



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 21 OCTOBER 2014.

Contents	Page No.
DISCLAIMER	2
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	3
4. PUBLIC QUESTION TIME	4
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2 PUBLIC QUESTIONS	4
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	9
4.4 PRESENTATION, DEPUTATIONS & PETITIONS	9
5. APPLICATIONS FOR LEAVE OF ABSENCE	9
6. CONFIRMATION OF MINUTES	10
6.1 ORDINARY COUNCIL MEETING – 30 SEPTEMBER 2014	10
7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	10
8. REPORTS OF OFFICERS	10
8.1 DIRECTOR OF PLANNING & SUSTAINABILITY	10
8.1.1 SCHEME AMENDMENT 137 – REZONING NO. 1670 (LOT 3) SOUTH COAST HIGHWAY, SHADFORTH FROM 'RURAL' TO 'SPECIAL RURAL'	10
8.1.2 SCHEME AMENDMENT REQUEST – NO. 1800 (LOT 405) AND NO. 1874 (LOT 406) SOUTH COAST HIGHWAY, SHADFORTH	17
8.2 DIRECTOR OF COMMUNITY & REGULATORY SERVICES	24
8.2.1 SCOUT HALL LEASE VARIATION	24
8.3 DIRECTOR OF INFRASTRUCTURE SERVICES – Nil	28
8.4 DIRECTOR OF FINANCE & ADMINISTRATION	28
8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 AUGUST 2014	28
8.4.2 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 SEPTEMBER 2014	31
8.4.3 COMMUNITY FINANCIAL ASSISTANCE PROGRAM POLICY REVIEW	34
8.5 CHIEF EXECUTIVE OFFICER	40
8.5.1 INTENTION TO SUSPEND BOAT LAUNCHING AT OCEAN BEACH AT SPECIFIED TIMES EACH YEAR	40
8.5.2 SUPPORT FOR LOCAL TOURISM ORGANISATION	48
9. COMMITTEE REPORTS & RECOMMENDATIONS	52
9.1 CEMETERY ADVISORY COMMITTEE - PROPOSED NAMING OF DENMARK CEMETERY ACCESS ROAD – WIRRELL WAY	52
10. MATTERS BEHIND CLOSED DOORS	56
10.1 2014 LEADERSHIP AWARD	56
10.2 2014 AGRICULTURAL SCHOLARSHIP	59
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	61
12. CLOSURE	61

Ordinary Council Meeting

21 October 2014

DISCLAIMER

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

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

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

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.02pm - *The Shire President, Cr Thornton, declared the meeting open.*

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

MEMBERS:

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

STAFF:

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

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 69
 Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Thornton	8.5.1	Impartiality	As Shire President, Cr Thornton is the Honorary Vice Patron of the Denmark Surf Life Saving Club.
Cr Morrell	8.2.1	Impartiality	Cr Morrell is the Trustee of the Scout Hall.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President paid tribute to the late Gough Whitlam, the 21st Prime Minister of Australia, who had recently passed away. Cr Thornton stated that the flags at the front of the Shire Administration Office had been flown at half-mast during the day as a sign of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Mr Mike Neunuebel – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Neunuebel, owner and operator of South Coast Surfing Lessons for 17 years, stated that he did not support the Officer Recommendation & supported the retention of the existing activity.

4.2.2 Mr Jamie Dempster – Item 8.1.2 (Scheme Amendment Request – No. 1800 (Lot 405) and No. 1874 (Lot 406) South Coast Highway, Shadforth)

Mr Dempster asked whether the lots were identified as priority agricultural land.

The Director of Planning & Sustainability responded stating that the subject lots were designated rural small holdings in the Council's endorsed Local Planning Strategy (2011).

4.2.3 Mr Michael Silver – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Silver stated he did not support the closing of the boat launching facility.

4.2.4 Mr John Xanthus – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Xanthus, member of the Wilson Inlet Restoration Group, asked whether Council were considering also closing access for boats and jet skis at the Rivermouth or Poddyshot as they can access the Ocean via the mouth when the Inlet is open to the Ocean.

The Shire President responded stating that it was not being considered.

4.2.5 Mr Don Smith – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Smith, President of the Denmark Boating & Angling Club, stated that their organisation did not support the closure and that there was some disagreement with the statements made in the Notes from the Ocean Beach User Group meeting.

4.2.6 Mr Lee Shelley – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Shelley, Secretary of the Denmark Boating & Angling Club, stated that their organisation did not support the closure and highlighted some elements from the recent Ocean Beach User Group that had been seemingly excluded from the Notes. Mr Shelley referred to a Council decision in 2008 which referenced investigating an alternative boat launching area at Ocean Beach and asked whether this had been commenced.

Cr Morrell responded stating that it was being looked at.

4.2.7 Dr Ceinwen Gearon – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Dr Gearon supported the closure and, as a witness on the day, gave her account of the incident which had occurred at Ocean Beach in June 2014.

4.2.8 Mr Murray Thornton – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Thornton spoke as a member of Surf Life Saving WA and spoke in support of the closure noting that surf lifesavers' priority concern was people's safety and that his preference would be for it to be permanently closed.

4.2.9 Mr Andrew Ellis – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Ellis, a member of the Denmark Boating & Angling Club and the owner and skipper of the boat involved in the alleged incident, gave his account of the incident which happened at Ocean Beach in June 2014. Mr Ellis referred to dual use signs and did not support the closure.

5.01pm – Cr Morrell left the room.

5.03pm – Cr Morrell returned to the room.

4.2.10 Mr Andrew Barton – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Barton, manager of the Ocean Beach Caravan Park, spoke against the proposed closure noting that it would be detrimental to the Caravan Park given that many of their guests utilise the Ocean Beach over beach ramp.

4.2.11 Mr Bart Lebbing – Planning Application for Proposed Adventure Park

Mr Lebbing expressed his displeasure in not being formally made aware of the planning application for a proposed Adventure Park which, if approved, would be operating within 300m of his property. Mr Lebbing made some comments about the detail of the application and urged Council to reject the application given potential negative impacts on nearby residents. Mr Lebbing asked whether the applied AA rating on the application meant that the application could be approved at an Officer level.

The CEO advised that the AA designation meant that Council Officers could approve the application, under delegated authority, without the need for advertising or a Council resolution. However, Officers had already identified the need to undertake consultation with adjoining and adjacent landowners and that given the level of concern raised to date; the application would be referred to Council.

The Director of Planning & Sustainability stated that the application could have been assessed and approved without any advertising or consultation however Officers had made a decision to undertake consultation with adjoining and adjacent landowners, which they had determined was sufficient. Mrs Harbron

added that the application would be referred to Council following the close of the submission period.

4.2.12 Mrs Deborah Feld – Planning Application for Proposed Adventure Park

Mrs Feld, owner of a Bed & Breakfast near the proposed development, expressed concern about the potential negative impacts on her business particularly in relation to noise, music, traffic and lighting. Mrs Feld stated that her husband had initially been refused a copy of the application. Mrs Feld referred to the Community Engagement Policy and asked the CEO to advise the meeting of his obligation that genuine community involvement is essential.

The CEO responded stating that he was aware of Council's obligations regarding community consultation and that whilst Officers had complied with their obligations regarding the application, the level of public concern had been underestimated.

4.2.13 Ms Josie Mitchell – Planning Application for Proposed Adventure Park

Ms Mitchell stated that she had many concerns regarding the proposal however most of her concern was regarding the process. Ms Mitchell referred to Council's Community Engagement Policy and requested Council to advertise the application and extend the public submission deadline.

The Director of Planning & Sustainability advised that there were statutory obligations regarding timeframes for planning applications and that in this particular instance, if the applicant was not given a determination within 90 days of lodgement then it could be deemed a refusal and the applicant could then seek approval through the State Administrative Tribunal. Mrs Harbron noted that whilst the submission period formally closed on 31 October 2014, submissions would be accepted right up until the matter went to Council on 2 December 2014.

4.2.14 Mr Trent Moore – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Moore, President of the Denmark Sea Rescue Group, stated that their organisation supported shared working relationships with all users and that their main priority is safety and that perhaps there could be better signage. Mr Moore stated that some members had expressed their objection to the proposed closure.

4.2.15 Mr Shane Smith – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Smith, a local commercial fisherman, expressed his opposition to the proposed closure.

4.2.16 Mr Russell Carter – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr Carter, Vice President of the Denmark Sea Rescue Group, stated he believed the matter to be an overreaction to the incident which occurred in June 2014 and that he would like to see the Ocean Beach User Group continue to meet to discuss shared use. Mr Carter stated that he believed that there were other ideas that could be explored which could mitigate the risks.

4.2.17 Mr Ingram White – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)

Mr White expressed his opposition to the proposed closure.

- 4.2.18 Mr Jack Beverley – Planning Application for Proposed Adventure Park**
Mr Beverley asked when the applicant first approached the Shire about the application?

The Director of Planning & Sustainability responded stating that whilst the applicant had initially approached Council Officers in May 2014, the application had only recently been accepted as being complete and at a stage where it could be formally assessed. Mrs Harbron noted that the statutory requirements regarding assessment timeframes only commenced once an application was accepted.

- 4.2.19 Mr Peter Mather – Item 8.5.1 (Intention to Suspend Boat Launching at Ocean Beach at Specified Times Each Year)**

Mr White, member of the Denmark Sea Rescue Group, expressed his opposition to the proposed closure.

- 4.2.20 Ms Anne Cartwright – Planning Application for Proposed Adventure Park**
Ms Cartwright stated that she had only received a letter regarding the application last week.

The Shire President stated that whilst initial contact about the proposal had been made in May 2014, Council Officers had been working with the applicant to get it to a point where it could be accepted and then advertised.

- 4.2.21 Mr Jesz Fleming – Draft Community Engagement Framework & Policy**

The CEO read aloud the following letter which had been received from Mr Fleming who was unable to attend the meeting and had requested that it be read out at Public Question Time.

"I am addressing Item 8.5.3 of the 30th September 2014 meeting, namely "Community Engagement Framework and Policy". It has taken Council three years to bring this draft Policy to the community. We raised the issue of grossly inadequate community consultation at a Public Meeting in 2011.

My comments are addressed to the CEO, Dale Stewart as the author of Item 8.5.3.

The following are extracts from the draft Community Engagement Framework & Policy :

"Council is committed to actively engage in dialogue with its community to understand their diverse needs and expectations."

"Council recognises the need to engage with its community and encourage community participation so as to enhance its decision-making."

It states that it will "strive to continuously improve its community consultation methods."

All good stuff.

The CEO in drafting Item 8.5.3 acknowledged that he is responsible for the implementation of the Policy and notes the need to achieve a caring and cohesive community as per the Shire's Vision. He refers to the Principles used in drafting the Policy, such as "listen and acknowledge concerns", "encourage participation as appropriate", "use a range of approaches to engage community views", and "enable everyone interested to contribute".

This sounds great, but, in my view, these words are meaningless.

To illustrate my view that these words are meaningless, please consider the following facts concerning the proposed Denmark Thrills and Spills Adventure Park Proposal which the Shire has received. The facts are:

Fact 1. The Business Summary of this Proposal states "We will be the first treetop high ropes course of its kind in WA, the first downhill Orbing facility in WA and the first Adventure Park of its kind in the Great Southern Region". "Our intention is to attract a minimum of 50,000 people per year". It intends to host many and varied activities such as the Power Drop, similar to a Bungy jump, Nighttime Tarzan etc etc. Clearly this is intended to be very noisy and thrill-seeking Adventure Park, operating both day and night. Clearly it is not the sort of venture that should be located near a residential area.

Fact 2. The site chosen for this Park extends the full length of McNabb Road and extends up Mt Shadforth Road. The site is adjacent to residential areas.

Fact 3. The Shire having received this Proposal correctly determined that residents should be made aware of this potentially highly intrusive Park. Some residents were provided with a copy of the Proposal, some were told of its existence and advised that it could be viewed at the Shire offices and others were not informed at all. Indeed there are residents who would be adversely impacted by this Adventure Park who have not yet been informed and thus are wholly being kept in the dark.

Fact 4. Ron Feld of Mt Lindesay Bed & Breakfast whose business is directly opposite the proposed Park, and who is likely to be the most affected by traffic and noise went to the Shire offices and requested a copy of the Proposal so that he could take it home and study it. He was denied a copy, and further denied a copy even though he offered to pay for the necessary photocopying . Note that other residents had already been supplied with a copy of the Proposal.

Fact 5. The day after I registered my concern as to how the residents most affected by this Proposal were being treated, the Shire did a backflip and provided Mr and Mrs Feld with the Proposal, advised that other residents could also obtain a copy and extended the ability for others to make a submission by 31st October.

These are the facts that illustrate the level of community consultation currently displayed by the Shire.

As the CEO and Leader of the Shire, and the one responsible for the implementation of Community Consultation can you please advise if you are meeting your obligations where you have stated that "Genuine community involvement is essential"?

If the Shire is unable to live up to, and meet its stated Values, perhaps a more appropriate Shire emblem would be one with a mushroom rather than a blue wren."

The CEO advised that he would be providing the following written response to Mr Fleming:

"Thank you for the above questions.

