



# Minutes

## ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK ON  
TUESDAY, 22 OCTOBER 2013.

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# Ordinary Council Meeting

22 October 2013

## 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.

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

4.00pm – *The Presiding Person, 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)  
Mr Gregg Harwood (Director of Community & Regulatory Services)  
Mr Rob Whooley (Director of Infrastructure Services)  
Mr Doug Fotheringham (Acting Director of Planning & Sustainability)  
Ms Claire Thompson (Executive Assistant)

**APOLOGIES:**

Mrs Annette Harbron (Director of Planning & Sustainability)

**ON LEAVE OF ABSENCE:**

Nil

**ABSENT:**

Nil

**VISITORS:**

Members of the public in attendance at the commencement of the meeting: 18  
Members of the press in attendance at the commencement of the meeting: Nil

**DECLARATIONS OF INTEREST:**

Nil

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

*The Presiding Person, Cr Thornton, welcomed Mr Kim Dolzadelli as Council's Director of Finance & Administration stating that he had been the successful applicant out of the 26 applications which Council had received. Cr Thornton stated that Mr Dolzadelli had been at the Shire of Kojonup for the last seven years and came with a number of great recommendations.*

*The Presiding Person also welcomed Mr Doug Fotheringham, Council's Senior Planner, who was attending the meeting as the Acting Director of Planning & Sustainability in place of Mrs Harbron who was currently on annual leave.*

**4. PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.1.1 Mr Colin Payne – Denmark Windfarm**

At the meeting held on the 1 October 2013 Mr Payne asked whether he could have a copy of the Denmark Community Windfarm Ltd's Noise

Compliance Report which was required as a condition of their development approval within six months of the development.

The question was taken on notice and the following written response was provided by the Chief Executive Officer to Mr Payne on 9 October 2013.

*“In response to your question taken on notice at the last meeting of Council on the 1 October 2013, where you requested a copy of the Denmark Windfarm’s Noise Compliance Report I can advise that a copy is attached following obtaining approval from a representative of the Denmark Community Windfarm Ltd providing us with written approval to release the document to you.*

*Council’s Environmental Health Officers have assessed the report and have made the following comments to Denmark Community Windfarm Ltd.;*

- 1) Lloyd George Acoustics are competent acoustic consultants with considerable experience in noise measurement and acoustic modeling and are suitably qualified and experienced to be making the post construction assessment.*
- 2) That the report and its modeling are a reasonable post construction assessment that can be clearly understood by people with appropriate technical skills.*
- 3) That based on the report’s conclusions and our onsite evaluations that the wind farm will be below the assigned noise level and most likely inaudible at the nearest noise sensitive premises.*

*I therefore confirm that this report, in our opinion, satisfies condition 12 of the Planning Approval, requiring that operations will not exceed 5 db(A) above the background noise or 35 db(A) using a 10 minute Laeq, whichever is the greater at surrounding noise sensitive premises.”*

## **4.2 PUBLIC QUESTIONS**

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

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

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

### Questions from the Public

#### **4.2.1 Ms Sally Padbury – Proposed Dog Parks**

Ms Padbury presented Council with a Petition containing 54 signatures which had the following preamble;

“We, the undersigned, who reside in Horsley Rd, Rockford Street, Russell Rise and Barrett Heights wish to have Nellie Saw Reserve removed from the list of possible dog park locations for the following reasons;

- The park is already used for a variety of recreational needs as set out in the Shire of Denmark Town Planning Scheme Policy No. 39 Public Open Space. Nellie Saw Reserve is used by local residents including children

families, walkers, the elderly, dog owners and as a thoroughfare. It is a small park and the only park available in the local vicinity.

- The park is in the centre of a residential area.
- Creation of a dog park will cause increased noise (barking), traffic (parking), odour and dog excrement, environmental factors and generally a loss of amenity.”

Ms Padbury urged Council to consider the residents who already resided in the area and remove Nellie Saw Park from the proposal.

*The Presiding Person received the Petition on behalf of Council.*

**4.2.2 Mr Jim Burkett – Item 8.5.2 (Peaceful Bay Leasehold & Cottage Tenure)**

Mr Burkett, from the Peaceful Bay Progress Association, stated that he had been a member of the Working Group and whilst he agreed two of the Officer's Recommendations, being 8.5.2 B & 8.5.2 C, he disagreed with Recommendation 8.5.2 A and noted that it was not consistent with the recommendation from the Working Group. Mr Burkett outlined a number of reasons why he disagreed with the recommendation and requested Council amend it to ensure that the ownership of the cottages remained with the leaseholder to the end of the terms of the leases.

**4.2.3 Mr Callum Baxter – Item 8.5.2 (Peaceful Bay Leasehold & Cottage Tenure)**

Mr Baxter, Secretary of the Peaceful Bay Progress Association, stated that he had been a part of the Working Group who had deliberated on the issues for five months and that he believed they had reached sound conclusions in their recommendations to Council. Mr Baxter supported Mr Burkett's comments and encouraged Council not to support Officer Recommendation 8.5.2 A and instead perhaps undertake further consultation regarding the ownership of the cottages.

**4.2.4 Dr Cyril Edwards – Item 8.5.3 (Strategic Community Plan)**

Dr Edwards thanked the Officer for supporting the suggestions which he had submitted on behalf of the Denmark Aquatic Centre Committee Inc. (DACCI) and noted that it was a shame that the concept picture of the proposed Aquatic Facility had been removed from the document. Dr Edwards noted that the changes that had been made to the text on that same would have matched the picture nicely.

**4.2.5 Dr Ceinwen Gearon – Item 8.5.3 (Strategic Community Plan)**

Dr Gearon acknowledged the Community, Council Officers and the Council for the development of the Strategic Community Plan. Dr Gearon noted that she had recommended that the picture of the proposed Aquatic Facility be removed from the Plan however with the proposed changes to the text, she would endorse the reinstatement of the picture. Dr Gearon questioned the review period being every four years and whether this should be reduced to perhaps every two to three years instead, particularly for the first major review.

**4.2.6 Mr Donald Clarke – Item 8.5.3 (Strategic Community Plan)**

Mr Clarke, on behalf of Transition Kwoorabup Denmark, stated that he supported Dr Gearon's comments in relation to reducing the timeframe for the review of the Plan noting that the Community should be encouraged to contribute during any such review.

**4.2.7 Ms Vivienne Robertson – Item 8.5.3 (Strategic Community Plan)**

Ms Robertson, on behalf of Denmark Arts, requested that Council consider the importance of the work and contribution that their organisation does for

and on behalf of Denmark. Ms Robertson stated that arts and culture should be recognised as a separate important economic industry to Denmark and one that also draws tourism to the region.

**4.2.8 Ms Liz Jack – Item 8.5.3 (Strategic Community Plan)**

Ms Jack, from the Denmark Chamber of Commerce, stated that arts and creativity should be given great aspirational focus and that she was surprised to see that creativity was not included as one of Denmark’s core values. Ms Jack also requested that Council consider further ongoing consultation with respect to the Plan.

**4.2.9 Dr Loretta do Rozario – Item 8.5.3 (Strategic Community Plan)**

Dr Rozario handed an additional submission out to Councillors which read as follows;

“Denmark in the year 2031 is a leading example of a dynamic, connected, caring and cohesive community, in tune with its environment.” Is a values & mission-like statement versus future vision which gives us a distinctive direction & a clear road-map of where & what we want to get to & become. Denmark becoming it’s best for now & the future is the essential reason for ‘a vision’.

“The Shire of Denmark aims, through vision and integrity, to serve its whole community and value its natural environment.” Is the mission of the council versus the aim or mission of Denmark as a community/town/shire, that is reflecting and meeting the aims, wants & needs of this community.

Each goal, strategic objective & implementation strategy – social, economic, environmental & civic leadership - needs to be developed by both key community stakeholders & council. Stakeholders are the businesses & organisations that implement the strategies & thus need to actively plan, create, collaborate & contribute. Council needs to invite these stakeholders to the table for creating this C.S.P. & its implementation. For example: a whole of Denmark economic development strategy plan for all of business & shire could ensure a more prosperous, dynamic & cohesive community.

