs the CEO or a designated Senior Employee (S 5.37 of the Local Government Act 1995), it agrees to provide a rental subsidy on the following basis;

- 1. CEO designated house - rent free, noting a residential tenancy lease is still required;*
- 2. Designated Senior Officer in a Council supplied house – \$150 rent per week, noting a residential tenancy lease is still required;*
- 3. If the officer lives within the Shire of Denmark in private residential tenancy rental – a rent subsidy payable direct to the landlord or the employee of up to \$200 per week;*
- 4. If the CEO or officer lives within the Shire of Denmark in their own home – a payment of \$325 per week;*
- 5. No rent subsidy will be applicable for any senior officer who resides outside of the Shire of Denmark boundary;*
- 6. Noting that any tax payable under Federal Tax law such as Personal Income Tax or Fringe Benefits Tax as a result of any of the above payments (as the law is amended from time to time) are to be borne by the employee.*

Responsible Officer

The CEO is the responsible officer for implementing this policy.

COUNCIL RESOLUTION

ITEM 8.5.1

MOVED: CR GILLIES

SECONDED: CR HINDS

6.21pm – Cr Sampson returned to the room.

That the Item be deferred until the Council meeting of the 10 September 2013.

CARRIED: 10/0

Res: 160813

8.5.2 MUNICIPAL BUDGET 2013/14

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 August 2013
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

This report recommends the Council amend its adopted Budget for the year ending 30 June 2014 (the 2013/14 Budget) following announcement of the Governments 2013/14 Budget.

Background:

Over the previous three (3) financial years the Shire of Denmark has enjoyed an average of \$1.1m of funding for the development or renewal of key infrastructure via the Country Local Government Fund (CLGF), a provision allowed for under the Royalties for Regions Act 2009.

Comment:

As a result of the Western Australian State Government adopting its 2013/14 Budget and 4 Year financial forecasts reflecting no new specific allocation of monies to the Shire under the Royalties for Regions (R4R), Country Local Government Fund (CLGF), Council needs to review its inclusion of several projects that were substantially (if not wholly) funded from this fund.

Two of these projects, specifically the purchase of the proposed waste site and the construction of the WOW Walk & Ride path need to be retained, where possible, in the current budget in the opinion of the Author.

Consultation:

Nil

Statutory Obligations:

Amending the Budget requests an absolute majority decision of the Council pursuant to the Section 6.8 of the Local Government Act 1995.

Council is required to review its Budget by law (Regulation 33A of the Local Government Financial Management Regulations 1996) no later than 31 March of each year.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

That as a result of the Western Australian State Government adopting its 2013/14 Budget and 4 Year financial forecasts reflecting no new specific allocation of monies to the Shire under the Royalties for Regions (R4R), Country Local Government Fund (CLGF), the Shire of Denmark needs to amend its 2013/14 Adopted Budget as follows;

1. Reduce expenditure Job 51620 Kwoorabup Community Park (KCP) by \$277,918 to nil;
2. Reduce expenditure Job 51641 WOW Walk & Ride Stage 2 \$100,000 to nil;
3. Reduce expenditure Job 51509 Barnett / Strickland St Roundabout by \$150,000 to nil;
4. Increase the transfer from the Refuse Site Development Reserve by \$318,779 to \$378,779;

5. Reduce income Ledger 1028373 CLGF Purchase Kernutts Rd by \$318,779 to nil;
6. Reduce income Ledger 1137043 CLGF KCP by \$277,918 to nil;
7. Reduce income Ledger 1137043 CLGF WOW Walk & Ride by \$225,000 to nil;
8. Reduce income Ledger 1228143 CLGF Roundabout by \$150,000 to nil;
9. Amend the Budgeted Surplus from \$4,875 to a Budgeted Deficit of \$110,125 to enable matching and retention of the WOW Walk & Ride TIRF Grant worth \$115,000 and;
10. Request the Chief Executive Officer to identify savings to enable the Budget to be brought back into a nil deficit, no later than at the major Budget review scheduled for January 2014.

Such amendments allows for:

- Retention of the proposed purchase of land for a Waste Facility funded by a combination of Reserve & Loan Funds; and
- Retention of the proposed WOW Walk & Ride path (stage 1) to retain the approved Federal Tourism Infrastructure Resources Fund (TIRF).