My responses follow;

Fact 1.

The Draft Community Engagement Policy and Framework are exactly that - 'Draft' and out for public comment until 22 December 2014. Mr Fleming and others are welcome to make written submission(s) on the Policy. That notwithstanding, as Chief Executive Officer I stand by the draft and its intent and believe that the treatment by staff of the current application does not conflict with the principles or philosophies espoused therein and quoted by Mr Fleming.

Fact 2.

The current application is exactly that - an 'application' and it, nor its vision or business plan, have been endorsed by Council nor its staff. It is being assessed in accordance with prevailing State subsidiary legislation - that being the Shire of Denmark Town Planning Scheme No. 3, where staff have, pursuant to adopted delegated authority, determined that the likely use - that of private recreation, should be advertised to those persons that the Council's Director of Planning & Sustainability has determined pursuant to clause 6.4.1(c) of the Scheme, should be advised to persons immediately adjoining or adjacent as potentially likely to be directly affected pursuant to clause 6.4.2(a) of the Scheme. This is despite the fact that the Scheme notes that private recreation in a rural zoned land (the subject land) is listed in the Scheme as an 'AA' use (advertising not required and may be approved under the discretion of the Council and, or by delegation, the Director).

Fact 3.

Anyone is welcome to make a submission or comment on the proposal and or obtain details of the proposal as have been provided to the persons initially deemed by staff to be directly affected. Staff will assess the application on its merits and based on all of the submissions, both for and against the proposal. Refusal or approval (with appropriate restrictions and or conditions) will result, with the applicant having the right to appeal that decision. Anyone who believes that they or someone else might be affected – negatively or positively, is welcome to make a submission within the required timeframe. Submissions close on 31 October 2014.

Fact 4.

Council Planning Staff receive, on average, 265 applications for development from applicants (residents / ratepayers) per annum – equating to just over one per working day - with only about 10 of these per annum being assessed by Council (Councillors) and about 1 per month being advertised via local public notice (in the press). In my opinion, in my seven years as Chief Executive Officer at the Shire of Denmark, with approximately 1800 applications processed in that time, there has been little concern demonstrated by the public, nor Councillors in the way that staff have used their discretion in interpreting 'who may be directly affected' when implementing the advertising provisions of the Council's Town Planning Scheme."

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 30 September 2014 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 011014

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

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 SCHEME AMENDMENT 137 – REZONING NO. 1670 (LOT 3) SOUTH COAST HIGHWAY, SHADFORTH FROM ‘RURAL’ TO ‘SPECIAL RURAL’

File Ref:	TPS3/SA137 (A2173)
Applicant / Proponent:	Harley Dykstra on behalf of R & G Cockman and C & E Wright
Subject Land / Locality:	No. 1670 (Lot 3) South Coast Highway, Shadforth
Disclosure of Officer Interest:	Nil
Date:	9 October 2014
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Advertised Scheme Text Provisions, Zoning Map and Subdivision Guide Plan 8.1.1b – Schedule of Submissions 8.1.1c – Proponent’s Comments in Response to Submissions

Summary:

In February 2014 Council resolved to initiate Scheme Amendment No. 137 to rezone No. 1670 (Lot 3) South Coast Highway, Shadforth from ‘Rural’ to ‘Special Rural’ to facilitate the creation of four (4) freehold lots for rural living purposes.

Scheme Amendment No. 137 was advertised for public comment, with eight (8) submissions received.

It is recommended that Council grant final approval with modifications to Scheme Amendment No. 137 and refer the document to the Western Australian Planning Commission (WAPC)/Minister for Planning for final approval.

Background:

At its meeting of 11 February 2014, Council considered a request to initiate Scheme Amendment No. 137 to Town Planning Scheme No. 3 (TPS No. 3) wherein they resolved the following (Res No: 020214):

That with respect to the request to initiate a Scheme Amendment to rezone No. 1670 (Lot 3) South Coast Highway, Shadforth from “Rural” to “Special Rural”, Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005 initiate Town Planning Scheme No. 3 Amendment No. 137 by:
 - a) Rezoning No. 1670 (Lot 3) South Coast Highway, Shadforth from “Rural” to “Special Rural – SR25” and amend the Scheme maps accordingly.
 - b) Inserting Special Rural Zone No. 25 provisions in Appendix VI – Special Rural Zone as follows:

- *Column 1 – Particulars of the Land*
25. South Coast Highway/Lapko Road Special Rural Zone
No. 1670 (Lot 3) South Coast Highway, Shadforth
- *Column 2 – Proposed Uses*
Rural Smallholding
Permitted Uses (P): Single House
Permitted at Council's Discretion (AA): Home Occupation, Cottage Industry,
Holiday Accommodation, Holiday Home (Standard), Holiday Home
(Large), Rural Pursuit
- *Column 3 – Special Provisions*
 - i. Subdivision and development shall generally be in accordance with an endorsed Subdivision Guide Plan.*
 - ii. The minimum lot size shall be 4.0 hectares.*
 - iii. Building envelopes should generally be as per the endorsed Subdivision Guide Plan, with all buildings and effluent disposal systems to be located within the building envelopes. Any proposals seeking to vary the location of the building envelopes needs to at least have regard to the following:*
 - a. A minimum front boundary setback (i.e. from South Coast Highway) of 20 metres;*
 - b. Minimum side and rear boundary setbacks of 15 metres;*
 - c. Existing remnant vegetation on-site;*
 - d. Visual impact/amenity from adjoining roads;*
 - e. Other issues as identified on the Opportunities and Constraints Plan for the land as provided for in the Scheme Amendment 137 documentation.*
 - iv. Provision of potable water shall be the responsibility of the individual landowner at the time of development and shall involve the installation of a water storage tank of not less than 92,000 litre capacity.*
 - v. On-site effluent disposal shall be the responsibility of the individual landowner at the time of development and shall involve the use of on-site Alternative Treatment Units approved by Council in accordance with Health Department of WA regulations and guidelines.*
 - vi. Within those areas defined as 'Existing Vegetation', 'Creek Protection Area' and 'Creek Revegetation Area' on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:*
 - a. Trees are dead, diseased or dangerous;*
 - b. To comply with the Fire Management Plan requirements for the site.*
 - vii. Within those areas defined as 'Existing Vegetation', 'Creek Protection Area' and 'Creek Revegetation Area' on the Subdivision Guide Plan, Council shall not permit the development of dwellings, associated buildings and infrastructure.*
 - viii. The areas defined as 'Existing Vegetation' and 'Creek Revegetation Area' on the Subdivision Guide Plan shall be fenced externally, with property boundary fencing not encouraged within the 'Existing Vegetation'.*
 - ix. All fencing (internal and boundary) shall be of rural construction such as pine/steel posts and strand to the satisfaction of Council.*
 - x. Council shall request the WAPC to impose conditions at the time of subdivision stage requiring revegetation of the 'Proposed Vegetation' and the 'Creek Revegetation Area' identified on the Subdivision Guide Plan and Council shall require that the subdivider plant and maintain for a period of at least two (2) years, trees, shrubs or species approved by Council.*
 - xi. When considering the use of 'Holiday Accommodation', support of a holiday accommodation proposal will only be forthcoming where the accommodation is limited to solely within the dwelling.*
 - xii. Council shall request the WAPC to impose conditions at the time of subdivision stage requiring the implementation of the specific fire protection measures as set out in the Fire Management Plan.*
 - xiii. All Single Houses shall be constructed to AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended), with no building requiring greater construction rating than BAL-29.*

- xiv. *Vehicular access to the lots shall be limited to those shown on the Subdivision Guide Plan unless approved by Council and Main Roads WA.*
 - xv. *Zincalume or white coloured roofs and external wall materials shall not be permitted.*
2. *Refer Town Planning Scheme No. 3 Scheme Amendment No. 137 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.*
 3. *Determine that Town Planning Scheme No. 3 Amendment No. 137 is consistent with the criteria listed under Section 25(2) of the Town Planning Regulations 1967 and resolve to proceed to advertising of the amendment for public inspection after consideration by the Environmental Protection Authority.*

In line with Council's resolution the documentation was updated by the proponent, with referral of the Scheme Amendment No. 137 documentation to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005* occurring on 25 February 2014.

The EPA considered the proposal and determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it was not necessary to provide any advice or recommendations. Advice of this determination was provided to Planning Services via letter dated 24 March 2014.

Consultation:

Public advertising of Scheme Amendment No. 137 (refer Attachment 8.1.1a for the proposed Scheme Text provisions, Zoning Map and SGP – noting that due to the size of the document, a copy of the Scheme Amendment report documentation is available for Councillors via Dropbox or USB, with a printed version available for Councillors upon request) commenced on 17 April 2014 and closed on 6 June 2014 (being 51 days, statutory requirement is minimum 42 days). During the advertising period the following consultation took place:

- Advertising notice in the Denmark Bulletin on 17 April 2014 inviting public comment;
- Referral of the Scheme Amendment documentation to the following government departments/servicing authorities inviting comment:
 - Department of Aboriginal Affairs
 - Department of Agriculture and Food WA
 - Department of Environment Regulation
 - Department of Fire & Emergency Services
 - Department of Health
 - Department of Planning
 - Department of Water
 - Main Roads WA
 - State Heritage Office
 - Telstra
 - Water Corporation
 - Western Power
- Referral to 49 landowners within 1km radius of the subject lot inviting comment; and
- Scheme Amendment documentation was available for viewing at the Shire Administration Office and on the Shire's website.

At the close of the advertising period, a total of eight (8) submissions were received – two (2) from the public and six (6) from government departments/servicing authorities. Attached as Attachment 8.1.1b is the Schedule of Submissions – with all submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions and any modifications recommended as a result.

Attached at Attachment 8.1.1c is the proponent's responses to the submissions received.

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- *Town Planning Regulations 1967* – The Regulations set the procedure for amending a town planning scheme; and
- Town Planning Scheme No. 3 – the land is currently zoned ‘Rural’.

Policy Implications:

The following policies have been given due consideration in relation to this proposal:

- State Planning Policy No. 1: State Planning Framework Policy
- State Planning Policy No. 2.5: Land Use Planning in Rural Areas
- State Planning Policy No. 3 – Urban Growth and Settlement
- State Planning Policy No. 3.4: Natural Hazards and Disasters
- WAPC Development Control Policy No. 3.4: Subdivision of Rural Land
- Draft Country Sewerage Policy
- Town Planning Scheme Policy No. 5: Minimum Setbacks
- Town Planning Scheme Policy No. 29: Rural Settlement Strategy
- Town Planning Scheme Policy No. 37: Dams and Water Features

Budget / Financial Implications:

Fees associated with the amendment have been paid as per Council’s operative Fees and Charges Schedule applicable at the time of lodging the formal request to amend TPS No. 3.

As per Council’s operative Fees & Charges Schedule, Planning Services are recording officer time associated with this Scheme Amendment on the basis that if the costs exceed \$2000.00 (being the amount paid upfront by the proponent) then additional costs will apply and an invoice will be issued to the proponent’s accordingly.

Strategic Implications:

The site is designated in the adopted Local Planning Strategy as ‘Rural Smallholdings’, and due regard has been given to the relevant Local Planning Strategy provisions within Scheme Amendment 137.

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

Social Objective: Denmark’s communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.

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

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

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

Economic Objective: Denmark’s economy is diverse and vibrant – its primate industries of tourism and agriculture rely on and enjoy natural and other assets that are sensibly managed and promoted.

Economic Goal: Development – that the Shire of Denmark closely monitor development and associated infrastructure needs in the region, and acts in conjunction with other authorities and agencies to plan development which is sensitive, timely and appropriate to the community’s needs.

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

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

Sustainability Implications:

➤ **Governance:**

All processes associated with Amendment 137 have been actioned as per the requirements of the *Town Planning Regulations 1967*.

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation, noting that the proposed Scheme provisions address the relevant environmental related matters for the development of the site (e.g. identification of building envelope areas, creek protection areas and creek revegetation areas; effluent disposal arrangements; fire protection measures etc).

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the WAPC/Minister for Planning do not support the Amendment proposal	Unlikely (2)	Insignificant (1)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Manage by liaison with Department of Planning staff as the amendment progresses.

Comment/Conclusion:

Having regard to the submissions received and a review of the Scheme Amendment documentation by Planning Services, the following modifications to the Subdivision Guide Plan, the Scheme Amendment report and/or the associated Scheme Amendment provisions are recommended:

- a) The current Subdivision Guide Plan to be replaced with Subdivision Guide Plan Drawing No. 14457-07B.dgn and Special Provision 1 being amended accordingly to read “*Subdivision and development shall generally be in accordance with the Subdivision Guide Plan Drawing No. 14457-07B.dgn*”
- b) A new Special Provision to read “*Council shall request the WAPC to impose conditions at the time of subdivision stage requiring a Weed Management Plan to be prepared and subsequently implemented.*”

From a Planning Services perspective it is considered that subject to the above modifications being incorporated, Amendment 137 and the associated Subdivision Guide Plan will provide for an appropriate development form for the site.

Voting Requirements:

Simple majority.

6.15pm – Cr Lewis left the room.

6.15pm – Cr Osborne left the room.