The motto - ‘Discover Denmark’, ‘where the forest meets the sea’ or ‘Denmark naturally’ all reflect a vision of Denmark that is non-specific and applies to other towns & places in WA and Australia. In a highly competitive market place ‘why come to Denmark?’ is a vital branding question that needs to be answered in a motto which signifies distinctiveness & specialness. A motto needs to be strongly, clearly & coherently adopted by all stakeholders & marketed internally & externally.

Strategic community plan 2031 is arguably the most important planning & leading document for council and this community. Before adoption of this plan i highly recommend that a few synthesis workshops targeting and inviting all key stakeholders and community leaders could ensure that points (1-4) are better resolved & ensure greater success for the implementation strategies, processes and outcomes.”

*There being no further questions or comments from members of the public, the Presiding Person advised Ms Padbury that two Councillors had already flagged a late item for the Council Agenda in relation to the proposed dog park and Council would most likely be reconsidering its position.*

**4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

<b>COUNCIL RESOLUTION</b>	ITEM 5
MOVED: CR SAMPSON	SECONDED: CR ROWLAND
That Cr David Morrell be granted leave of absence from 26 October 2013 to the 29 November 2013.	
CARRIED: 9/0	Res: 381013

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING**

OFFICER RECOMMENDATION ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 1 October 2013 be confirmed as a true and correct record of the proceedings.

<b>COUNCIL RESOLUTION</b>	ITEM 6.1
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 1 October 2013 be confirmed as a true and correct record of the proceedings, subject to the following amendment;	
Page 26 – Resolution No. 091013, correct from “7/0” to “8/0”.	
CARRIED: 9/0	Res: 391013

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

The following Notice of Motion was received on the 10 October 2013 and therefore it complied with the Shire of Denmark Standing Orders Local Law clause 3.10.

**7.1 TEMPORARY CLOSURE OF ACCESS THROUGH HARINGTON PARK**

<b>File Ref:</b>	A3100 & A3381
<b>Applicant / Proponent:</b>	Cr John Sampson
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 October 2013
<b>Author:</b>	Cr John Sampson
<b>Authorising Officer:</b>	Cr John Sampson
<b>Attachments:</b>	7.1 a – 1968 Structure Plan 7.1 b – Roadworks & Drainage Plan for Hawes Road 7.1 c – Letters from Ratepayer

**Summary:**

Cr Sampson seeks to rescind Resolution No. 120813 and if rescinded reconsider Item 8.2.2 from the August 20 meeting. Noting that:

1. the plan on page 23 of the August 20 agenda did not make it clear to councillors that access was available from Hawes Rd; and
2. the recent construction of the end of Hawes Rd.

The following is a copy of the report which was presented to Council at the meeting of 20 August 2013.

**Summary:**

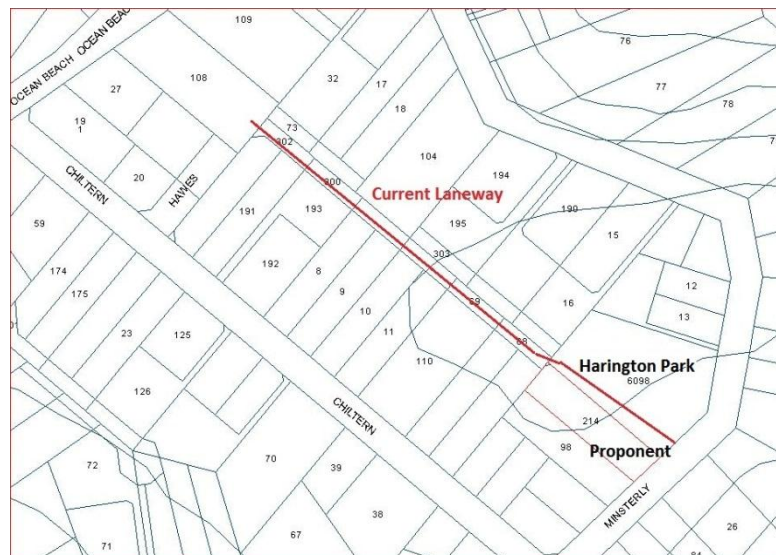
The officer's report discusses the request from an adjoining property owner that the access route through Harington Park be closed on the basis that it is dangerous and alternative access is available through Hawes Rd now that it has been constructed.

The officer supports the resident's request but recommends that the access way only be closed until such time as deep sewerage is provided to the area and that Council go to community consultation prior to enforcing the temporary closure.

**Background:**

Council has in the past received several representations from a property owner/ occupier that adjoins the Harington Park seeking the closure of the access way that Council has previously constructed via a pine log delineated entrance through the park near the front of his property.

The reasons why he is seeking the closure is that the traffic ability of the alternate access route via Hawes Rd has been improved now that the rear part of this road has been constructed and he is of the opinion that traffic levels are increasing and vehicles crossing the edge of the park represents an unexpected and unacceptable hazard for children using that park.





Comment:

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

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

The process is all but complete with only two lots that are yet to make the required land contribution. The first is lot 104 Minsterly Rd meaning that the lane way is constricted to single lane width for a distance of approximately 50m but is still quite passable and the second is the proponent's own property at lot 214 Minsterly Rd which abuts the Harington Park (Reserve No. 24175). Looking at the map this lot should have already given up a thin strip of land along its entire length when it was last subdivided, but it did not. This needs to be done if this land goes to future small lot subdivision because there is no allowance for a cul-de-sac in the current laneway design or land acquisition strategy and if it is not taken then a kink will be required in the future road where it enters the park.

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

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

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

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

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

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

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

Consultation:

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

Statutory Obligations:

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

Policy Implications:

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

Budget / Financial Implications:

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

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

Strategic Implications:

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

Sustainability Implications:

➤ Environmental:

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

➤ Economic:

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

➤ Social:

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

**Voting Requirement:**

An Absolute Majority is required for the rescission motion.

Pursuant to the Section 10 (1) (b) and (1a) of the Local Government (Administration) Regulations 1996, the following rescission Notice of Motion requires the expressed support from at least one third (3) Councillors prior to it being considered.

It was noted that two additional Councillors had previously indicated their support for the rescission motion.

Officer Comment

The Officers support the Rescission Motion and subsequent Notice of Motion in that it is in keeping with the original Officer Recommendation. Attachment 7.1 includes a copy of the approved plans for the extension of Hawes Road such that it provides legal and ongoing access to the rear of the properties serviced by the right of way. Indeed, this road has been substantially completed.

<b>COUNCIL RESOLUTION &amp; CR SAMPSON’S NOTICE OF MOTION</b>	ITEM 7.1 A
MOVED: CR SAMPSON	SECONDED: CR PEDRO
That Council rescind Resolution No. 120813.	
CARRIED BY AN ABSOLUTE MAJORITY: 9/0	Res: 401013

Should the above Motion be carried, then Cr Sampson requests that the following Motion be considered, which reflects the original Officer Recommendation.

<b>COUNCIL RESOLUTION &amp; CR SAMPSON’S NOTICE OF MOTION &amp; OFFICER RECOMMENDATION</b>	ITEM 7.1 B
MOVED: CR SAMPSON	SECONDED: CR PEDRO
That with respect to the request that the access route through Harington Park be closed, Council advertise its intention to close the current vehicle access through Harington Park until such time as the area is serviced by deep sewerage and small lot subdivision and the gazettal and construction of the lane way as a road becomes viable.	
CARRIED: 9/0	Res: 411013

## 8. REPORTS OF OFFICERS

### 8.1 Director of Planning & Sustainability

#### 8.1.1 PROPOSED FAMILY CARE CENTRE – NO. 38 (LOT 100) BUCKLEY STREET

<b>File Ref:</b>	A5117 (2013/152)
<b>Applicant / Proponent:</b>	M Trenow
<b>Subject Land / Locality:</b>	No. 38 (Lot 100) Buckley Street, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 October 2013
<b>Author:</b>	Doug Fotheringham, Senior Town Planner
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.1a – Proposal Details 8.1.1b – Site Photo

#### Summary:

The proponent is seeking Planning Approval to operate a Family Care Centre at No. 38 (Lot 100) Buckley Street, Denmark.