Strategic Implications:

The loss of access to approximately \$1,100,000 of funds to assist achieve infrastructure projects is a significant strategic loss to the community.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

The loss of approximately \$1.1m of annual revenue to the Shire of Denmark as a result of the significant cuts to the CLGF will have a significant effect on the ability of Council to fund major new initiatives proposed in its Long Term Financial Plans.

Examples of projects that have become more difficult to finance include;

- Redevelopment of the Riverside Club
- Development of the proposed Denmark Aquatic Centre
- Development of the Denmark LIA
- Development of the proposed Denmark Landfill Facility
- Redevelopment of the Denmark Surf Life Saving Club
- Stage 2 of the proposed WOW Walk & Ride
- Kwoorabup Community Park (stage 5 & subsequent stages)
- Peaceful Bay Jetty
- Nornalup Boardwalk
- Redevelopment of the CBD (subsequent stages)
- Development of the Rivermouth Foreshore
- Development of the Denmark High School Oval spectator facilities & changerooms.

➤ **Social:**

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

Voting Requirements:

Absolute majority.

6.26pm – Cr Marshall left the room.

6.28pm – Cr Marshall returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.5.2

MOVED: CR OSBORNE

SECONDED: CR MARSHALL

That as a result of the Western Australian State Government adopting its 2013/14 Budget and 4 Year financial forecasts reflecting no new specific allocation of monies to the Shire under the Royalties for Regions (R4R), Country Local Government Fund (CLGF), the Shire of Denmark amend its 2013/14 Adopted Budget as follows;

1. Reduce expenditure Job 51620 Kwoorabup Community Park (KCP) by \$277,918 to nil;
2. Reduce expenditure Job 51641 WOW Walk & Ride Stage 2 \$100,000 to nil;
3. Reduce expenditure Job 51509 Barnett / Strickland St Roundabout by \$150,000 to nil;
4. Increase the transfer from the Refuse Site Development Reserve by \$318,779 to \$378,779;
5. Reduce income Ledger 1028373 CLGF Purchase Kernutts Rd by \$318,779 to nil;
6. Reduce income Ledger 1137043 CLGF KCP by \$277,918 to nil;
7. Reduce income Ledger 1137043 CLGF WOW Walk & Ride by ~~\$225,000~~ \$215,000 to nil;
8. Reduce income Ledger 1228143 CLGF Roundabout by \$150,000 to nil;
9. Amend the Budgeted Surplus from \$4,875 to a Budgeted Deficit of \$110,125 to enable matching and retention of the WOW Walk & Ride TIRF Grant worth \$115,000 and;
10. Request the Chief Executive Officer to identify savings to enable the Budget to be brought back into a nil deficit, no later than at the major Budget review scheduled for February 2014.

CARRIED BY AN ABSOLUTE MAJORITY: 10/0

Res: 170813

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 SENIORS ADVISORY COMMITTEE – AMENDMENTS TO SENIORS POLICY P080601

File Ref:	SER.3
Applicant / Proponent:	Seniors Advisory Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	12 August 2013
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

The Seniors Advisory Committee is recommended that Council amend its Seniors Policy P080601 to include reference and guidance to Council’s annual Seniors Function.

Background:

Council has been hosting an annual function for the senior citizens of Denmark for over 20 years and reference to Council hosting an annual function is included in Council’s Seniors Policy P080601.

Comment:

At its meeting held on 28 May 2013 Council adopted some recommended changes to Council’s Seniors Policy following a review by the Committee, pursuant to a recommendation from the Age Friendly Community Study (2011).

One of the changes was to Objective 2 under Council Policy P080601, Part D which now states;

“Council shall convene/host an afternoon tea for the senior citizens of the Denmark community once annually during the State’s Seniors Week.”

The Seniors Advisory Committee has been considering a Seniors Function Policy for many months to identify and record the purpose and guidelines for the function.

At its meeting held on the 1 August 2013 the Seniors Advisory Committee made the following recommendation to Council to provide guidance to Council Staff (& the Committee) when organising future functions.

“That the Seniors Advisory Committee recommend that Council amend the fourth strategy under Par D, Objective 2 of the Seniors Policy P080601 to read as follows;

Council shall convene/host a function or activity which the senior citizens of the Denmark community can attend free of charge once annually preferably during the State’s Seniors Week.