6.15pm – The Director of Community & Regulatory Services left the room.

6.16pm – Cr Lewis & Cr Osborne returned to the room.

6.17pm – Cr Seeney left the room.

6.19pm – The Director of Community & Regulatory Services returned to the room.

6.19pm – Cr Seeney returned to the room.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION MOVED: CR MORRELL</p>	<p>ITEM 8.1.1 SECONDED: CR GILLIES</p>
<p>That with respect to Scheme Amendment 137 to rezone No. 1670 (Lot 3) South Coast Highway, Shadforth from “Rural” to “Special Rural”, Council:</p> <ol style="list-style-type: none"> 1. Notes the submissions received. 2. Require the following modification be undertaken to the Scheme Amendment No. 137 report documentation: <ul style="list-style-type: none"> • The Subdivision Guide Plan to be replaced with Subdivision Guide Plan Drawing No. 14457-07B.dgn. 3. Adopts Scheme Amendment No. 137 for final approval with modifications by: <ol style="list-style-type: none"> a) Rezoning No. 1670 (Lot 3) South Coast Highway, Shadforth from “Rural” to “Special Rural – SR25” and amend the Scheme maps accordingly. b) Inserting Special Rural Zone No. 25 provisions in Appendix VI – Special Rural Zone as follows: <ul style="list-style-type: none"> • Column 1 – Particulars of the Land 25. South Coast Highway/Lapko Road Special Rural Zone No. 1670 (Lot 3) South Coast Highway, Shadforth • Column 2 – Proposed Uses Rural Smallholding Permitted Uses (P): Single House Permitted at Council’s Discretion (AA): Home Occupation, Cottage Industry, Holiday Accommodation, Holiday Home (Standard), Holiday Home (Large), Rural Pursuit • Column 3 – Special Provisions <ol style="list-style-type: none"> i. Subdivision and development shall generally be in accordance with the Subdivision Guide Plan Drawing No. 14457-07B.dgn. ii. The minimum lot size shall be 4.0 hectares. iii. Building envelopes should generally be as per the endorsed Subdivision Guide Plan, with all buildings and effluent disposal systems to be located within the building envelopes. Any proposals seeking to vary the location of the building envelopes needs to at least have regard to the following: 	

- a. A minimum front boundary setback (i.e. from South Coast Highway) of 20 metres;
 - b. Minimum side and rear boundary setbacks of 15 metres;
 - c. Existing remnant vegetation on-site;
 - d. Visual impact/amenity from adjoining roads;
 - e. Other issues as identified on the Opportunities and Constraints Plan for the land as provided for in the Scheme Amendment 137 documentation.
- iv. Provision of potable water shall be the responsibility of the individual landowner at the time of development and shall involve the installation of a water storage tank of not less than 92,000 litre capacity.
 - v. On-site effluent disposal shall be the responsibility of the individual landowner at the time of development and shall involve the use of on-site Alternative Treatment Units approved by Council in accordance with Health Department of WA regulations and guidelines.
 - vi. Within those areas defined as 'Existing Vegetation', 'Creek Protection Area' and 'Creek Revegetation Area' on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:
 - a. Trees are dead, diseased or dangerous;
 - b. To comply with the Fire Management Plan requirements for the site.
 - vii. Within those areas defined as 'Existing Vegetation', 'Creek Protection Area' and 'Creek Revegetation Area' on the Subdivision Guide Plan, Council shall not permit the development of dwellings, associated buildings and infrastructure.
 - viii. The areas defined as 'Existing Vegetation' and 'Creek Revegetation Area' on the Subdivision Guide Plan shall be fenced externally, with property boundary fencing not encouraged within the 'Existing Vegetation'.
 - ix. All fencing (internal and boundary) shall be of rural construction such as pine/steel posts and strand to the satisfaction of Council.
 - x. Council shall request the WAPC to impose conditions at the time of subdivision stage requiring revegetation of the 'Proposed Vegetation' and the 'Creek Revegetation Area' identified on the Subdivision Guide Plan and Council shall require that the subdivider plant and maintain for a period of at least two (2) years, trees, shrubs or species approved by Council.
 - xi. When considering the use of 'Holiday Accommodation', support of a holiday accommodation proposal will only be forthcoming where the accommodation is limited to solely within the dwelling.
 - xii. Council shall request the WAPC to impose conditions at the time of subdivision stage requiring the implementation of the specific fire protection measures as set out in the Fire Management Plan.
 - xiii. All Single Houses shall be constructed to AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended), with no building requiring greater construction rating than BAL-29.
 - xiv. Vehicular access to the lots shall be limited to those shown on the Subdivision Guide Plan unless approved by Council and Main Roads WA.
 - xv. Zincalume or white coloured roofs and external wall materials shall not be permitted.
 - xvi. Council shall request the WAPC to impose conditions at the time of subdivision stage requiring a Weed Management Plan to be prepared and subsequently implemented.
4. Authorises the Shire President and Chief Executive Officer to execute the documentation for forwarding to the Western Australian Planning Commission seeking final approval by the Minister for Planning.
5. Advises the submitters of Council's resolution.

CARRIED UNANIMOUSLY: 9/0

Res: 021014

<p>8.1.2 SCHEME AMENDMENT REQUEST – NO. 1800 (LOT 405) AND NO. 1874 (LOT 406) SOUTH COAST HIGHWAY, SHADFORTH</p>

File Ref:	A895; A984
Applicant / Proponent:	South Coast Planning Services
Subject Land / Locality:	No.1800 (Lot 405) and No. 1874 (Lot 406) South Coast Highway, Shadforth
Disclosure of Officer Interest:	Nil
Date:	7 October 2014
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2a – SAR Documentation 8.1.2b – Government Agency/Service Authority Responses

Summary:

Planning Services have received a Scheme Amendment Request (SAR) to rezone No.1800 (Lot 407) and No. 1874 (Lot 406) South Coast Highway, Shadforth from “Rural” to “Special Rural” to facilitate the creation of 20 strata lots with the balance lot becoming common property to allow for agricultural production and protection of remnant vegetation.

After due consideration of the proposal, it is recommended that the SAR as presented be in-principally supported, noting that further detailed assessments are required to be undertaken as part of the formal Scheme Amendment document to clearly ascertain the appropriateness of the development in terms of appropriate zoning, density of development, associated land uses and land management controls.

Background:Current Application

The SAR to rezone No. 1800 (Lot 405) and No. 1874 (Lot 406) South Coast Highway, Shadforth was lodged with Planning Services in May 2014 – refer Attachment 8.1.2a.

In summary, the proposal seeks to provide for the subject lot to be developed into twenty (20) strata title lots for rural living purposes, with the remainder being common property for the purposes of communal agricultural uses and protection of biodiversity. The existing development on the site includes an existing house on each of the two lots, as well as 4 chalets on Lot 405, all which will be included in separate strata lots. There are a number of sheds on the property, two of which are located in the proposed common property.

Consultation:External Consultation

In accordance with Council Policy P100601: *Scheme Amendment Requests*, the SAR was referred to the following government agencies/service authorities for comment:

- Department of Planning
- Department of Health
- Department of Water
- Department of Parks and Wildlife
- Department of Agriculture and Food Western Australia
- Department of Aboriginal Affairs
- Main Roads WA
- Water Corporation

Consultation also occurred with the Shire of Augusta-Margaret River regarding cluster farms on a Planning Study Trip that Councillors, the CEO and Director of Planning & Sustainability undertook in March 2014. In this regard the main comment made was that from their experience strata titling in rural areas was problematic and caution needed to be exercised in considering such proposals.

Internal Consultation

- Shire's Development Co-ordination Unit

Statutory Obligations:

The SAR process is not a statutory process under any planning legislation. It is used by the Shire of Denmark as a precursor to the formal scheme amendment process. It is designed to provide a proponent with a simple and informal assessment of a proposal to gauge the views and comments of the Shire and other Government agencies on the merits and likely support to be expected.

Should Council support the SAR proposal, it will progress to a formal scheme amendment where a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967* applies.

Noting that work is currently progressing on Local Planning Scheme No. 4 (LPS 4) with the aim of having a draft Scheme to Council by November 2014 for initiation, this process may present opportunities for the applicant/landowner to undertake the preliminary work required (being those issues identified as needing addressing to progress the proposal further) such that the Shire of Denmark addressing the zoning of the site (and any amendment to the Local Planning Strategy as required) as part of LPS 4.

Policy Implications:

The following Town Planning Scheme Policies and Council Policies are relevant and have been taken into account as part of Planning Services consideration of the proposal:

- Town Planning Scheme Policy No. 29: *Rural Settlement Strategy*
- P100601: *Scheme Amendment Requests*

State Planning Policy 2.5: *Land Use Planning in Rural Areas* is also relevant and has been taken into account as part of Planning Services consideration of the proposal – noting that the WAPC, local governments and/or the State Administrative Tribunal must have 'due regard' to the provisions of State Planning Policies when preparing or amending local planning schemes and when making decisions on planning matters.

Budget / Financial Implications:

Fees associated with the SAR have been paid as per Council's 2013/14 Fees and Charges Schedule.

Strategic Implications:

The site is designated in the Shire's LPS as 'Rural Smallholdings'.

The LPS is primarily to form the basis for Town Planning Scheme No. 4 however is to be given due regard when considering Scheme Amendments to current TPS No. 3 – noting that a Town Planning Scheme should be consistent with a LPS.

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

Social Objective: Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.

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

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

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

Economic Objective: Denmark’s economy is diverse and vibrant – its primate industries of tourism and agriculture rely on and enjoy natural and other assets that are sensibly managed and promoted.

Economic Goal: Development – that the Shire of Denmark closely monitor development and associated infrastructure needs in the region, and acts in conjunction with other authorities and agencies to plan development which is sensitive, timely and appropriate to the community’s needs.

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

There are no known significant environmental considerations relating to the report at this stage; noting that the officer recommendation provides in-principle support to a Scheme Amendment being progressed and this will be required to address the environmental related matters pertaining to the proposal.

➤ **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.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council supports the SAR at this stage but that from the further investigations required the Scheme Amendment is not supported by either Council and/or the WAPC.	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Officer Recommendation as this reference is only in-principle approval at this stage.

Comment/Conclusion:

As per Council Policy P100601: *Scheme Amendment Requests*, upon receipt of the proposal it was referred to the relevant government departments/servicing authorities for comment – refer ‘Consultation’ section of the report for details.

At the close of the advertising period responses were received from the Department of Planning, Department of Parks and Wildlife, Department of Health, Department of Aboriginal Affairs, Main Roads WA and Department of Water and the Water Corporation – refer Attachment 8.1.2b.

In summary, the majority of comments provided indicated in-principle support to the proposal subject to a range of information/issues needing addressing in any formal Scheme Amendment documentation pertaining to the proposal. The Department of Planning, Main Roads WA and Department of Agriculture and Food WA identified some key issues/concerns pertaining to viability of the strata proposal in light of unsuccessful similar models throughout the Great Southern, visual amenity associated with development on the ridgeline, access arrangements to South Coast Highway and potential removal of priority agricultural land as a result of the rezoning proposal. Planning Services have similar concerns/issues with the proposal at this stage, thus these issues need to be further investigated and addressed in the formal Scheme Amendment documentation to allow for appropriate assessment and consideration based on the provision of the additional technical information that would be provided at the Scheme Amendment stage.

In considering this SAR proposal, due consideration should be given to the following planning instruments:

- Town Planning Scheme No. 3 provisions
- Local Planning Strategy
- State Planning Policy 2.5: *Land Use Planning in Rural Areas*

Each of these will be discussed in detail below.

➤ *Town Planning Scheme No. 3 (TPS No. 3)*

In accordance with TPS No. 3 the subject lot is currently zoned “Rural”, with the purpose/intent of this zoning being for the range of normal rural activities conducted in the Shire and to protect such land from inappropriate uses.

The proposal is to rezone the subject land to “Special Rural” to provide for rural living opportunities as well as agricultural production and protection of biodiversity values.

In the past, “Special Rural” zones have primarily been associated with freehold subdivision arrangements and not strata proposals, and with limited emphasis on rural activities still occurring on-site. For proposals of this nature, they generally have been zoned “Rural-Multiple Occupancy” and it is considered that this may be a better zoning to be considered for this development form as it encourages the optimum usage of land between farming and rural living pursuits. In this regard, as per Clause 3.1 h) of TPS No. 3, the primary purpose and intent of the “Rural-Multiple Occupancy” zone is:

For rural sites considered suitable for and used for development of a single intensive rural pursuit by people living on one common property at a higher density than that normally associated with traditional rural living. Council will require participants to be involved in and maintain the rural pursuit on a co-operative basis.

From a Planning Services perspective at this stage it is considered that the most appropriate zoning may be “Rural-Multiple Occupancy”, however there are too many

variables/unknowns that will only be determined with additional detail and investigation to be progressed as part of any formal Scheme Amendment. Consequently at this stage it is recommended that the final specifics of the zoning not be 'locked in' at this stage such that the most appropriate zoning can be determined once other key determinants are established.