Having regard to the proponent's submission, the relevant provisions of Town Planning Scheme No. 3 (TPS No. 3) and the requirements of the Department of Local Government and Communities pertaining to family day care services, it is recommended that Planning Approval be granted subject to appropriate conditions.

#### Background:

An application for Planning Approval was lodged with Planning Services in August 2013 for a Family Care Centre to operate from No. 38 (Lot 100) Buckley Street, Denmark (refer Attachment 8.1.1a).

In summary, the applicant is seeking approval to provide family day care services for a maximum of five (5) children – noting that as per the *Education and Care Services National Law (WA) Act 2012* and the associated Regulations a family day care service can only cater for a maximum of seven (7) children inclusive of the carer's own children.

#### Comment:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site is zoned "Residential R20". 'Family Care Centre' is defined in TPS No. 3 (being "land and buildings used for the purpose of a Family Care Centre as defined in the *Child Welfare (Care Centres) Regulations 1968 (as amended)*"), however it is not listed in Table 1 – Zoning Table of TPS No. 3 thus is classified as a "Use Not Listed".

In this regard Clause 3.2.5 of TPS No. 3 states:

*If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) *Determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted; or*
- b) *Determine by absolute majority that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.*

Noting that family care centres primarily operate from residential dwellings and having regard to Clause 3 of *Delegation D100601: Implementation of Planning Scheme*, the planning application was advertised for public comment as per Clause 6.4 of TPS No. 3 (refer 'Consultation' section of the report) – with no submissions received from the advertising period.

From a Planning Services perspective the proposal as presented is appropriate and will have minimal impact on the amenity of the locality having regard to the following:

- Limitations on the number of children that can be accommodated – which is limited by the *Education and Care Services National Law (WA) Act 2012* provisions that relate;
- The existing driveway can accommodate two (2) vehicles on-site in a tandem arrangement and another within the crossover – noting that TPS No. 3 does not provide parking requirements for family care centres thus is at the discretion of Council. In terms of what parking requirements may be appropriate over and above the parking requirements for the dwelling on-site (being two (2) car parking bays), it is considered that the provision for two (2) vehicles on-site associated with the family care centre operations is sufficient given:
  - drop-off/pick-up times are likely to be staggered/offset as will be dependent on individual clientele requirements;
  - in the event there is an overlap of clients coming to the premises, there is the ability for parking to occur in the street; and
  - there are no staff over and above the resident of the dwelling and this parking requirement is met.
- Minimal noise impacts associated with family care centres from previous experiences of such family care centres operating in residential zones; noting that any noise from a family care centre has the potential to be managed more effectively than that of noise emanating from children at a standard residential property.

It should be noted that final approval is required to be granted by the Department of Local Government and Communities and as part of that approval regime the dwelling and surrounding yard will be the subject of detailed inspections to ensure compliance with the relevant requirements of the *Education and Care Services National Law (WA) Act 2012* and the associated Regulations.

In relation to applicable conditions, the majority of requirements will be stipulated from the Department of Local Government and Communities approval for the family day care to operate, with the main issue for the Shire's consideration pertaining to vehicle access.

In this regard the current crossover and driveway is only gravel (refer Attachment 8.1.1b) and from a review of Shire records to development proposals for the site and the subdivision approval that also relates, there were no requirements for the crossover to the subject site to be constructed, sealed and drained to the Shire of Denmark's specifications – noting that such sealing requirement would be concrete, asphalt or brick paving given that Buckley Street is an existing sealed road.

This proposal for a family care centre is a commercial business and thus should comply with the Shire's current crossover requirements – that is the crossover should be sealed (concrete, asphalt or brick paving). This current crossover requirement is applied to all new developments proposals, development proposals that require vehicular access (i.e. outbuildings) and holiday home proposals that may have not required such construction requirement when the original dwelling was built.

It is therefore proposed that a condition be imposed on the planning approval which would require the current crossover to be upgraded to comply with current Shire of Denmark construction requirements. This condition has however not been extended to the driveway as it is considered that this requirement is onerous on this proposal however it would be strongly recommended that the applicant/owner give due consideration to sealing the driveway as well, particularly given this is where the parents will primarily park when accessing the premises.

**Consultation:**External Consultation:

The proposal was advertised for public comment in accordance with Clause 6.4 of TPS No.3 as follows:

- An advertisement was placed in the Denmark Bulletin on the 5 September 2013 inviting public comment; and
- The application was referred to ten (10) adjoining landowners inviting comment.

Internal Consultation:

- Development Co-ordination Unit

**Statutory Obligations:**

Licensing of family care centre is administered by the Department of Local Government and Communities having regard to the *Education and Care Services National Law (WA) Act 2012* and the *Education and Care Services National Regulations 2012*.

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

**Policy Implications:**

As per *Delegation D100601: Implementation of Town Planning Scheme*, the Chief Executive Officer and the Director of Planning & Sustainability have delegation to advertise a "Use Not Listed" planning application however there is no delegation to determine such application, thus the reason this planning application is being referred to Council for determination.

**Budget / Financial Implications:**

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

**Strategic Implications:**

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

**Sustainability Implications:****➤ Environmental:**

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

**➤ Economic:**

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

**➤ Social:**

If granted approval by the Shire of Denmark and the Department of Local Government and Communities, this will be the only family care centre operating in Denmark.

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION** ITEM 8.1.1  
 MOVED: CR LEWIS SECONDED: CR MORRELL

That Council with respect to the development application for the proposed Family Care Centre at No. 38 (Lot 100) Buckley Street, Denmark grant Planning Approval subject to the following:

Conditions

1. The approved use shall be in accordance with the attached stamped approved plan and details dated 16 August 2013.
2. Prior to commencement of the use, approval being granted by the Department of Local Government and Communities as per the provisions of the Education and Care Services National Law (WA) Act 2012, with a copy of such approval to be provided to the Shire of Denmark (Planning Services) for its records.
3. Prior to commencement of the use, the premises are to be inspected and registered as per the *Food Act 2008* (refer Advice Note 1).
4. The vehicle crossover to Buckley Street to be upgraded such that it is suitably constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark and thereafter maintained (Infrastructure Services).
5. Any signage associated with the Family Care Centre shall be located on-site and no larger than 0.2m<sup>2</sup> in area.

Advice Notes

1. In relation to Condition 3, an inspection of the premises is required to be undertaken by the Principal Environmental Health Officer - please phone 9848 0312 to organise an appointment accordingly.
2. It is strongly recommended that the internal driveway be constructed, sealed (concrete, asphalt or brick pavers).

**AMENDMENT**

MOVED: CR SEENEY

That the words "and driveway" be added after the words "vehicle crossover" in part 4.

LAPSED FOR WANT OF A SECONDER

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 9/0

Res: 421013

**8.2 Director of Community & Regulatory Services**

Nil

**8.3 Director of Infrastructure Services**

Nil

## 8.4 Director of Finance & Administration

### 8.4.1 FINANCIAL STATEMENTS FOR THE MONTHS ENDING 31 AUGUST 2013 & 30 SEPTEMBER 2013

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 October 2013
<b>Author:</b>	Steve Broad, A/Director of Finance and Administration
<b>Authorising Officer:</b>	Steve Broad, A/Director of Finance and Administration
<b>Attachments:</b>	8.4.1a - Monthly Financial Report to 31 August 2013 8.4.1b – Monthly Financial Report to 30 September 2013

#### 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.

#### Comment:

Shire Trust Funds have been invested for 90 days with the National Bank, maturing 22 October 2013 at the quoted rate of 4.02%.

Municipal Funds have been placed in a Cash Management account for 30 days with the National Bank, maturing 31 August at the quoted rate of 2.60%.

No reserve funds have been placed on investment, being required for short term cash flow requirements until 2013/14 rating income is received.

#### Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2014 end of year position is currently estimated to be a deficit of \$110,125 as per (Note 5).
- As the 2013/14 Municipal Budget was only adopted on 30 July 2013 (the period the subject of this Report) there is very little activity available for comparison purposes.



- Other various transfers to and from Reserve Funds have not yet been made for 2013/14 and are generally undertaken in the second half of the financial year, depending on specific projects to which these transfers relate.

**Consultation:**

Nil

**Statutory Obligations:**

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

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

**Policy Implications:**

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

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

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

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

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple Majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.4.1</b>
MOVED: CR ROWLAND	SECONDED: CR OSBORNE
That Council receive the Financial Statements, incorporating the Statements of Financial Activity and other supporting documentation for the months ending 31 August 2013 and 30 September 2013.	
CARRIED UNANIMOUSLY: 9/0	Res: 431013

<b>8.4.2 SOCIAL MEDIA POLICY</b>
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<b>File Ref:</b>	PBR.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	23/09/2013
<b>Author:</b>	Peta Leiper, Administration Supervisor
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.4.2a – Shire of Denmark Social Media Policy 8.4.2b – Shire of Denmark Information Technology Security Policy 8.4.2c – Moree Plains Shire Council 'Reporting to Your Community'

**Summary:**

At the request of the CEO, work began on investigating the need for a Shire of Denmark social media presence in the form of a Shire of Denmark Facebook page in 2011, with the Chief Executive Officer, specifying that until such time Council had considered a policy on the matter guiding how such pages were to be managed and utilised, that the presence would be minimal and not promoted.

**Background:**

It was determined that a social media presence was required for the Shire of Denmark to enable a more up to date communication with community members, ratepayers and other parties interested in the Shire of Denmark including tourists, businesses, and younger generation users and that a policy on its use and application was required to guide both elected member and employees in its applications.

**Comment:**

The Shire's presence on the social media front was initiated by researching other Local Government authorities and the profiles they were creating online. Facebook was determined to be the most prominent of the social media channels and growing steadily at this time. It was also thought that in the event that Facebook proved in the future to be losing its appeal, it would be easy to transfer to a more up to date social media format without losing the integrity of the medium.

As a result of the decision to proceed with this initiative, a Social Media Policy has been developed to ensure that all employees and elected members are aware of the organisational requirements for using this facility as well as all regulatory responsibilities met.

**Consultation:**

Mooree Plains Shire Council NSW  
SocialBakers, Social Media Marketing, Statistics and Monitoring Tools (Statistics Website)  
Other Shire of Denmark staff members (younger).

**Statutory Obligations:**

Local Government Act 1995 S5.41 (h); Functions of CEO  
State Records Act 2000 definition of a **record** page 4 (f)  
Electronic Transactions Bill 2011 s12  
Shire of Denmark Information Technology Security Policy  
Shire of Denmark Recordkeeping Plan 2.2.

**Policy Implications:**

The report recommends the creation and adoption of a new policy.

**Budget / Financial Implications:**

There are no financial costs involved in maintaining a Social Media (Facebook) page, any costs involved are pertinent only to staff time in maintaining the page.

**Strategic Implications:**

There are no known significant strategic implications.

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Social implications in the negative are possible if officers post unauthorised information or information that may show the Shire in a negative light. This is minimised by procedures, policies and protocols instilled by the organisation to ensure that all postings are authorised and published in all relevant and required forms (Public notice boards, website). By restricting Administration access to the site, the possibility of unauthorised postings is also kept to a minimum.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.4.2</b>
MOVED: CR ROWLAND	SECONDED: CR GILLIES
That the Shire of Denmark Social Media Policy, be adopted by Council.	
CARRIED UNANIMOUSLY: 9/0	Res: 441013

## 8.5 Chief Executive Officer

### 8.5.1 COMMUNITY HALL LEASES – PARRYVILLE HALL, TINGLEDALE HALL & KENTDALE HALL

<b>File Ref:</b>	A3057, A3066 & A3125
<b>Applicant / Proponent:</b>	Shire of Denmark & Parry's Beach Voluntary Management Group Inc., Tingle Dale Hall Committee Inc. & Kentdale Community Hall Committee Inc.
<b>Subject Land / Locality:</b>	Parryville Hall – Portion of Lot 5393, Reserve 19925 Tingle Dale Hall – Portion of Hay Location 2381, Reserve 19264 Kentdale Hall – Portion of Location 6955, Reserve 27490
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	11/10/2013
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	3 x Draft Leases

#### Summary:

Council is asked to consider granting formal leases to the;

- Parry's Beach Voluntary Management Group Inc. for the use of the Parryville Hall;
- Tingle Dale Hall Committee Inc. for the use of Tingle Dale Hall; and
- Kentdale Community Hall Committee Inc. for the use of the Kentdale Hall.

#### Background:

Council Officers have been liaising, over a number of years, with several community groups who manage and use Community Halls on Council Reserves and have confirmed that no formal agreement or 'lease' which is in place.

Parryville Hall, Tingle Dale Hall & Kentdale Hall have confirmed that they do not have leases in place with respect to management and enjoyment nor do they have any previous written agreement with Council.

#### Comment:

Council Policy P110102, part a, states that "There be a signed lease based on Council's standard 'not for profit' lease prior to occupation or upon renewal".

Council Officers are still liaising with the Peaceful Bay Progress Association to confirm Council records, which indicates that no existing lease exists for that Hall also. If not, this will be the subject of a subsequent report to Council.

#### Consultation:

A draft lease was sent to all three groups and their representatives advised that they would accept the lease should Council wish to grant one.

#### Statutory Obligations:

The Management Orders granted to Council with respect to the Reserves all provide the Council "power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

Sections 3.54 and 3.58 of the Local Government Act 1995 and Regulation 30 of the Local Government (Functions and General) Regulations 1996 relate.

#### Policy Implications:

Policy P110102 – Lease of Land and/or Buildings to Community Groups relates and reads as follows;

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

- a. *There be a signed lease based on Council's 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*
  - ix. *Denmark Occasional Day Care Centre \$2,000.*
- n. *Councils 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.*

#### **Budget / Financial Implications:**

Council's 2013/14 Municipal Budget includes \$2,000 for each of the Halls as Council's "annual contribution to hall committee", pursuant to Council Policy P110102.

The annual rent recommended in the draft leases (attached) is \$1.00 (peppercorn). This is consistent with similar leases that Council has with Community Groups for Community Halls, reflecting that they perform a valuable Council service for the wider community in managing these Council assets.

The draft lease is consistent with leases in place for the Nornalup Hall and the RSL Hall.

**Strategic Implications:**

A formal lease protects the rights of the Council and the Community Group and makes clear each parties obligations with respect to the property.

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

There are social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Simple majority.

5.08pm – The Director of Infrastructure Services left the room.

5.09pm – The Director of Infrastructure Services returned to the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.5.1 A</b>
MOVED: CR SEENEY	SECONDED: CR GILLIES
That Council agree to enter into a lease with the Parry's Beach Voluntary Management Committee Inc. for a term of 21 years with respect to Portion of Lot 5393 on Deposited Plan P149169, 2830 South Coast Highway, William Bay, being a portion of Reserve 19925, pursuant to the attached draft Lease.	
CARRIED UNANIMOUSLY: 9/0	Res: 451013

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.5.1 B</b>
MOVED: CR GILLIES	SECONDED: CR PEDRO
That Council agree to enter into a lease with the Tingledale Hall Committee Inc. for a term of 21 years with respect to Portion of Hay Location 12381, 976 Valley of the Giants Road, Tingledale, being a portion of Reserve 19264, pursuant to the attached draft Lease.	
CARRIED UNANIMOUSLY: 9/0	Res: 461013

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.5.1 C</b>
MOVED: CR PEDRO	SECONDED: CR SEENEY
That Council agree to enter into a lease with the Kentdale Community Hall Committee Inc. for a term of 21 years with respect to Portion of Location 6955, Lot 300, 518 Parker Road, Kentdale, being a portion of Reserve 27490, pursuant to the attached draft Lease.	
CARRIED UNANIMOUSLY: 9/0	Res: 471013

<b>8.5.2 PEACEFUL BAY LEASEHOLD &amp; COTTAGE TENURE</b>
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<b>File Ref:</b>	A3104
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Reserve 24510, Peaceful Bay Road, Peaceful Bay
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	19 September 2013
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.5.2a – Peaceful Bay Normalisation Pre Feasibility Report 2013 8.5.2b – Peaceful Bay Conservation Plan Development Guidelines 2004 (Town Planning Scheme Policy No. 35) 8.5.2c – Extract of Report from the Minutes of 22 January 2013

**Summary:**

This report considers the recommendations of the Peaceful Bay Tenure Working Group in relation to the potential for conversion of the 203 leasehold properties in Peaceful Bay to freehold or strata title and the issues associated with the ownership of the buildings thereon deferred from the Council Meeting of the 22 January 2013.