The purpose of the annual function or activity to;

- *Recognise & thank Seniors’ contribution to our settlement;*
- *Recognise Seniors’ valuable, ongoing contributions to our community;*
- *Acknowledge that Seniors make up a large sector of the Denmark population;*
- *Acknowledge the hardships that some Seniors face either financially and/or socially;*
- *Encourage and promote intergenerational activities linking seniors with the community.*
- *Encourage social interaction and well-being; and*
- *Align with the State Government strategies and actions such as Seniors Week and Living Longer, Living Stronger.*

Eligibility to Attend

- *Denmark Residents & Ratepayers only;*
- *Seniors Card holders;*
- *Receivers of the Aged Pension;*
- *Be of at least the age of 60; and*
- *Carers of the elderly may attend.”*

The suggested changes are also in keeping with the objectives of the State Government's Seniors Week.

Consultation:

Seniors Advisory Committee comprising of Cr Adrian Hinds and representatives from the Denmark Over 50s Association (including the President), Peaceful Bay Progress Association, Nornalup Residents & Ratepayers Association, Amaroo Care Services (Amaroo Village), Denmark Health Service and the community.

Statutory Obligations:

There are no known statutory obligations.

Policy Implications:

Council's Seniors Policy (P080601) relates and if Council agree to the proposed changes then they will be reflected in the Policy.

Budget / Financial Implications:

Council has included \$2,000 in the 2013/14 Municipal Budget for a Seniors Function which will be held during the State Government's Seniors Week (10 – 17 November 2013). Council Officers have also submitted an application through the Bendigo Bank Seniors Week Festival Community Grants program which if successful could be anywhere up to \$1,000 (excl. GST).

Strategic Implications:

There are no known significant strategic implications relating to the report or Committee & Officer recommendation.

Sustainability Implications:➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The purposes of the function detailed in the Committee's recommended changes highlights the social aspects related to this report.

Voting Requirements:

Simple majority.

COMMITTEE & OFFICER RECOMMENDATION

ITEM 9.1

That Council amend the fourth strategy under Part D, Objective 2 of the Seniors Policy P080601 to read as follows;

Council shall convene/host a function or activity which the senior citizens of the Denmark community can attend free of charge once annually preferably during the State's Seniors Week.

The purpose of the annual function or activity to;

- *Recognise & thank Seniors' contribution to our settlement;*
- *Recognise Seniors' valuable, ongoing contributions to our community;*
- *Acknowledge that Seniors make up a large sector of the Denmark population;*
- *Acknowledge the hardships that some Seniors face either financially and/or socially;*
- *Encourage and promote intergenerational activities linking seniors with the community.*
- *Encourage social interaction and well-being; and*
- *Align with the State Government strategies and actions such as Seniors Week and Living Longer, Living Stronger.*

Eligibility to Attend

- *Denmark Residents & Ratepayers only;*
- *Seniors Card holders;*
- *Receivers of the Aged Pension;*
- *Be of at least the age of 60; and*
- *Carers of the elderly may attend."*

COUNCIL RESOLUTION

ITEM 9.1

MOVED: CR HINDS

SECONDED: CR LEWIS

That Council amend the fourth strategy under Part D, Objective 2 of the Seniors Policy P080601 to read as follows;

Council shall convene/host a function or activity which the senior citizens of the Denmark community can attend free of charge once annually preferably during the State's Seniors Week.

The purpose of the annual function or activity to;

- *Recognise & thank Seniors' contribution to our settlement;*
- *Recognise Seniors' valuable, ongoing contributions to our community;*
- *Acknowledge that Seniors make up a large sector of the Denmark population;*
- *Acknowledge the hardships that some Seniors face either financially and/or socially;*
- *Encourage and promote intergenerational activities linking seniors with the community.*
- *Encourage social interaction and well-being; and*
- *Align with the State Government strategies and actions such as Seniors Week and Living Longer, Living Stronger.*

Eligibility to Attend

Denmark Residents & Ratepayers who are:

- *Seniors Card holders; or*
- *Receivers of the Aged Pension; or*
- *Be of at least the age of 60; and*
and Carers of the elderly may attend."

CARRIED: 10/0

Res: 180813

REASONS FOR CHANGE

Council wished to clarify the wording relating to people's eligibility to attend.

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

6.53pm – There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.

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

Signed: _____

Dale Stewart – Chief Executive Officer

Date: _____

These minutes were confirmed at the meeting of the _____

Signed: _____

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