➤ *Local Planning Strategy (Strategy)*

In accordance with the Strategy, the subject land is designated 'Rural Smallholdings', which is defined as "Land, typically in the order of 4ha – 40ha, used for minor rural pursuits, hobby farms, conservation lots and alternative residential life style purposes where part-time income from cottage industries, home occupation and use of the land for agriculture may be derived. This land use may also seek to preserve and enhance landscape quality, environmental and conservation attributes."

As per the Strategy, the following provisions are relevant for lots identified as rural smallholding:

- Objective – To accommodate a variety of rural residential and rural smallholdings lots in appropriate locations as shown on the LPS maps.
- Strategy a) - To identify future rural residential and rural small holding development in appropriate areas which balances the need for growth and the need to protect areas of significant environmental or agricultural value.
- Strategy b) Provide general support to applications for new rural residential and rural smallholding located within the identified areas in the LPS.
- Strategy c) – To require rural residential and rural smallholdings developments to utilise on-site rainwater tanks (92,000 litres) and not require connection to a reticulated water supply system.
- Implementation Point 1 - Council continue to require rezoning submissions for new rural residential and rural smallholding development to demonstrate land capability, environmental assessment and the coordination of design and servicing with adjoining development through subdivision guide plans.
- Implementation Point 5 - Council require each new rural residential and rural smallholding lot to be provided with a 92,000 litre rainwater tank to provide its potable water supply in lieu of Scheme water.
- Implementation Point 8 - Council implement the measures as provided in WAPC's Planning for Bush Fire Protection Guidelines (Edition 2).

In terms of the zoning of "Special Rural" (or similar) as opposed to "Rural Smallholdings" (being the designation in the Strategy), Planning Services and the Department of Planning have agreed that rather than introduce a "Rural Smallholdings" zone into TPS No. 3 at this point in time, that any Scheme Amendments to TPS No. 3 should utilise the current "Special Rural" zoning provisions with the special provisions/conditions to have regard to the intent of rural smallholding development. Zoning of this site, along with all other "Special Rural" zones, to a zone that reflects the 'Rural Residential' or 'Rural Smallholdings' designations as per the Strategy can be addressed via Local Planning Scheme No. 4.

As per the Strategy, the "Rural-Multiple Occupancy" zone is supported in areas designated Rural Smallholdings on the LPS maps.

➤ *State Planning Policy 2.5: Land Use Planning in Rural Areas (SPP 2.5)*

In accordance with SPP 2.5, the policy is guided by the following objectives:

- To protect rural land from incompatible uses by:
 - requiring comprehensive planning for rural areas;

- making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
- providing investment security for the existing and future primary production sector.
- To promote regional development through provision of ongoing economic opportunities on rural land.
- To promote sustainable settlement in, and adjacent to, existing urban areas.
- To protect and improve environmental and landscape assets.
- To minimise land use conflicts.

The SPP contains policy measures for rural living precincts, noting that strata proposals with a residential component on rural land are considered to be rural living for the sake of the SPP. ‘Rural strata’ is identified in the SPP as being “a number of residential strata lots, with the balance of the property being retained and operated as a farm”.

Rural living is identified as lots generally between 1ha and 40ha, with various sub-sets including Rural Smallholdings, in which lot sizes are generally between 4ha and 40ha. Whilst the proposed lot sizes are significantly smaller (at 2000sq m), on average, taking into account the common property the proposal falls within this range - overall lot size is 85.012 hectares, thus equates to 1 dwelling per 4.25 hectares.

From a Planning Services perspective and having regard to the responses received from the government agencies/servicing authorities, the relevant provisions of TPS No. 3, the Strategy and SPP2.5, it is considered that the proposal has merit noting that the subject site is designated as ‘Rural Smallholdings’ in the Local Planning Strategy (2011), subject to more detailed considerations as part of the formal Scheme Amendment process which will then determine the appropriateness of the proposal’s particulars.

Voting Requirements:

Simple majority.

6.23pm – *The Chief Executive Officer left the room.*

6.27pm – *The Chief Executive Officer returned to the room.*

ITEM 8.1.2

MOVED: CR MORRELL

That Council not support the Scheme Amendment Request to rezone No. 1800 (Lot 405) and No. 1874 (Lot 406) South Coast Highway, Shadforth from “Rural” to “Special Rural”,

LAPSED FOR WANT OF A SECONDER

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.2

MOVED: CR PEDRO

SECONDED: CR SAMPSON

That with respect to the Scheme Amendment Request to rezone No. 1800 (Lot 405) and No. 1874 (Lot 406) South Coast Highway, Shadforth from "Rural" to "Special Rural", Council resolves to:

1. Support in principle rezoning of the site to accommodate a development that incorporates rural living, agricultural pursuits and environmental protection initiatives, subject to the following matters being specifically addressed/included in a formal Scheme Amendment document:
 - a) Agricultural impact assessment;
 - b) Bush fire risk assessment and fire management plan having due regard to draft State Planning Policy 3.7: Planning for Bushfire Management and the need to consider strategic fire protection measures with adjoining properties;
 - c) Detailed land capability studies demonstrating that the land is suitable for the proposed density of development (particularly in terms of stormwater management and onsite effluent disposal) and the appropriate type and scale of rural land uses in light of the land being designated as Priority Agricultural Land by the Department of Agriculture and Food WA and Rural Smallholdings (i.e. lots that should facilitate rural pursuits in conjunction with rural living) in the Local Planning Strategy (2011)
 - d) Strategies to manage land use conflicts with agricultural activities occurring on the subject property and surrounding properties with due regard being given to the Department of Health's *Guidelines for Separation of Agricultural and Residential Land Uses: Establishment of Buffers (August 2012)*;
 - e) Assessment of visual, landscape and amenity impacts in accordance with WAPC's *Visual Landscape Planning in Western Australia Manual (2007)*;
 - f) Traffic access/egress assessment, taking into account advice from Main Roads;
 - g) Appropriate clearing, land management and environmental controls in light of the proposed strata development;
 - h) Water supply arrangements for the site (including for land management purposes);
 - i) Weed management plan;
 - j) Appropriate zoning controls for the site, noting that based on information provided to date that a zoning of "Rural-Multiple Occupancy" is the preferred zoning form however the provision of additional information and assessment findings may result in a "Special Rural" zoning being appropriate;
 - k) Detailed Subdivision & Development Guide Plan for the site.
2. Advise the proponent that depending on their client's timing, due consideration may wish to be given to undertaking the preliminary work required for this proposal (being the matters identified in Point 1 above) such that the Shire of Denmark may consider addressing the zoning of the site as part of Local Planning Scheme No. 4 rather than undertaking an amendment to Town Planning Scheme No. 3.

CARRIED UNANIMOUSLY: 8/1

Res: 031014

6.45pm – Cr Gillies & Cr Morrell left the room.

6.46pm – Cr Rowland left the room.

6.46pm – The Director of Infrastructure Services left the room.

8.2 Director of Community & Regulatory Services

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 Morrell is the Trustee of the Scout Hall and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Morrell declares that he will consider this matter on its merits and vote accordingly.

8.2.1 SCOUT HALL LEASE VARIATION

File Ref:	A3035
Applicant / Proponent:	1 st Denmark Scout Group Committee
Subject Land / Locality:	McLean Oval Complex, Lot 1087 of Reserve 15513
Disclosure of Officer Interest:	Nil
Date:	8 October 2014
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.1a – Correspondence dated 23 July 2014 8.2.1b – Proposed Amended Lease Diagram 8.2.1c – Media Article from 1973 (Opening of Scout Hall)

Summary:

The officer report considers and recommends that Council support a request from the 1st Denmark Scout Group Committee for the addition of a further 48m² to the 630m² of the land that they currently lease for the Scout Hall at McLean Oval to facilitate the construction of a lean to storage shed for their catering caravan.

Background:

The Denmark Scout Association currently holds a 21 year lease that enables them to occupy the 630m² of land at Council's McLean Oval complex on which their Scout Hall stands.

This lease expires on the 1 January 2023 and the group has received a community grant from Council to build a 12m x 4m lean to storage shed on the Brazier St side of the Scout Hall. This area is outside their current lease and they are seeking a further 48m² of land to accommodate this project.

The Scout Hall was first opened in 1973 and was built using part of a building that was transported from elsewhere and was expanded at the then Council's request so that it could also be used as an indoor basketball court and it served in this dual capacity until the Rec Centre was opened in 1993.

The 1st Denmark Scout Group has always made the facility available to other users and this practice continues today.

To the right is a map of the McLean Park which shows the location of the Scout Hall and the proposed extension.

Consultation:

1st Denmark Scout Group Committee (Hall Lessees).



Statutory Obligations:

The Shire of Denmark has the Management Order for Reserve (15513) which was issued on the 9 May 2001 which enables Council to lease “the whole or a portion thereof for any term not exceeding twenty one (21) years....”.

The committee will also need to obtain planning approval and a building permit prior to the commencement of site works and construction.

Policy Implications:

Council Policy P110102 - Leasing of Land and/or Buildings to Community Groups (copied in full below) states that with respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings, there be a signed lease, based on Council's standard 'not for profit' lease prior to occupation or upon renewal.

“With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;

- a. There be a signed lease based on Councils standard 'not for profit' lease prior to occupation or upon renewal;*
- b. Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);*
- c. Contribution by Council towards legal costs (if required) by Council 100%;*
- d. Have differing rentals discounted to market valuation depending upon the following factors;*
 - i. To what degree the property is utilised for charitable, not for profit or sporting purposes;*
 - ii. The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;*
 - iii. The strategic value of the land in the short term to Council;*
 - iv. To what degree if any that the use is competing with commercial enterprise;*
- e. Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;*
- f. Offer local authority rate exemption rebate donation (rather than exemption contra);*
- g. Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first \$500 of any insurance excess on claims;*
- h. All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;*
- i. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;*
- j. Leases require endorsement of Council prior to signing;*
- k. Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);*
- l. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).*
- m. Reflecting the non 'exclusive club' usage and fact that they perform a valuable Council service for wide community benefit Council annually (subject to annual budget deliberation) contributes to the maintenance of the following leased Halls;*
 - i. Parryville Hall \$2,000;*
 - ii. Tingledale Hall \$2,000;*
 - iii. Scotsdale Hall \$2,000 (nb: Hall is owned by Scotsdale Progress Association on Association vested land);*
 - iv. Kentdale Hall \$2,000;*
 - v. RSL Hall \$3,000;*
 - vi. Museum Building maintenance is 100% Council responsibility;*
 - vii. Nornalup Hall \$2,000;*
 - viii. Peaceful Bay Hall (& Les Carpenter Shed) \$2,000; and*

- n. Council's Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.
- o. The definition of 'exclusive occupation' does not include reference to yearly licenses to occupy storage space within a building such as at the Denmark Recreation Centre."

Policy P100606, Payment of Planning & Building Fees by Not For Profit Community Organisations also relates and reads as follows;

"When assessing planning and building applications received from not for profit community organisations on land not owned by or vested in Council, a reduction of 50% in the application fees payable shall be granted.

Where such an application relates to land owned by or vested in Council, a reduction of 100% payable to the Shire of Denmark shall apply.

Notes:

1. All statutory charges levied by the State Government are to be paid in full by the applicant and are not subject to the provisions of this Policy.
2. The Shire of Denmark is unable to issue certificates of design compliance on land it owns and those fees will need to be payable by the applicant to a suitably registered Building Surveyor.
3. Organisation Wide Procedure Manual topic titled "Council Approved Discounts, Donations, Waivers or Reduced Fees" is to be implemented when applying this policy.

Note: This policy does not relate to building applications to any residential dwellings nor any application totaling greater than \$1,000,000."

It should also be noted that the Nash Franz Scout Hall (as it was originally known) is recorded in the Shire of Denmark Municipal Heritage Inventory (2011).

Budget / Financial Implications:

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

Strategic Implications:

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

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

Education: ...work with relevant authorities and organisations that encourage the growth and diversity of educational opportunities and facilities for all age groups both in the town of Denmark and in its outlying communities.

Youth: ...encourage opportunities, employment and facilities for young people, and aims to involve them in decisions made within the community.

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

Sustainability Implications:

➤ Governance:

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Community Organisations who occupy and manage Council buildings on Council property provide a valuable community service on behalf of Council and the wider community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That 1st Denmark Scout Group Committee do not complete the project in a timely manner	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Risk
That 1st Denmark Scout Group Committee folds as community group.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

The 1st Denmark Scout Group Committee have managed and enjoyed the use of the McLean Oval Scout Hall for a number of years and in doing so provided many of Denmark’s young people with invaluable skills and guidance.

In the fulfilment of the role the group has accumulated a food van and other items that are used for fund raising that it needs to store and is seeking the addition of 48m² of land to the 630m² that it currently leases on McLean Oval to build a lean to shed on the Brazier Street side of its property for that purpose.