**Background:**

At its meeting held on 22 January 2013 (refer Attachment 8.5.2c), Council considered legal advice it had received in relation to matters pertaining to the leasehold area at Peaceful Bay. This was essentially in relation to ownership of buildings on the lots, however this issue also gave rise to whether Council should perhaps explore tenure options which was discussed within the Strategic Implications of the report as follows;

*“...Unless of course the Council resolved to attempt to convert to freehold or strata hold (with Government approval) and the properties are offered for sale with ‘first rights’ to the current lessee? Is the land sold with or without the buildings?”*

*It is widely acknowledged that the Council and Lessees have a risk of the Government of the day (in 2031) not agreeing to another extension of lease for various reasons such as sea level rise, asbestos, government’s view of the use of recreation land or indeed environmental or public health concerns (water & ground water).*

*It is generally acknowledged that a long term solution would indeed be to seek conversion of the leasehold to a more secure form of tenure such as strata or freehold. To achieve this would require investment in infrastructure such as effluent disposal, water, power and roads.*

*A potential officer recommendation could be;*

*That the Council defer further consideration of the issues associated with the implications of the lease documents purporting to place ownership of the buildings in the Shire until such time as the Council has considered a discussion paper on the merits of converting the leasehold properties to strata or freehold which is to be prepared in conjunction with representatives of the Peaceful Bay Progress Association as a Working Group.*

*It should be noted that any conversion to a more secure form of tenure for the leaseholders would probably require the following elements to be addressed;*

- An in perpetuity dividend to ratepayers;*
- Transition issues associated with finance of the infrastructure as well as the acquisition by leaseholders;*
- A dividend to the environment (infrastructure);*
- A dividend to the lessees (tenure, health and occupancy, permanency rights);*
- A dividend to the community (civic infrastructure such as a community hall); and;*

- *A dividend to the State (acquisition price and improved management of the reserve in its new tenure).*

*The question of who owned the buildings under that scenario would be a moot point – they would be owned the landowner (the former lessee) and be bound by the Council’s adopted heritage guidelines and local planning policies.”*

Subsequently Council resolved as follows (Resolution No. 110113);

*“That with respect to the Peaceful Bay Holiday Cottages on Reserve 24510, Peaceful Bay, Council;*

- 1. Defer further consideration of the issues associated with the implications of the lease documents placing ownership of the buildings with the Shire until such time as the Council has considered a discussion paper on the merits of converting the leasehold properties to strata or freehold which is to be prepared in conjunction with representatives of the Peaceful Bay Progress Association as a Working Group;*
- 2. Request that the Discussion Paper be referred back to Council by end of July 2013;*
- 3. Appoint Cr Gillies, Cr Seeney, as Council’s delegates, and the Chief Executive Officer to the Working Group once it is formed.”*

Further background can be found within the report to the Council Meeting of the 22 January 2013.

**Comment:**

The Working Group was formed in the months following that meeting and included the following members;

- Cr Roger Seeney, Shire of Denmark, Kent / Nornalup Ward (Chair);
- Cr Kelli Gillies, Shire of Denmark, Kent / Nornalup Ward;
- Chief Executive Officer, Shire of Denmark;
- Director of Planning & Sustainability, Shire of Denmark;
- Don Hodgetts, President, Peaceful Bay Progress Association Inc.;
- Callum Baxter, Secretary, Peaceful Bay Progress Association Inc.;
- Mavis Jones, Peaceful Bay Progress Association Inc.; and
- Jim Burkett, Peaceful Bay Progress Association Inc.

A total of five meetings were held and a decision was made early on to appoint the consultancy firm TME (Thompson, McRobert Edgeloe), a firm with relevant experience in Planning, Engineering and Land Development as well as previous experience with Peaceful Bay, having conducted the ‘Peaceful Bay Pre-Feasibility Servicing Report’ for Council in 2010 and also the ‘Assessment of Potential Sea Level Rise Due To Climate Change Report’ for the land owners H & P Opitz and the Council, again in 2010.

The Working Group worked with the consultant in developing the attached Peaceful Bay Normalisation Pre Feasibility Report (Attachment 8.5.2a) 2013 and working through associated issues and their final meeting held on 12 August 2013, the following recommendations were made for Council’s consideration.

*Recommendation 1*

*That Council receives the attached Peaceful Bay Normalisation - Pre Feasibility Report for the purposes of advertising and comprehensive community consultation.*

*Recommendation 2*

*That the Peaceful Bay Tenure Working Group recommend that Council take such action as is necessary to confirm that ownership of Peaceful Bay leasehold cottages remain with the respective leaseholder. By mutual consent of Council and the Leaseholder, a leaseholder may transfer a cottage to Council at the termination of a lease.*



**Recommendation 3**

*That the Peaceful Bay Tenure Working Group recommend that Council resolve to initiate an amendment to the Peaceful Bay Conservation Plan and Town Planning Policy 35 to reflect that the heritage values are obtained from the built form rather than the buildings themselves.*

The following 24 conclusions, extracted from pages 40 to 44 of the Pre Feasibility Report, summaries the issues contained in the Report;

**Permanent Occupancy**

*1. Council should embrace the move towards permanent occupancy of lots at Peaceful Bay as part of the move towards normalisation, subject to the provision of adequate infrastructure and community services. (pg. 8)*

**Leases**

*2. The existing leases in Peaceful Bay convey certain rights on leaseholders which should be protected.*

*The leases in Peaceful Bay also have constraints including:*

- The right to occupy sites could be limited if servicing issues arise such as health matters associated with water supply and sewerage disposal;*
- Any requirement to upgrade services to meet regulatory standards will need to be met by leaseholders;*
- The rights of leaseholders are limited to the term of the lease and there is no security of extension;*
- Reserve 24510 is an "A" Class Reserve and the Management Order issued to Council could be rescinded at any time. (pg. 9).*

**Alienation Process**

*3. Preparation of a Business Plan to support an application to parliament to remove the "A" Class Reserve classification over that portion of Reserve 24510 which will ultimately be subject to the normalisation process is required. (pg. 10).*

**Green Title option vs. Strata Title**

*4. The relative cost of Green Title V's Strata Title needs to be established by way of a full feasibility study to provide information necessary to assist in determining the most appropriate form of tenure. (pg. 12).*

**Local Planning Strategy**

*5. The Shire of Denmark Local Planning Strategy clearly facilitates normalisation of Peaceful Bay. (pg. 13).*

**Town Planning Scheme**

*6. To achieve normalisation modification to the Shire of Denmark Town Planning Scheme No. 3, or proposed Scheme No. 4 as the case may be, is required by way of inclusion of a Special Use Zone and applying the Special Use Zone with specific land use controls to the subject land. (pg. 14).*

**Structure Plan**

*7. The Peaceful Bay Local Structure Plan should be modified to allow nominated precincts within the structure plan area to progress to detailed design and development in a staged manner subject to it being clearly demonstrated that each precinct can adequately address servicing issues and make a proportional contribution to community facilities. (pg. 16).*

**Detailed Area Plan**

*8. Normalisation will require a Detailed Area Plan to be prepared for the precinct introducing the necessary land use and development controls required to preserve the essential character, amenity and heritage of the precinct. (pg. 18).*

**Subdivision Design**

9. Preparation of a subdivision design for the precinct based on a detailed "As Constructed" Survey should be undertaken early in the normalisation process and be used as a basis for negotiation with leaseholders, establishment of the ultimate lot and reserve boundaries and submission to the Western Australian Planning Commission for subdivision approval. (pg. 18).

**Buildings or Built Form?**

10. The Detailed Area Plan should recognise that over time existing buildings could be replaced and there is a need to ensure that any renovations or replacement of existing dwellings should maintain the built form character of the leasehold precinct. This will require modification to Planning Policy LPP 35. (pg. 20).

**Leasehold to Freehold**

11. Council should utilise the Pre Feasibility Study to gauge in principle community support for free holding of the superlot to enable either the free holding or strata titling of the individual leasehold lots. (pg. 21).

**Integrated Water Supply and Effluent Disposal**

13. Implementation of an Integrated Water Supply and Effluent Disposal Scheme will require:

- Ground water monitoring and preparation of a Local Water Management Strategy to determine if aerobic treatment units can be used as an interim solution for effluent disposal;
- Health Department approval to the use of aerobic treatment units as an interim solution;
- Health Department approval to an appropriate potable water supply tank size and roof catchment area;
- An operator being identified and licensed to operate sewer and non-potable systems;
- Approval from the Economic Regulator to the current non-potable water supply and possible sewer treatment system being continued after the normalisation process;
- Determining the extent of any upgrades required to the non-potable water supply and establishment of the possible sewer treatment system. (pg. 23).

**Drainage**

14. A Local Water Management Strategy is integral to understanding drainage and effluent disposal solution options and ultimately establishing development costs if normalisation is to be pursued. Preparation of this document will need to occur early in the normalisation process. (pg. 24)

**Power Supply**

15. Power to Peaceful Bay is likely to be adequate for the normalisation process but should be monitored as it is an edge of grid supply and capacity could alter. (pg. 25).

**Telecommunications**

16. There is adequate telecommunications including ADSL, telephone and digital television to accommodate the additional demand which is likely to be generated by normalisation. (pg. 25).

**Community Facilities**

17. Development proposals for the normalisation of the leasehold precinct at Peaceful Bay should acknowledge the requirement to contribute to the community facilities ultimately required to service increased numbers of permanent residents and the longer term development potential of the settlement. Council may choose to establish a suitable level of contribution through preparation of a Development Contribution Plan consistent with State Planning Policy 3.6. (pg. 26).

**Community Aspirations**

18. That Council through a formal consultation plan advertise this Pre Feasibility Study with a view to establishing if there is in principle support from the local Peaceful Bay community to progress more detailed investigations into the opportunities for normalisation. That Council adopt the principle of ongoing consultation with Peaceful Bay leaseholders and establish a formal consultation plan in the event that it proceeds to preparation of a Business Plan for the normalisation process. That Council accept the principle that any actions taken towards normalisation should not prejudice the rights currently enjoyed by leaseholders under the current lease. That the wider communities of Peaceful Bay consisting of landowners outside of the leasehold area, the wider community of Denmark and the family, friends and visitors to Peaceful Bay be given the opportunity to comment on proposals through the established planning processes. (pg. 27).

**Development Model**

19. In the absence of State government agency interest in progressing the normalisation process or the project having progressed sufficiently far that a private developer can scope the project and identify potential profit and risk, it is likely that Council will need to progress the normalisation process at least as far as a Business Plan; parliamentary approval to changing the "A" Class Reserve status; and creation of a superlot. (pg. 33).

**Mechanisms to Fund Approvals**

20. There are substantial costs in the order of \$1,000,000 expected to be incurred leading up to a point that Council can be sure the project will progress and be profitable. Council should explore the opportunity to stage and fund this work by:

- Reviewing the likely "order of costs" associated with the Feasibility Study prior to going to the leasehold community;
- Applying for government grants to facilitate completing the feasibility review;
- Committing a portion of the funds required for the approvals stage "up front" with a view to recouping that cost from future returns over and above that which Council currently enjoys from the leasehold lease payments; and,
- Applying a specified area rate over the expected 5 year timeframe leading up to a time where construction can occur. This option should recognise the contribution of leaseholders to the approval process in any subsequent lot price established.

The Funding method for the project should be established in a Business Plan adopted by Council and which clearly provides for Council to recoup any expenditure required to undertake feasibility studies, achieve normalisation, undertake subdivision works and ultimately achieve lot sales. (pg. 34).

**Council Loss of Income and Endowment Fund**

21. That the financial model for normalisation factor in establishment of an endowment fund to offset the loss of lease income to the Shire if the subject land is established as freehold. (pg. 35).

**Purchase Price of Superlot and Land Acquisition**

22. Any negotiations with the Department of Lands for purchase of portion of Reserve 24510 for subdivision and freehold sale should be predicated on transfer of the land and payment only occurring when a formal commitment is made to progress with subdivision and sale of the subsequent lots. (pg. 36).

**Funding Development Costs**

23. Council progressing with normalisation of Peaceful Bay after the feasibility stage should be predicated upon the principle of sufficient presales being achieved to fund the immediate development costs of construction identified in the Feasibility Study and Business Plan. (pg. 36).

**Leaseholder Option to Purchase**

24. Subject to the provisions of the Local Government Act 1995, Section 3.58 and 3.59, each leaseholder should have a right to purchase land subject of an existing lease for a

*period of 12 months from the date at which lots are created. Where a leaseholder does not wish to purchase a lot during the 12 months option period, Council may sell the property to a third party conditional upon the lease remaining in place under the same terms and conditions currently enjoyed by the leaseholder. The value of lots is to be established by independent valuation which shall be the minimum value of lots however Council may choose to nominate higher lot prices to ensure viability of the project. Council commit to ensuring that any excess funds generated by lots being sold at prices greater than that established by independent valuation, be placed in a Reserve Fund for the sole purpose of facilitating community infrastructure projects in the Peaceful Bay locality. (pg. 38).*

**Consultation:**

The proposed community consultation plan with respect to the Pre-Feasibility report is as follows;

1. Convening of an information forum in conjunction with the Peaceful Bay Progress Association in Peaceful Bay during early January 2014;
2. Advertising in the Denmark Bulletin, Council Office and Library and Council's website, inviting written comments allowing a minimum period of 90 days and;
3. Inviting specific written comment from the following;
  - a. Peaceful Bay Cottage Leaseholders and;
  - b. Peaceful Bay Progress Association (Inc.) and;
  - c. Denmark Historical Society (Inc.) and;
  - d. The Heritage Council of WA.

**Statutory Obligations:**

The leasehold precinct is a small part of Crown Reserve 24510 which is an "A" class reserve contained on Crowned Title Volume 3122 Folio 555. The Leasehold precinct straddles 3 lots within this Crown Reserve being lots 1423, 1424 and 2229.

The current purpose of Reserve 24510 is recreation, camping, caravan park and holiday cottages. A Management Order in favour of the Shire of Denmark has been issued through Document L325837. The Management Order provides a power to lease for any term not exceeding 21 years subject to the consent of the Minister for Lands.

The relevant statutory obligations with respect to the initial phases of the report, are confined to those matters relating to the Council's adopted Town Planning Scheme (TPS) (No. 3) and adoption or amendment of Town Planning Policies under that Scheme.

Clause 8.2 of TPS No. 3 sets out the requirements for the preparation and adoption of TPS No. 3 policies, noting a Scheme policy shall only become operative (or amended) once the procedures contained within Clause 8.2 have been complied with.

As per Clause 8.2.2 of TPS No. 3, new or amended policies are required to be advertised for public comment for a minimum period of 21 days.

Other statutory requirements would need to be considered, at a later date, if Council proceeds to the subsequent stages as intended by the outcomes of recommendation No.1, in relation to;

- the disposal of land by private treaty and major land transaction processes, in acquiring and developing land (Local Government Act 1995), and;
- the Land Administration Act 1997, with respect to the potential acquisition of crown land (the reserve).

Further detail on policy implications should be noted as detailed in the report to the Council Meeting of 22 January 2013 (Attachment 8.5.2c).