It is the officer’s opinion that the proposed lean-to should be supported as it will prolong the life of the van and will not compromise the overall usage of the McLean oval facility.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR SEENEY</p> <p>That with respect to the 1st Denmark Scout Group Committee’s request for a 48m² addition to the western corner of their existing 630m² lease at the McLean Oval Complex, Lot 1087 of Reserve 15513, Council;</p> <ol style="list-style-type: none"> 1. Advise the Committee that it supports their lease amendment request and the construction of the storage shed and authorise the Chief Executive Officer, pursuant to Council Policy P110102 to amend the area of the Scout Hall lease accordingly. 2. Advise the Committee that it will need to obtain planning approval and a building permit prior to the commencement of site works and construction. <p>CARRIED UNANIMOUSLY: 6/0</p>	<p>ITEM 8.2.1</p> <p>SECONDED: CR OSBORNE</p> <p>Res: 041014</p>
---	--

6.48pm – Cr Morrell returned to the room.

6.48pm – Cr Rowland returned to the room.

6.48pm – Cr Gillies returned to the room.

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 AUGUST 2014
--

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	6 October 2014
Author:	Steve Broad, Accountant
Authorising Officer:	Kim Dolzadelli, Director of Finance And Administration
Attachments:	8.4.1 – August Monthly Financial Report

Summary:

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

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

Background:

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

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

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)
Local Government (Financial Management) Regulations 1996

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

Policy Implications:

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

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

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

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

A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

Comment/Conclusion:

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

Reserve Funds totalling \$4,036,570 have only been placed on investment for 90 days with the National Bank, maturing 8 October 2014 at the quoted rate of 3.56%.

\$1,310,050 of Municipal Funds have been invested for 60 days with the National Bank, maturing 8 October 2014 at the quoted rate of 3.20%.

Key Financial Indicators at a Glance

As the 2014/15 Municipal Budget was only adopted on 29 July 2014 there is very little activity available for comparison purposes.

Depreciation of non-current assets has not been calculated for the reporting period as the Annual Financial Audit for the year ended 30 June 2014 had not been concluded at the time of producing this report.

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

6.49pm – Cr Lewis left the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That with respect to Financial Statements for the month ending 31 August 2014, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for August 2014 as listed.	
CARRIED UNANIMOUSLY: 8/0	Res: 051014

8.4.2 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 SEPTEMBER 2014

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	8 October 2014
Author:	Steve Broad, Accountant
Authorising Officer:	Kim Dolzadelli, Director of Finance And Administration
Attachments:	8.4.1 – September Monthly Financial Report

Summary:

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

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

Background:

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

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

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

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

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

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

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

A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

Comment/Conclusion:

Shire Trust Funds of \$155,029 have been invested for 91 days with the National Bank, maturing 19 December 2014 at the quoted rate of 3.40%.

Reserve Funds totalling \$4,036,570 have only been placed on investment for 90 days with the National Bank, maturing 8 October at the quoted rate of 3.56%.

Municipal Funds totalling \$1,310,050 of Municipal Funds have been invested for 60 days with the National Bank, maturing 8 October 2014 at the quoted rate of 3.20%.

Key Financial Indicators at a Glance

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

Depreciation of non-current assets has not been calculated for the reporting period as the Annual Financial Audit for the year ended 30 June 2014 had not been concluded at the time of producing this report.

- Taking into consideration the adopted Municipal Budget and subsequent amendment identified, the estimated 30 June 2015 end of year position is estimated to be \$1,491, as per budget projections (Note 5).
- Operating revenue and expenditure is slightly higher than that predicted for 30 September 2014 (Statement of Financial Activity).
- Rates Collection percentage of 65.54% is in keeping with historical collection rates (Note 6).
- The 2014/15 Capital Works Program is 1.88% complete as at 30 September 2014 (Note 12).
- Various transfers to and from Reserve Funds have not yet been made for 2014/15 and are generally undertaken in the latter half of the financial year, depending on specific projects to which these transfers relate.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.2
MOVED: CR SAMPSON	SECONDED: CR PEDRO
That with respect to Financial Statements for the month ending 30 September 2014, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for September 2014 as listed.	
6.51pm – Cr Lewis returned to the room.	
CARRIED UNANIMOUSLY: 9/0	Res: 061014

8.4.3 COMMUNITY FINANCIAL ASSISTANCE PROGRAM POLICY REVIEW

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	9 October 2014
Author:	Kim Dolzadelli, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Nil

Summary:

This report considers the review of Council's existing Community Financial Assistance Program Policy and recommends adoption of a new policy after advertising and considering submissions.

Background:

Councillors raised some concerns with respect to the clarity of its current Community Financial Assistance Program (CFAP) Policy, during its assessment of 2014/2015 Municipal Budget submissions. In particular these discussions focused on what should be and what should not be funded through the CFAP.

Consultation:

Councillors and senior staff.

Whilst the new Community Engagement Policy (CEP) is currently being advertised inviting public comment the Officer is recommending that the draft amended Community Financial Assistance Program Policy be advertised for public comment in accordance with the CEP notwithstanding final adoption of the policy is yet to occur.

Statutory Obligations:

There are no statutory obligations with respect to adopting or reviewing a Community Financial Assistance Program policy.

Policy Implications:

Council's current Policy P040125 Community Financial Assistance Program Policy would be repealed upon adoption of the draft new Policy.

Council's current Community Financial Assistance Program Policy states as follows;

Objectives

1. To provide financial assistance for organisations and/or projects which benefit the community.
2. To assist community based (not for profit) organisations to develop and maintain facilities.
3. To provide community based (not for profit), organisations with relief from Council imposed fees and charges.
4. To provide urgent or emergency financial assistance where required.
5. To provide guidelines for the consideration and approval, or otherwise, of financial assistance applications.
6. To minimise out of budget, ad hoc requests.

Policy

That the Council at least annually advertise its intention to consider applications for financial assistance from community groups within the shire based on application forms and guidelines endorsed by the Council.

Proponents requesting financial assistance from the Council, that cannot be accommodated under staff delegations or which are not included in the Council's Budget or assessed under an advertised round, will be advised of Council's funding procedures and be requested to apply for the next round of the appropriate funding. Any such advice will be included in Council's monthly Information Bulletin.

Nothing in this policy prevents the CEO, where that officer deems appropriate, from referring a request for financial assistance to Council for determination.

Responsible Officer

The Director of Finance & Administration is the responsible officer for implementing this policy.

In addition Council's current Delegation Number D040101 "Donations" also relates:

"The Chief Executive Officer is delegated authority to approve requests for donation of monies up to the value of \$200 (a maximum sum of \$3,000 may be allocated in this way within any one financial year) when a group or individual can demonstrate:

- 1. Significant direct benefit to the local community.*
- 2. That the group is a community group or non-profit making organisation or running a non profit activity.*
- 3. That the group's financial status is such as to justify a donation from Council.*
- 4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, eg. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.*
- 5. That available funding exists in Council's budget.*
- 6. Periodical reports on donations made and applications refused are to be included within Council's monthly Information Bulletin.*

A group or individual is eligible to receive a donation under this Delegation only once in any one financial year."

Council Policy P050303 DONATION OF FUNDS TO EMERGENCY AND DISASTER RECOVERY also relates with regard to emergency and disaster recovery as follows:

"In considering financial assistance to various emergency and disaster relief efforts and to accommodate funding for such unforeseen requests during a budget year the following budget provisions be made;

- Allowance for 1 x annual Local and State Emergency/Disaster - up to \$10,000; and*
- Allowance for 1 x annual National Emergency/Disaster – up to \$5,000; and*
- International Emergency/Disaster - Nil and the CEO be authorised to advise proponents of requests for international disaster relief that Council's Policy is to refer such requests to State & Federal Governments, whose jurisdiction includes international relations."*

The Officer is recommending advertising of the following proposed Draft amended Community Financial Assistance Program Policy.

P040125 COMMUNITY FINANCIAL ASSISTANCE PROGRAM

Objectives

- 1. To provide financial assistance for organisations and/or projects which benefit the community.*

2. To assist community based (not for profit) organisations to develop and maintain facilities.
3. To provide community based (not for profit), organisations with relief from Council imposed fees and charges.
4. To provide urgent or emergency financial assistance where required.
5. To provide guidelines for the consideration and approval, or otherwise, of financial assistance applications.
6. To minimise out of budget, ad hoc requests.

Policy

That the Council at least annually advertise its intention to consider applications for financial assistance from community groups within the Shire based on application forms and guidelines approved by the Director of Finance and Administration which are to be in accordance with this Policy.

Proponents requesting financial assistance from the Council, that cannot be accommodated under staff delegations or which are not included in the Council's Budget or assessed under an advertised round, will be advised of Council's funding procedures and be requested to apply for the next round of the appropriate funding. Any such advice will be included in Council's monthly Information Bulletin.

Minor Community Grants (\$201 to \$5,000)

Minor Community Grants may be used for any purpose, including minor building construction, maintenance or repair, equipment purchase or hire, events or functions, relief from Council fees and charges etc. A minimum grant of \$201 applies. Applications should address the following criteria:

- Type of organisation (eg sport and recreation, community based, general interest, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service/facility provided;
- Demonstrated need or community benefit;
- Applicant's financial position;
- Purpose of the grant; and
- Provision of a detailed project budget including GST breakdown. Details of applications to other possible funding sources. (eg Dept of Sport and Recreation, Healthways, Lotteries, etc.)

Major Community Grants (Over \$5,000)

Funding for approved grants will be allocated from within Council's general revenue budget.

Major Community Grants may be used for any purpose, but are generally provided for purposes such as building purchase or construction, purchase of equipment, ground-works etc. Applications should address the following criteria:

- Type or organisation (eg sport, community, hobby, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service/facility provided;
- Project details/planning/design/timing;
- Demonstrated need or community benefit;
- Financial position of the applicant;
- Financial viability of project;
- Other financial/in kind contributions;
- On-going management;
- Existing services and facilities of a like nature, within Denmark;
- Provision of quotes (2) for all items greater than \$500 in value; and
- Provision of a detailed project budget including GST breakdown.
- Details of applications to other possible funding sources. (eg Dept of Sport and Recreation, Healthways, Lotteries, etc.)

Applications of that have significant matching contributions from the applicant and or other funding agencies and are consistent with Councils' Strategic and operational plans will be looked upon more favourably.

HOW THE APPLICATIONS WILL BE ASSESSED

Minor Community Grants (\$200 to \$5,000)

Council has in recent years had a funding pool of \$20,000; this amount is to be set by Council Annually via its Budget Process, available for use to fund applications to the Community Financial Assistance Grants scheme. Applications that fall within this category will be assessed by Council.

Major Community Grants (Over \$5,000)

Applications that fall within this category will be assessed by Council in conjunction with its overall competitive Budget process.

What is not funded

- *Ongoing expenditure in the form of operating or administrative costs e.g. rent, staff wages, utility costs, insurance, stationery.*
- *Applications that are insular or of self-interest.*
- *Applications that benefit personal business aspirations.*
- *Applications for projects predominately outside the Shire of Denmark.*
- *Projects that duplicate an existing or similar project/service within the community.*
- *Applications where grant funds are to promote political purposes, unethical or profit making purposes that benefit an individual.*
- *Applications where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds.*
- *Individuals unless they are sponsored by an eligible organisation and are resident of the Shire.*
- *Individuals (or sponsorship of cash prizes for individuals or teams).*
- *Personal living, education, medical or travel expenses.*
- *Activities or events that are the responsibility of a State or Federal government.*
- *Organisations whose main purpose is to fundraise.*
- *Organisations that have not acquitted previous projects funded through the Shire of Denmark.*
- *Educational institutions (Parents and Citizens Associations may apply for funding)*
- *Activities targeted at students in a school setting.*
- *Deficit funding.*
- *The purchase of alcohol, prizes and gifts.*
- *Costumes or uniforms.*
- *Retrospective funding.*
- *Applications for activities that are not consistent with the Shire of Denmark's Strategic and or operational plans.*

Conditions and Requirements

- *Project must commence and be completed in the financial year for which funding has been approved.*

- 50% of the grant will be paid on approval of the project and the balance following successful acquittal of the project.
- Prior approval must be sought for any substantial change of proposal.
- Project and financial reports must be submitted to the Shire within one month from the completion of the project on the acquittal form provided.
- Acknowledgement that "This project is assisted by the Shire of Denmark" must be made in all publicity associated with the project. Use of the Shire of Denmark logo is encouraged.

Approved Community Financial Assistance grants shall be administered in accordance with the following:

- Where financial assistance is approved by Council for projects that are dependent upon funding from an outside source, eg: Sport and Recreation WA; Lotteries Commission etc, and that funding application is unsuccessful or the level of financial assistance from an outside source has been reduced below that requested by an organisation, the organisation shall be required to demonstrate its ability to meet the funding shortfall.

In such circumstances the Council will reassess the viability of the project and may, if project viability is not substantiated, revoke the grant approval. Those funds shall then be made available to other applicant organisations.

- Council financial assistance (as approved) shall be paid to the applicant, on receipt of and up to the value of copy invoices, statements or receipts.
- Where approved financial assistance is not claimed by 31st May and the organisation involved has failed to provide an explanation and request for those funds to be carried forward, the Chief Executive Officer shall advise the organisation that the approval is revoked and that they should then re-apply.
- Where requests for financial assistance are received outside the deadline for receipt of applications they shall not be accepted and the applicants will be advised accordingly.

Nothing in this policy prevents the CEO, where that officer deems appropriate, from referring a request for financial assistance to Council for determination.