**Policy Implications:**

The following policies relate from the Council's Policy Manual;

**P100607 PEACEFUL BAY PRE-FEASIBILITY SERVICING REPORT**

*The Shire of Denmark adopted the Peaceful Bay Pre-Feasibility Servicing Report which identifies the requirements for the provision of service infrastructure to enable the future development of Peaceful Bay without it being completely dependent on traditional infrastructure services and also providing a number of 'green solutions' such as 'third pipe' water infrastructure.*

*ADDED by Res: 230710 / 27 July 2010*

This policy provides guidance to the nature of infrastructure that might be acceptable, particularly in relation to provision of reticulated (or not) potable water and effluent disposal solutions and would be relevant in the event that major infrastructure is required to be developed as considered in the new 'Normalisation Report'.

**P100610 PEACEFUL BAY LEASEHOLD – LEGAL ADVICE (DEMOLITIONS & INSPECTIONS)**

*That as well as considering the intent of the Peaceful Bay Heritage Precinct Conservation Planning Policy, when considering applications for demolition of a Peaceful Bay Holiday Cottage, it considers the advice of its solicitors dated 30 May 2012 regarding;*

- *Criteria that might guide Council in supporting or refusing applications for demolition of a Peaceful Bay leasehold property as follows;*

*[Extracted from Solicitors correspondence dated 30 May 2012]*

*"Can we give criteria to guide Shire in a decision to deny or support an application for demolition?"*

- (1) Is the existing cottage habitable? Can it be used without risk of damage or injury or risk to health?*
- (2) Could the cottage be made habitable by reasonable repair or restoration work, at a cost less than replacement cost?*
- (3) Does the cottage alone or as part of a group have cultural heritage or other special status which justifies a decision to retain at a cost exceeding replacement cost?*
- (4) Is there any precedent for approval or refusal of demolition?*
- (5) Is there any record of requests for permission to carry out maintenance or repair work on that building?"*

*and*

- *The requirement to inspect all properties for maintenance in preserving the integrity and safety of the properties prior to consideration of a renewal of lease or request for consideration of full-time occupancy, together with the introduction of an inspection fee.*

*ADDED by Res: 050812 / 14 August 2012*

This policy provides guidance when considering applications for demolition of a Peaceful Bay Holiday Cottage – as may be relevant when considering the importance of the Conservation Plan and intent of Town Planning Policy No. 35.

The following policies relate from the Council's Town Planning Policy Schedule;

Town Planning Policy No. 35 'Peaceful Bay Conservation Plan Development Guidelines' (Attachment 8.5.2c) and the associated Conservation Plan (2003) also relates and provides guidance in relation to the Working Groups recommendation number 3, in particular.

Council's adopted Local Planning Strategy (2011) supports the principles of normalisation espoused within the Pre-Feasibility Study (refer pages 13 and 14 of the attached Report).

In addition, Council's Community Consultation Policy (P040123) also relates and has been utilised in the development of the proposed community consultation plan.

**Budget / Financial Implications:**

Commentary in relation to the current Budget (immediate) or medium or long term financial implications is presently mostly concerned with the cost of advertising.

Subsequent costs, if the community give the indication is keen to proceed to the next stage, and the Council then resolves to proceed, include an estimated \$370,000 Business Plan stage and indicative cost of final development of just over \$27m. These estimates are detailed on page 31 of Attachment 8.5.2a.

Advertising costs associated are provided for within the 2013/14 Budget.

**Strategic Implications:**

There are significant strategic implications relating to the two key mutually exclusive issues of *transferring cottage ownership* and also the matter of *conversion of the leaseholds to freehold or strata title*.

On the first issue the Working Group concluded that;

*"That the Peaceful Bay Tenure Working Group recommend that Council take such action as is necessary to confirm that ownership of Peaceful Bay leasehold cottages remain with the respective leaseholder. By mutual consent of Council and the Leaseholder, a leaseholder may transfer a cottage to Council at the termination of a lease."*

As confirmed by the previous report on the matter from 22 January 2013 agreeing to such a request has two main implications.

Firstly – that of cost and time;

There will be a cost of an estimated \$200 outlay in registration fees per property (by 203) incurred to amend the leases if the lessee and or lessor (Council) desires or requires that need to be 'formally' changed with the State Government. There would also be a significant administrative officer time outlay in arranging for the multiple copies of the leases to be amended and signed by the various parties (the lessee, the lessor and the State Government). Can or should this be recovered by the lessee that requests the change...? The author believes that there should be no cost attributable to the Council or ratepayers in general in agreeing to such a request as there has been no 'error' on the Council's part and both parties knowingly agreed to and signed the agreement as worded. Alternatively – the Council could if it so wishes agree to write a letter to the lessee agreeing to a change to the lease by 'addendum' without 'registration' of that document. This would be administratively simple and cost effective and be held (retained) by both parties.

The second implication on this first issue, is one of policy and principle.

If the Council agrees to relinquish 'ownership', it does so contrary to the principles espoused and enshrined in Council's adopted public planning documents since 2003. That is, that the buildings on Council land (the Reserve) are affixed to the land and deemed to be Council's (at law). For Council to agree to relinquish ownership, in the opinion of the author, essentially infers that the Council has 'less' (or perhaps no?) intent (or legal mechanism), on behalf of the community as a whole, of preserving the integrity and fabric of the heritage of the Peaceful Bay Leasehold Precinct. In simplicity, it is saying to the lessee that "you are welcome to 'remove' the building from the land". It is

contrary to the intent of the signed lease, contrary to the intent of the Town Planning Policy, contrary to the intent of the Conservation plan and indeed contrary to the intent of the interim listing on the State Heritage Register.

In the opinion of the author, the Council has no need to seek further leaseholder comment on this issue – that was the subject of previous reports (August 2012 and January 2013) and the Council knows the view of the Peaceful Bay Progress Association and its members – it is that of the recommendation number 1 from the Working Group.

If, however, Council was to support this Working Group recommendation, then an appropriate motion would be similar to as follows;

*That Council confirm in writing to the lessees that Council is prepared to acknowledge that notwithstanding anything in the signed lease to the contrary, that ownership of the Peaceful Bay leasehold cottages remain with the respective leaseholder. By mutual consent of Council and the Leaseholder, a leaseholder may transfer a cottage to Council at the termination of a lease. Should lessees require formal amendment of the lease to reflect this, as opposed to a letter from Council to that effect, then all direct financial outlays incurred by the Council associated will be borne by the lessee.*

Recommendation No. 3 of the Working Group has very similar implications.

*“That the Peaceful Bay Tenure Working Group recommend that Council resolve to initiate an amendment to the Peaceful Bay Conservation Plan and Town Planning Policy 35 to reflect that the heritage values are obtained from the built form rather than the buildings themselves”.*

This is somewhat supported by the conclusion of the consultant’s Pre-Feasibility Normalisation report conclusion number 10, in reference to the potential need to alter Town Planning Policy Number 35 to reflect the character of the buildings rather than the built form itself.

Both views are, in the opinion of the author, somewhat contradictory to the conclusions in the Town Planning Policy and certainly the Conservation Plan however.

If Council was to support this Working Group recommendation, then an appropriate motion would be similar to as follows;

*That Council resolve to initiate an amendment to the Peaceful Bay Conservation Plan Development Guidelines (Town Planning Policy No. 35) to reflect that the social and heritage values are obtained from various matters pertaining to the character and nature of the development and not necessarily the current buildings themselves.*

Consultation would stem from this as is required by the Town Planning Scheme requirements (21 days minimum), with the officer in the initial stages, writing a draft report for Council consideration that reflected the intent.

The author does not support this outcome nor approach for the reasons outlined above.

On the second key issue the Working Group concluded that;

*“That Council receives the attached Peaceful Bay Normalisation - Pre Feasibility Report for the purposes of advertising and comprehensive community consultation”.*

The Report has 24 key conclusions detailing with how to proceed, should Council and the community desire to consider the principle of ‘normalising’ Peaceful Bay.