Responsible Officer

The Director of Finance & Administration is the responsible officer for implementing this policy."

Budget / Financial Implications:

Council's current Budget contains an annual amount of \$20,000 funding for the CFAG. This would be an appropriate time should Council wish to consider the level of this annual funding amount.

Strategic Implications:

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

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

Sustainability Implications:

➤ **Governance:**

Having Policy that is clear and concise is considered essential. Advertising of the new Policy, which will impact on the sectors of the community, will result in feedback, opportunity to understand further the expectations of the community and the general acceptance by the community.

➤ **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.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That without clear Policy Community expectations may exceed Councils' ability to meet them.	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation
That without clear Policy financial constraint may be ignored.	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

Whilst Council's current Policy has served them well in the past, there has been some confusion in the following areas:

1. The levels of funding that are available through the process,
2. The process in which applications will be assessed,
3. What is not funded,
4. Conditions and requirements, or
5. How the grants are to be administered.

The proposed amended Community Financial Assistance Program Policy seeks to address the above issues and provide for clearer understanding by Councillors, staff and the community.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.3
MOVED: CR GILLIES	SECONDED: CR SEENEY
That Council approves the advertising of the proposed Draft amended Community Financial Assistance Program Policy for a minimum of 60 days inviting public comment through the following means;	
<ol style="list-style-type: none"> 1. In the Denmark Bulletin and Walpole Weekly; 2. On Council's notice boards and website; 3. At the Shire Office and Library; and 4. Through letter of invitation to all community groups of the Shire. 	
CARRIED UNANIMOUSLY: 9/0	Res: 071014

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:

As Shire President, Cr Thornton is the Honorary Vice Patron of the Denmark Surf Life Saving Club and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Thornton declares that he will consider this matter on its merits and vote accordingly.

8.5.1 INTENTION TO SUSPEND BOAT LAUNCHING AT OCEAN BEACH – AT SPECIFIED TIMES EACH YEAR
--

File Ref:	A3108
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Reserve 24913, Ocean Beach, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	10 October 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.1a – Extract from Council Minutes 27 May 2008 (Item 9.4.4) 8.5.1b – Extract from Council Minutes 26 August 2008 (Item 9.5.5) 8.5.1c – Notes from Ocean Beach User Group Meeting 8.5.1d – Ocean Boating Facilities Study 1999

Summary:

Council is asked to consider advertising an intention to suspend approval (ban) the launching or retrieval of motorised vessels (boats) from the existing “over beach” ramp at Ocean Beach each year for two specified periods being 20 December to 31 January (inclusive) and Easter Friday through to Easter Monday (inclusive).

Background:

Following concerns expressed by the Denmark Surf Life Saving Club in 2008, in May 2008 Council considered a new management approach and signage, by the Department of Planning & Infrastructure, regarding the possible conflict between swimmers and motorised boats. A copy of the Report is attached as Attachment 8.5.1a.

At that meeting Council resolved as follows (Resolution No.190508);

“That Council;

1. Support the retention of boat launching at Ocean Beach, Denmark and the proposed signage (noting the graphic on the sign to be altered to reflect the correct proposed 30m channel width scale at the beach), gazetted boating channel and boating prohibited area as submitted by the Department for Planning & Infrastructure and invite comments from the listed specific interest groups as well as a general advertisement in the Denmark Bulletin with submissions closing within 21 days following publication prior to adopting a final Council position and recommendation to that Department. Specific interest groups to be invited to make comment include;
 - a. Denmark Sea Rescue
 - b. Denmark Boating & Angling Club
 - c. Denmark Surf Life Saving Club
 - d. Mike Neunuebel, Surfing Instructor / Lessons
 - e. FESA Volunteer Marine Rescue Service
 - f. South Coast Management Group.
2. Include for consideration in the next review of its Strategic Plan support of the Government in the next 10 year planning horizon for a suitable safe Ocean Boat Launching Facility for Denmark.”

The proposed signage was subsequently advertised and the subject of another report to Council in August 2008 (refer Attachment 8.5.1b).

At its meeting held on the 26 August 2008, Council resolved as follows (Resolution No. 70808);

“That with respect to the proposal of the Department for Planning & Infrastructure to gazette a boating channel and boating prohibited area for Ocean Beach, Denmark, Council following receipt of submissions;

1. *Advise the Department as follows;*
 - a. *That the proposed boat prohibited area, boating launching area and channel and signage is supported subject to the following signage changes;*
 - i. *Noting the graphic on the sign to be altered to reflect the correct proposed 30m channel width scale at the beach (measured from the rocks off the beach rather than from the corner of the beach);*
 - ii. *That the heading ‘Board Users’ be changed to read ‘Board users, swimmers and snorkelers’ or similar and then words under this heading be changed to state ‘Where vessels are seeking to enter or access the boat launch channel, boarders, swimmers and snorkelers must vacate the channel to allow this activity to safely occur.’;*
 - iii. *An addition or new sign at the entrance to the launch area, recommending a suggested maximum size of vessel and maximum size of swell (indicatively less than 2.5m swell) for safe launching.*
2. *That Council request the Department to consider the installation of;*
 - i. *Appropriate boating ‘lead-in’ post above the channel on Councils reserve;*
and
 - ii. *If practical and able, a tethered channel marker at the eastern juncture of the boating prohibited area and channel entrance.*
3. *It responds to the submitters in writing together with a copy of this report.”*

On the 15 June 2014 an incident occurred at Ocean Beach involving a surfer and a motorised vessel. The incident was reported to the Department of Transport who, following an investigation, concluded that the driver of the motorised vessel did in fact breach Section 14A (a) of the Navigable Water Regulations – Navigating a vessel so as to endanger the safety of a vessel or person, and was fined accordingly. This fine was subsequently withdrawn on appeal.

Following this outcome, two Ocean Beach User Group meetings have been called by the Department of Transport and held on Thursday 28 August 2014 and Wednesday, 8 October 2014. A copy of the notes of the latter are attached as Attachment 8.5.1c.

Consultation:

Given that initial consultation has occurred with specific user groups, and the Denmark Boating and Angling Club and Denmark Sea Rescue were in attendance expressed no real objections to the proposal (to close the beach to launching / retrieval for certain times of the year), it is recommended that the proposal be now advertised in the Denmark Bulletin, on Council’s Website and Council’s Notice Boards seeking comment for a period of 30 days.

In accordance with Council’s draft (and current) Community Engagement Policy, the proposal is to invite comment through advertising and direct letter to affected community groups / organisations identified as follows;

- Denmark Sea Rescue
- Denmark Boating & Angling Club
- Denmark Surf Life Saving Club
- Mike Neunuebel, Surfing Instructor / Lessons
- DFES Volunteer Marine Rescue Service
- Department of Transport.

Statutory Obligations:

The Council’s Property Local Law provides the statutory framework to allow ‘determinations’ to be made on land is the control of the local government, such as Reserve 24913, Ocean Beach, as follows;

"local government property" means anything except a thoroughfare –

- a) which belongs to the local government;
- b) of which the local government is the management body under the *Land Administration Act 1997*; or
- c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

Procedure for making a determination

2.2 (1) *The local government is to give local public notice of its intention to make a determination.*

(2) *The local public notice referred to in subclause (1) is to state that –*

- a) *the local government intends to make a determination, the purpose and effect of which is summarised in the notice;*
- b) *a copy of the proposed determination may be inspected and obtained from the offices of the local government; and*
- c) *submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.*

(4) *If submissions are received in accordance with subclause (2)(c) the Council is to –*

- a) *consider those submissions; and*
- b) *decide –*
 - (i) *whether or not to amend the proposed determination; or*
 - (ii) *not to continue with the proposed determination.*

Register of determinations

2.5 (1) *The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.*

(2) *Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.*

2.7 (1) *A determination may provide that specified local government property is set aside as an area on which a person may –*

- e) *launch, beach or leave a boat;*
- f) *take or use a boat, or a particular class of boat;*

(2) *A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –*

- a) *the days and times during which the activity may be pursued;*
- d) *may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;*
- e) *may specify that the activity can be pursued by a class of persons or all persons; and*
- f) *may distinguish between different classes of the activity.*

2.8 (1) *A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -*

- e) *taking or using a boat, or a particular class of boat;*

(2) *A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –*

- a) *the days and times during which the activity is prohibited;*
- b) *that an activity is prohibited on a class of local government property, specified local government property or all local government property;*
- c) *that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;*

- d) *that an activity is prohibited in respect of a class of persons or all persons; and*
- e) *may distinguish between different classes of the activity.*

Policy Implications:

Council's draft and current Community Engagement Policies provide guidance on methods of engaging with the community with respect to proposed changes of Council Policy that may have an impact on the community or persons. The initial and proposed consultation complies with the intent of these policies as well as the minimum prescribed by the Local law.

Budget / Financial Implications:

The real only financial implications upon either the Council's Long Term Financial Plan (draft) is the implementation of intent of resolution number 190508, which proposed a 10 year planning horizon for a suitable safe Ocean Boat Launching Facility for Denmark (indicatively 2018). Funding for planning studies for such projects is typically funded 3:1 by the Department of Transport under an annual competitive funding round. Indicative pricing of a study is in the order of \$80,000, which would result in a Council construction required of say, \$20,000 in the 2015/16 Financial Year Budget, if successful.

Funding for the construction of facilities is similarly funded 3:1 if a facility is identified as being required and able to be practically located and built in the Ocean Beach locality.

Strategic Implications:

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

SOCIAL OBJECTIVE - Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.

Public Safety Goal: That the Shire of Denmark work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.

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

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

There are no known significant environmental implications relating to the report or officer recommendation. The banning of boat launching and retrieval during certain times of high use could potentially have a small environmental impact however this is countered by the negative social impact.

➤ Economic:

There are potentially significant economic considerations to banning of boat launching at Ocean Beach during peak tourist times particularly given that the nearest ocean launch area is some 30km away at Parry Beach. There could also be potential negative impacts on nearby accommodation providers and local fishermen.

➤ Social:

There are significant social implications relating to the officer's recommendation. If the Council banned the boat launching from this site it would have an adverse impact on the Boating and Angling Club (whose Clubhouse abuts the site) as well as the local boating fraternity that utilise this ocean going launch area.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That an incident occurs at Ocean Beach between a boat and swimmer / board rider that results in a fatality or major injury.	Unlikely (2)	Catastrophic (5)	High (10-16)	Inadequate Employee, Visitor or Public Safety & Security	Manage by improving education and signage and banning non essential boat launching during peak periods. Further investigate all reasonable alternate locations for such launching.

Comment/Conclusion:

Council last commissioned reports into Ocean Boating Facilities in 1996 and 1999 (see Attachment 8.5.1c for 1999 Study). The latter report considered potential facilities at Peaceful Bay, Parry Beach and indeed briefly McGeary’s Rock, but discounted the latter due to difficult shore access and sea conditions. The report concluded that Peaceful Bay was the only likely long term option.

Since that time the Council has included in its Biennial Customer Satisfaction and Community Needs Analysis Survey of 2011 and 2012/13 the following question with resultant responses;

An all weather 2WD beach access boat ramp should be constructed at or near Ocean Beach.					
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Unsure
22.3%	11.3%	28.1%	16.6%	17.4%	4.3%

From the 2011 Survey

A permanent ocean going boat ramp should be constructed near Ocean Beach, North of McGearys Rock.					
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Unsure
5.60%	9.90%	37.80%	23.50%	15.30%	7.90%

From the 2012/13 Survey

The question arises whether the only real option for a potential site at Ocean Beach – near McGeary’s (the bay to the immediate north-west) was fully explored?

The officer is of the opinion that this is the only viable option, albeit problematic from a shore access perspective (vegetated and with steep terrain, making for a constrained access / trailer parking site with potential significant community concerns).

If the Council is prepared to consider the potential alternate site (refer map below) – then a detailed investigation into this site might ‘put to bed’ that site as an option once and for all and make it clear what ‘options’ exist for alternates in the Ocean Beach locality, if that site proves ultimately not suitable either from a geomorphic, hydrological or last, but not least, community perspective (none).

In the interim, Council officers are working with the user groups and Department of Transport regarding education and signage improvements regarding the ‘multi-use’ nature of activities and the inherent conflicts that exist with motorised vessels and boating using the over beach launch and retrieval facility at that site.

The Council retains the option to ban motioned vessel launching / retrieval, from the site permanently (all year round) if it so wished, and indeed, there will no doubt (in the opinion of the officer) be submissions on this aspect.

Boating with Swimmer or Surfer incidents reported by the Department since records exist indicate only one incident in the past 10 or so years (in 2014).

The Denmark Surf Life Saving Club in their reporting mechanisms however, acknowledges that their record keeping hasn't reported the various 'near misses' that have occurred over the years that 'from recollection' have occurred.



Voting Requirements:
Simple majority.

6.55pm – The Director of Planning & Sustainability left the room.

6.56pm – The Director of Infrastructure Services returned to the room.

7.07pm – The Director of Finance & Administration left the room.

7.09pm – The Director of Finance & Administration returned to the room.

7.09pm – The Director of Planning & Sustainability returned to the room.

DEFERRAL MOTION	ITEM 8.5.1
MOVED: CR SEENEY	SECONDED: CR MORRELL
That Parts 1 & 2 of the Officer's Recommendation be deferred until the next meeting of Council, being the 11 November 2014.	
LOST: 5/4	Res: 081014

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.5.1

MOVED: CR THORNTON

SECONDED: CR SAMPSON

That due to concerns with respect to the potential conflict between motorised vessels and other beach users, during peak use holiday periods in particular, Council;

1. Note the education and signage improvements being proposed by the Department of Transport, Shire of Denmark and major user groups based at Ocean Beach.
2. Advertise its intention, through local public notice and, its website and also specific letter to users identified within the body of this report, for a period of 30 days and in accordance with clause 2.2 of the Shire of Denmark Local Government Property Local Law, to suspend approval to allow any motorised vessel (boats) other than emergency service vessels (Sea Rescue and or Life Saving) from launching and / or being retrieved from the existing "over beach" ramp at Ocean Beach, Ocean Beach (portion of Reserve 24913) for the dates each year as follows;
 - a. 20 December through to 31 January (inclusive); and
 - b. Easter Friday through to Easter Monday (inclusive).
3. Apply for a grant from the Department of Transport to undertake an investigation into potential physical (specifically geomorphic and hydrological) site constraints for an alternate locations for an ocean going vessel launch and retrieval facility for the locality of Ocean Beach, immediately north-west of McGeary's Rock.

CARRIED: 5/4

Res: 091014

Cr Sampson requested that his comments be recorded which were as follows;

The issue at heart is one of public safety and Council's duty of care. Is it safe to allow boats to be launched and retrieved at Ocean Beach? This matter is before us because of a boating near miss earlier this year where two young girls were very lucky to escape without serious injury. The boat in question was under the control of a experienced local skipper, also on board was the president of the DBAC. The girls though young were not novice surfers, indeed they both compete at state level. The fact that a vessel under the control of such competent and experienced local people could get into such a position where young lives were put in danger clearly indicates to me that it is unsafe to allow boating in this area. This conclusion is supported by the Australian Coastal Public Safety Guidelines which deem a minimum 60 metre separation between a designated surf zone/swimming area and any powered watercraft operating at any speed.

Regardless of best intentions, no amount of signage, education and safety protocols can change or hide the fact that it is fundamentally unsafe to mix boating and swimming.

I remind Councillors that we are under no obligation whatsoever to provide boating facilities at Ocean Beach. We are however obligated to provide a safe environment for residents and visitors.

I have spoken with the fathers of both girls - they are both supportive of the council proposal. Sasha Roberts father Michael witnessed the incident and described to me his absolute horror and anguish as he watched helpless from the beach.

I have also spoken with a number of boaties who have lobbied very hard to maintain the status quo. Council is in the difficult position of whatever it decides some group will be disappointed, however when the choice is between public safety or recreational amenity - public safety wins every time.

In speaking out i acknowledge that I may well cop some flak from the boating fraternity – I'm prepared for that - However I am not prepared to be in a position where Sasha and Summers parents ask me why I did nothing to prevent this happening again. And I certainly don't want to be placed in a position if another accident occurs and someone is injured or worse having to explain to a mother and possibly a coroner why I did nothing.

It is for this reason that I want a clear record of this item - I ask that my words be recorded and ask for the names voting to be recorded.

Thank you."

Cr Osborne requested that his support and vote for the motion be recorded.

Cr Rowland requested that her opposition to the motion be recorded.

Cr Gillies requested that her opposition to the motion be recorded.

Cr Sampson requested that all votes on the matter be recorded;

For: *Cr Lewis, Cr Sampson, Cr Pedro, Cr Thornton, Cr Osborne (5)*

Against: *Cr Gillies, Cr Morrell, Cr Seeney, Cr Rowland (4)*

8.5.2 SUPPORT FOR LOCAL TOURISM ORGANISATION

File Ref:	A3086 & PLN. 55
Applicant / Proponent:	Denmark Tourism Inc.
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	14 October 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.2 – Draft Development Strategy is attached.

Summary:

This report recommends that Council agrees to allocate the provisional allocation that was included in its 2014/15 Budget towards the creation / setup costs of a new sub-regional Local Tourism Organisation (LTO) which has a working title of the ‘Great Southern Tourism Association’ or acronym of ‘GSTA’.

Background:

Denmark Tourism Incorporated (DTI) seeks political and administrative support to proceed with Phase 1 (start-up), Phase 2 (Tourism Development Strategy) and Phase 3 (Implementation) of the proposed Great Southern Tourism Association; and for Council support to be underpinned by financial assistance. A copy of a draft Development Strategy is attached.

The proposed total contributions are as follows;

Shire of Denmark	\$10,000
RDA GS	\$5,000
City of Albany	\$20,000
Shire of Plantagenet	\$5,000
GSDC	\$10,000
TOTAL	\$50,000

The Shire of Plantagenet and RDA Great Southern have both recently advised Denmark Tourism Inc that it has agreed to contribute \$5,000 each being the amount suggested as being appropriate for those organisations. The City of Albany has been requested to contribute \$20,000 and they are working with DTI regarding addressing this request.

Consultation:

The Councillors have been privy to numerous discussions with respect to the issue of formation of a regional tourism organisation for some 2 years now. DTI have been actively engaging with their membership about the same principles and are yet to formally resolve to transition to the new entity and are awaiting a formal presentation to the City of Albany, which is due in coming weeks.

Statutory Obligations:

There are no known statutory implications.

Policy Implications:

Council’s Tourism Policy supports the principals espoused in the creation of a sub-regional Local Tourism Organisation and states as follows;

Objectives

- A. To recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Denmark.
- B. To foster and create a community awareness of the benefits of tourism within the Shire of Denmark.

- C. *To ensure that Council will guide and influence the development of tourism in the Shire of Denmark.*
- D. *To provide the basic facilities and infrastructure sufficient to encourage development.*
- E. *To ensure that facilities within the Shire are adequate to cater for visitors and residents.*
- F. *To ensure that the attributes of the natural environment within the Shire are managed sustainably so as to maintain and enhance the resource base on which the tourism industry relies.*

Guidelines

1. *Council will work closely with the Denmark Tourism Inc, Tourism WA, Australia's South West and regional industry associations in all aspects of tourism development.*
2. *Council will endeavour to provide an adequate budget allocation for tourism expenditure.*
3. *Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Great Southern region.*
4. *Council will seek active representation locally, through the organisation Denmark Tourism Inc. and regionally, through relevant tourism associations.*
5. *In the formulation of its planning regulations, Council will have regard to the requirements of tourism development.*
6. *Council, in its review of planning instruments, ie Strategic Plans, Town Plans and Development Central Plans, will take into consideration policies on tourism and other leisure related issues.*
7. *In the preparation of local laws and regulations, Council will have regard to their impact on tourism and balanced development within the Shire.*
8. *Council will encourage tourism product development and investment throughout the area and will facilitate the development application process.*
9. *Council will encourage a high standard of design and aesthetics in all forms of tourism development.*
10. *Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.*
11. *When considering tourism developments, Council will consider the social, cultural, economic and environmental impact of the proposal within the area.*
12. *Council will ensure that where sensitive environmental, historic or cultural areas exist, these areas will be adequately protected in relation to development or usage.*
13. *Council will initiate the provision of facilities or lobby for the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within the Shire boundaries.*
14. *Council will seek financial involvement from other sources wherever possible in the provision of tourism facilities.*
15. *Council will encourage the landscaping of residential and commercial centres within the Shire.*
16. *Council will, where practicable, support the establishment of National Parks, enhancement of specific natural features, conservation areas of outstanding beauty, and recognise items of heritage significance.*
17. *Council will support a World Heritage nomination of the Walpole Wilderness Area and participate and assist in the community consultation process in the development of a nomination.*

Budget / Financial Implications:

The Council currently has in its 2014/15 Budget the sum of \$10,000 allocated towards a proposed DTI / LTO contribution as determined by Council (account 1327852). The inclusion is one-off allocation set aside towards the potential set-up, establishment costs of a new entity for the sub-region.

Strategic Implications:

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

Economic Objective - Denmark's economy is diverse and vibrant - its primary industries of tourism and agriculture rely on and enjoy natural and other assets that are sensibly managed and promoted.

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

Sustainability Implications:

➤ **Governance:**

The Council's Governance Goal of Co-operation & Community Input states: "...acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community."

➤ **Environmental:**

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

➤ **Economic:**

Supporting a sub-regional tourism association (entity) should enable greater leveraging of marketing initiatives.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council note contribute or support the request of DTI to become a Local Tourism Organisation.	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation
That the entity not have support of the City of Albany	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Manage by not proceeding

Comment/Conclusion:

The Great Southern Tourism Association (GSTA) seeks to be a highly effective Local Tourism Organisation (LTO), covering the local government areas of Albany, Denmark and Plantagenet. It is proposed that GSTA will broaden its footprint to the whole of the Great Southern in time.

WA Tourism CEO and Chair have met with Councils of the Lower Great Southern in recent years advocating for a similar outcome.

DTI has recently received correspondence from the Minister for Regional Development, the Hon. Terry Redman MLA also indicating his support for the new entity and noting that "As you are aware, other regionally based tourism association are choosing to join forces in order to maximise their promotional power and avoid the costs and waste associated with unnecessary duplication. The move to link South West's two major tourism bodies into a combined Margaret River-Busselton Tourism Association is one such example."

From the draft Development Strategy;

“The GSTA concept is modelled on a contemporary approach to regional tourism development – that is, extending its reach and influence beyond a single municipality to deliver outcomes throughout a wide geographic area.

GSTA aims to provide a focal point throughout the region for a number of key tourism outcomes, including destination:

- *Development*
- *Marketing*
- *Planning*
- *Management*

GSTA will offer a strong focus within the WA tourism system for Albany, Denmark and Plantagenet by working collaboratively across municipal boundaries. Put simply, the tourism industry will have far greater prospects of leveraging funding and stakeholder support for tourism projects and initiatives in the region by demonstrating that they ‘speak as a united industry’. “

Voting Requirements:

Simple majority.

7.43pm – Cr Gillies left the room.

7.44pm – Cr Gillies returned to the room.

7.49pm – Cr Morrell left the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2
MOVED: CR ROWLAND	SECONDED: CR LEWIS
That Council resolve to formally support the endeavours of Denmark Tourism Inc. to create a Local Tourism Organisation (LTO) for the Great Southern and or Lower Great Southern sub-region and agree to contribute up to \$10,000 towards the expenses associated with start-up costs including establishment and marketing or allied business planning.	
CARRIED UNANIMOUSLY: 8/0	Res: 101014

7.50pm – Cr Morrell returned to the room.

7.51pm – Cr Gillies left the room.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 CEMETERY ADVISORY COMMITTEE - PROPOSED NAMING OF DENMARK CEMETERY ACCESS ROAD – WIRRELL WAY

File Ref:	A3212
Applicant / Proponent:	Denmark Historical Society
Subject Land / Locality:	Reserve 11655, 854 South Coast Highway, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 October 2014
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Road Types List

Summary:

The Denmark Historical Society have requested that Council consider naming the access road to the Denmark Cemetery, from South Coast Highway to the Cemetery Carpark, Wirrell Way. The request was referred to the Council's Cemetery Advisory Committee who have made a recommendation to Council.

Background:

On the 6 April 2014, the Denmark Historical Society wrote to Council suggesting that the Cemetery Road be named Wirrell Way *"to acknowledge Clive Winston Wirrell, Shire Councillor for many years, and also his wife Winifred who along with others spent months transcribing cemetery records, visiting Albany Courts verifying burial records, and working on the plot plan that Council currently uses today. Both now lie in the Cemetery."*

At the meeting of the Cemetery Advisory Committee held on the 16 September 2014, members considered the request and made the following recommendation to Council.

"That the Cemetery Advisory Committee Meeting recommend to Council that the access road from South Coast Highway to the Denmark Cemetery Carpark be named Wirrell Way to acknowledge Clive Winston Wirrell, Shire Councillor for many years, and also his wife Winifred who along with others spent months transcribing cemetery records, visiting Albany Courts verifying burial records, and working on the plot plan that Council currently uses today. Both of whom now lie in the Cemetery."

Clive Wirrell served on Council as an Elected Member from 1986 to 1989.

In 1995, as part of the Town's Centenary, the Shire of Denmark decided to mark all of the unmarked graves at the Denmark Cemetery. Win Wirrell was one of a handful of local volunteers who documented all of the headstones by undertaking extensive research, including cross referencing of registers, maps, public records and newspaper articles. *[Information sourced from the publication titled Denmark Cemetery 1910 – 2008, by Bev McGuinness].*

Reserve 11655 has been vested in the Trustees (Shire of Denmark), for the purpose of Cemetery, since 1943 when the management of the Denmark Cemetery was handed over to the then Denmark Roads Board.

A map showing the location of the access road within the Reserve is shown below.



Consultation:

Council’s Cemetery Advisory Committee.

The Officer Recommendation recommends that the proposed name be advertised generally for a period of 30 days seeking public comment as best practice, given that the Denmark Cemetery is a public facility managed by Council.

Statutory Obligations:

The Geographic Names Committee’s Policies and Standards for Geographical Naming in Western Australia relates and, with respect to this proposal, provides the following guidance.

8.1 Road naming

“Within Western Australia, road naming is standardised to facilitate the application of correct address information and to ensure that a consistent approach is undertaken to benefit emergency services, transport and goods delivery. If established policies for road naming were not applied, the provisions of emergency services, utilities and postal deliveries would be compromised.

In Western Australia the following road naming policies shall be applied:

- *all roads shall be named, including private roads which are generally open to public access or for services. This includes but is not limited to:*
 - o *highways, motorways and freeways;*
 - o *roads within complexes such as universities, hospitals and retirement villages;*
 - o *roads within conservation reserves, State forests, water reserves and any other government administered land; and*
 - o *pedestrian-only roads such as malls or steps.*

- *all road naming proposals shall be submitted to Landgate for approval.*

“Any proposal to name, rename or extend a road shall clearly indicate the full extent of the road to which the name will apply. The extent of a road is considered to be its start and end points. This includes bends, divided carriageway sections and curves which are included between these two points.”

“A road name shall not be applied in a way that is ambiguous or could cause confusion for road users. The road name should be applied to a single, unobscured and unobstructed roadway that leads from point A to point B, in a clear and logical manner.”

Section 8.3.2 of the Guidelines state that all road names shall include a road type which must be selected from the list as shown in AS/NZS 4819:2011 Appendix A “Road Types – Australia”. The road type shall be chosen to convey the function and characteristics of the road as described in the description field of the road type list. A copy of the list is provided as Attachment 9.1.

Whilst the GNC Guidelines do not require a new road name to be advertised, Section 9.1 states that the *“submission must contain information regarding any public consultation that has been undertaken or evidence of support that has been gathered”*.

Policy Implications:

Pursuant to Council Resolution No. 130911, a list of the names of deceased former Councillors, including Wirrell (after Clive Wirrell) was sent to the Geographical Names Committee (GNC) for initial approval in September 2012. GNC advised on the 9 October 2012 that the name ‘Wirrell’, “is suitable but would need rechecking if proposed for use”. ‘Wirrell’ was subsequently included within Policy P100603 (Road & Reserve Naming within the Shire) as a Council endorsed name for use within the Shire of Denmark.

Should the name ‘Wirrell’ be used for the Cemetery Access Road then the name will be removed from Council’s endorsed list within Policy P100603.

Budget / Financial Implications:

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

Strategic Implications:

The report, Committee and Officer Recommendations are consistent with Council’s adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Naming of roads, parks and reserves provides an opportunity to commemorate former local identities who have made significant contributions to the community of Denmark. In the opinion of the Author, the name and its proposed location are quite fitting given Mrs Wirrell’s extensive

contribution to the marking of unmarked graves project, which was undertaken on behalf of the Shire of Denmark.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not endorse the name "Wirrell" for the Access Road to the Denmark Cemetery.	Unlikely (2)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk
That Council propose an alternate name for the Access Road to the Denmark Cemetery.	Unlikely (2)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Whilst not required by GNC, the Officer has recommended that the proposed naming be advertised generally for a period of 30 days given that the Denmark Cemetery is a public facility managed by Council on behalf of its Residents and Ratepayers.

There are no other roads, reserves or parks in the Shire of Denmark to which the name 'Wirrell' has been allocated.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That the Cemetery Advisory Committee Meeting recommend to Council that the access road from South Coast Highway to the Denmark Cemetery Carpark be named Wirrell Way to acknowledge Clive Winston Wirrell, Shire Councillor for many years, and also his wife Winifred who along with others spent months transcribing cemetery records, visiting Albany Courts verifying burial records, and working on the plot plan that Council currently uses today. Both of whom now lie in the Cemetery.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.1

MOVED: CR SEENEY

SECONDED: CR ROWLAND

That with respect to naming of the Access Road to the Denmark Cemetery (Reserve 11655, 854 South Coast Highway, Denmark) from South Coast Highway to the Carpark, Council;

1. Advertise, for a period of 30 days, its intention to name it "Wirrell Way" to acknowledge Clive Winston Wirrell, Shire Councillor from 1986 to 1989, and also his wife Winifred who along with others spent months transcribing cemetery records, visiting Albany Courts verifying burial records, and working on the plot plan that Council currently uses today, both of whom now lie in the Cemetery;
2. Should there be no objections received authorise the Chief Executive Officer to refer the proposed name to the Geographic Names Committee for approval and if approved;
 - a) Arrange the installation of appropriate signage; and
 - b) Remove "Wirrell" from the list of endorsed Road Names within Policy P100603.
3. Thank the Denmark Historical Society for their suggestion and advise them of Council's decision.

CARRIED UNANIMOUSLY: 8/0

Res: 111014

7.54pm – Cr Gillies returned to the room.

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR SAMPSON	SECONDED: CR MORRELL
<p>That pursuant to Section 5.23 (2) (b) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors for the consideration of Item 10.1 & Item 10.2 to allow the successful applicants names to remain confidential to Council until the official announcement at the winners' current School's 2014 Graduation Ceremony.</p>	
CARRIED UNANIMOUSLY: 9/0	Res: 121014

7.55pm – The Director of Community & Regulatory Services, the Director of Finance & Administration, the Director of Infrastructure Services and the Director of Planning & Sustainability left the room and did not return. All members of the public left the room.

10.1 2014 SHIRE OF DENMARK LEADERSHIP AWARD	
File Ref:	PBR.10
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 October 2014
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	10.1a – Applications (Confidential for Councillors) 10.1b – List of Previous Recipients

Summary:

Council is requested to peruse this year's applications for the Shire of Denmark Leadership Award.

Background:

The Shire of Denmark Leadership Award was established in March 2011. A copy of Council's Policy is under the Policy Implications section of this report.

A list of previous recipients is attached as Attachment 10.1b.

Consultation:

This Award was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly;
- General Advertisement on Council's Notice Boards;
- General Advertisement on Council's website;
- Email to Councillors & Employees to assist with promoting the awards;
- Specific Email to Council's Youth Centre Co-ordinator, Manager of Recreation & Youth Services and the Senior Librarian requesting their assistance in promoting the awards;
- Phone conversation with the Denmark High School Principal.
- Email to Denmark High School Principal with link to application forms on Council's website.
- The Chief Executive Officer met with students from the Denmark High School to promote the Award on 16 September 2014.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Policy P080202 – Shire of Denmark Leadership Award reads as follows;

“Objective

To provide an annual sponsorship for a Year 12 student, currently attending the Denmark High School, to assist with the cost of participating in an activity or program which focuses on;

- *Skill development;*
- *Leadership;*
- *Self growth and development (self discovery);*
- *Problem solving;*
- *Confidence building;*
- *Strengthening personal motivation;*
- *Initiative; and/or*
- *Team work & communication.*

The selected activity or program could include;

- *A registered leadership program;*
- *A personal endeavour.*

Guidelines

- a) *The applicant must be a Year 12 student currently attending the Denmark High School;*
- b) *The Sponsorship will be awarded based on citizenship, community involvement and leadership;*
- c) *The successful applicant will be required to complete the selected program or activity within 12 months of being awarded this Sponsorship.*
- d) *The Sponsorship amount will be \$1,000 (2013/14) and will be paid to the successful applicant;*
- e) *The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the award and the principles of leadership;*
- f) *The Sponsorship be widely promoted in local papers, notice boards and Council’s website to both potential nominees and their parents or guardians;*
- g) *The successful applicant will be required to acquit the Sponsorship, within a reasonable timeframe of completion, by providing a written report to Council on their activity or program and presenting that report to Council;*
- h) *A Sponsorship will not be awarded if there are no suitable applicants;*
- i) *The decision of Council and/or the delegated Committee shall be final.*
- j) *The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council at presentation at the relevant school’s graduation ceremony.”*

Budget / Financial Implications:

Council’s 2014/15 Budget includes an amount of \$1,000 for the Youth Leadership Award (GL1610822).

Strategic Implications:

The report and officer recommendation is consistent with Council’s adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals, specifically the following goals;

Education: ...work with relevant authorities and organisations that encourage the growth and diversity of educational opportunities and facilities for all age groups both in the town of Denmark and in its outlying communities.

Youth: ...encourage opportunities, employment and facilities for young people, and aims to involve them in decisions made within the community.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Council’s Leadership Award is an important method for Council to encourage and assist a local young person to participate in a program or activity relating to the development of leadership qualities & skills and/or their own personal and professional growth.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That no application is suitable and therefore the 2014 Leadership Award is not awarded.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Three (3) applications have been received and have been provided to Councillors as a confidential attachment.

Part i) of Council’s Policy states that “A Sponsorship will not be awarded if there are no suitable applicants” and therefore if Council does not deem the applicant suitable, they are under no policy obligation to award it.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1
MOVED: CR GILLIES	SECONDED: CR SEENEY
That with respect to the 2014 Shire of Denmark Leadership Award, Council;	
1. Announce Ryan Christophers as the successful applicant at the Denmark High School’s graduation ceremony in 2014;	
2. Authorise the Chief Executive Officer to schedule a meeting with the successful applicant to discuss their selected program or activity and make the necessary arrangements with respect to the payment of the award; and	
3. Keep the name of the recipient of this scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement.	
CARRIED UNANIMOUSLY: 9/0	Res: 131014

10.2 2014 AGRICULTURAL SCHOLARSHIP

File Ref:	PBR.10
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 October 2014
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	10.2a – Applications (Confidential for Councillors) 10.2b – List of Previous Recipients

Summary:

Council is requested to peruse this year's applications for the Shire of Denmark Agricultural Scholarship.

Background:

The Denmark Agricultural College Scholarship has been a Policy of Council's for over 10 years.

A list of previous recipients is attached as Attachment 10.2b.

Consultation:

This Award was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly;
- General Advertisement on Council's Notice Boards;
- General Advertisement on Council's website;
- Email to Councillors & Employees to assist with promoting the awards;
- Specific Email to Council's Youth Centre Co-ordinator, Manager of Recreation & Youth Services and the Senior Librarian requesting their assistance in promoting the awards;
- Phone conversation with the Denmark High School & Denmark Agricultural College Principals.
- Email to Denmark High School & Denmark Agricultural College Principals with link to application forms on Council's website.
- The Chief Executive Officer met with students from the Denmark Agricultural College to promote the Scholarship on 1 September 2014.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Policy P080201 – Denmark Agricultural College Scholarship reads as follows;

Council shall make available an annual Denmark Agricultural College Scholarship.

Objective

To encourage and assist Year 10 students attending the Denmark District High School or Year 10 students residing in the Denmark Shire to pursue higher education.

Guidelines

- a) *The applicant must be a student who intends to complete Years 11 & 12 at the WA College of Agriculture – Denmark and is either;*
 - *Completing Year 10 at the Denmark High School; or*
 - *Completing Year 10 at the WA College of Agriculture – Denmark; or*
 - *A Year 10 student residing in the Denmark Shire.*
- b) *The Scholarship will not be based wholly on academic record. Interest in agriculture and family need is a consideration.*

- c) Preference will be given to those students who are likely to continue agricultural pursuits within the Shire boundaries.
- d) The Scholarship amount will be determined by Council and 50% will be paid at the start of the first year and upon successful completion and continuation, 50% will be paid at the start of the second year.
- e) The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the Scholarship;
- f) The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;
- g) A Scholarship will not be awarded if no applicants are suitable.
- h) The decision of Council and/or the delegated Committee shall be final.
- i) The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council at presentation at the relevant school's graduation ceremony.

Budget / Financial Implications:

Council's 2014/15 Budget includes an amount of \$1,000 for the Agricultural Scholarship (GL1610822).

Strategic Implications:

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

Education: ...work with relevant authorities and organisations that encourage the growth and diversity of educational opportunities and facilities for all age groups both in the town of Denmark and in its outlying communities.

Youth: ...encourage opportunities, employment and facilities for young people, and aims to involve them in decisions made within the community.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Council's Agricultural College Scholarship provides financial assistance to a local student who intends to pursue higher education at the Denmark Agricultural College.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That no application is suitable and therefore the 2014 Agricultural Scholarship is not awarded.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Four (4) applications have been received and have been provided to Councillors as a confidential attachment. Applications closed on Friday, 3 October 2014 however one of the applications was received on Monday, 6 October 2014, a notation has been placed on that application for the information of Councillors, should it be deemed relevant to their decision. There is nothing in Council’s Policy which states that late applications will not be considered.

Part g) of Council Policy states, “A Scholarship will not be awarded if no applicants are suitable.”

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 10.2
MOVED: CR LEWIS	SECONDED: CR ROWLAND	
That with respect to the 2014 Denmark Agricultural College Scholarship, Council;		
1. Announce Jayden Carr as the successful applicant at their current Schools graduation ceremony in 2014 and present them with the first year’s payment of \$500; and		
2. Keep the name of the recipient of this scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement.		
CARRIED UNANIMOUSLY: 9/0		Res: 141014

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

Nil

12. CLOSURE OF MEETING

8.05pm – 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.)