Such normalisation could occur with provision of key infrastructure, however the report concludes that such infrastructure is unlikely to occur (certainly in the short to medium

term) without conversion of the 203 leasehold cottages to another more secure form of tenure (freehold or strata title) to 'enable' the funding of the required infrastructure to occur.

The strategic implications associated with this report are significant and detailed within the Pre-Feasibility Report.

This is a critical issue that again calls into question the former issue of retention of the current built forms? Would leaseholders pay significant sums of money (in the order of \$150,000 to \$250,000), to acquire freehold or strata title interest knowing that they cannot demolish their current building and must 'preserve' it essentially in the status quo style, albeit in good or better condition? It could be somewhat of a fatal flaw in the whole process?

So – the key questions that help inform answers to the two key, potentially contradictory matters, that should be fleshed out in the community consultation are;

*Would the leaseholders be prepared to pay the indicative capital sum indicated to acquire freehold or strata title for the land, the subject of their lease, and or is this indicative value affected (and if so by how much) by heritage restrictions and conditions that could be imposed requiring retention of the built form in its current predominate form?*

And potentially conversely;

*Do the leaseholders and or community (different perspectives) value the character of Peaceful Bay Leasehold area (excluding the more modern fifth avenue) gained from its current built form, or would it matter if the essential character could be retained with demolition of the existing buildings being permitted, as long as they were replaced with similar 'style' of modest cottage development?*

The officer's view is that the Report should be referred to the Leasehold Community and community in general for comment in accordance with the proposed Community Consultation Plan referred to under 'Consultation' above.

The other critical observation from the report is that purchasing of freehold or strata title assumes that Council will relax the current leasehold restriction that prevents permanent occupation of the cottages. It would be a fair assumption from the perspective of a leaseholder, that if one was to acquire freehold or strata title – that one can also enjoy permanent occupancy rights that are only prevented at present by the lease. Does this change the character of Peaceful Bay? Arguably yes, but again this is probably the only way that critical infrastructure will be able to be developed (afforded). Does it change the character of specifically the (proposed former) leasehold area – again arguably yes, perhaps gradually over some time, as Council would generally approve a request for permanency of the leasehold cottages now without question.

It is only the negative effects on the environment and services that gives rise to seeking to 'minimise' the move to permanency. Solve the problems of infrastructure and the permanency issue becomes less or not relevant?

#### **Sustainability Implications:**

##### ➤ **Environmental:**

The environmental implications (of this report and the Normalisation Pre-Feasibility Report) are mostly related to the built form rather than the natural environment. The natural environment would benefit from improved infrastructure servicing such as sewerage and drainage controls.

##### ➤ **Economic:**

The heritage values of the Peaceful Bay Heritage Precinct contribute to the reasons why residents and holiday makers live or visit the seaside community.



➤ **Social:**

The heritage values of the Peaceful Bay Heritage Precinct are recognised by the community of the precinct and by the wider community. Community consultation will be critical, however it should be acknowledged that there will be polarised views on the matter of whether the Council should look to convert the leasehold to freehold or strata and certainly diverse opinion on the matter of the method and value of ‘pricing’ (determining the purchase price).

One of the key elements is the value that the community of the Shire in general (not just the leaseholders) of the built form of the existing buildings and structures, as compared to whether that could be retained with a substantial number of ‘new’ buildings.

The Council’s adoption of the Town Planning Policy No. 35 (in 2004) and the preparation of the Conservation Plan that led to it (in 2003), detail the significant values placed on the precinct by the community and potentially the State (with interim Heritage listing on the State Heritage Register).

**Voting Requirements:**

Simple majority.

5.29pm – Cr Morrell left the room.

5.32pm – Cr Morrell returned to the room.

5.40pm – The Acting Director of Planning & Sustainability left the room.

5.42pm – The Acting Director of Planning & Sustainability returned to the room.

5.46pm – Cr Lewis left the room.

5.48pm – Cr Lewis returned to the room.

**OFFICER RECOMMENDATION**

ITEM 8.5.2 A

That Council not agree with the recommendation number 2 of the Peaceful Bay Tenure Working Group and confirms that it is Council’s view that ownership of the Peaceful Bay leasehold cottages remain with the Council pursuant to the lease and consistent with the adopted Town Planning Policy No. 35 Peaceful Bay Conservation Plan Development Guidelines, noting however that it is not Council’s intent to seek consideration for the built form in the event that the leases are ever able to be disposed of by the current or future lessee(s).

**COUNCIL RESOLUTION**

ITEM 8.5.2 A

MOVED: CR SEENEY

SECONDED: CR GILLIES

That Council confirm in writing to the lessees that Council is prepared to acknowledge that notwithstanding anything in the signed lease to the contrary, that ownership of the Peaceful Bay leasehold cottages remain with the respective leaseholder. By mutual consent of Council and the Leaseholder, a leaseholder may transfer a cottage to Council at the termination of a lease. Should lessees require formal amendment of the lease to reflect this, as opposed to a letter from Council to that effect, then all direct financial outlays incurred by the Council associated will be borne by the lessee.

**DEFERRAL MOTION**

MOVED: CR GILLIES

SECONDED: CR SEENEY

That the item 8.5.2 A be adjourned pending the outcome of any requests from Item 8.5.2 B or the first meeting of February 2014 whichever is the earlier.

CARRIED: 9/0

Res: 481013

*Given the outcome of the deferral motion, the Shire President requested that it be recorded which Councillors had already spoken to the original motion. It was determined that Cr Seeney, as the mover, and Cr Gillies as the seconder, had both spoken, that Cr Pedro & Cr Rowland had both spoken for the motion and Cr Thornton, Cr Sampson & Cr Morrell had spoken against the motion.*

6.20pm – *The Director of Finance & Administration left the room.*

6.21pm – *The Director of Community & Regulatory Services left the room.*

6.24pm – *The Director of Community & Regulatory Services returned to the room.*

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.5.2 B
MOVED: CR MORRELL	SECONDED: CR OSBORNE
That Council defer consideration of recommendation number 3 of the Peaceful Bay Tenure Working Group pending the outcome of community consultation on the Peaceful Bay Normalisation Pre Feasibility Report.	
CARRIED: 9/0	Res: 491013

<b>COUNCIL REOSLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.5.2 C
MOVED: CR GILLIES	SECONDED: CR SEENEY
That Council receives the Peaceful Bay Normalisation - Pre Feasibility Report and prior to further considering its content and conclusions, undertake advertising and community consultation as follows;	
<ol style="list-style-type: none"> <li>1. Convening of an information forum in conjunction with the Peaceful Bay Progress Association in Peaceful Bay during early January 2014;</li> <li>2. Advertising in the Denmark Bulletin, Council Office and Library and Council's website, inviting written comments allowing a minimum period of 90 days and;</li> <li>3. Inviting specific written comment from the following;                     <ol style="list-style-type: none"> <li>a. Peaceful Bay Cottage Leaseholders and;</li> <li>b. Peaceful Bay Progress Association (Inc.) and;</li> <li>c. Denmark Historical Society (Inc.) and;</li> <li>d. The Heritage Council of WA.</li> </ol> </li> </ol>	
CARRIED: 9/0	Res: 501013

6.25pm – *Cr Sampson left the room and did not return.*

**6.26pm - Public Question Time**

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

6.27pm – *The Director of Finance & Administration returned to the room.*

<b>8.5.3 STRATEGIC COMMUNITY PLAN</b>
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<b>File Ref:</b>	ADMIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 October 2013
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.5.3a – Submissions 8.5.3b – Draft Strategic Community Plan

**Summary:**

Council's consideration is requested of the submissions received with respect the draft Strategic Community Plan (SCP) and thereafter to adopt the plan as amended.

The Plan endeavours to mirror the community's vision, aspirations and objectives for a horizon of 18 years to the year 2031 – being the life of the Council's adopted Local Planning Strategy 2011 (LPS) and also the State Government's 'Directions 2031 and Beyond' Planning Document.

To demonstrate the translation of Strategic Initiatives and aspirations into actions, on adoption of the document, staff will develop for Council's later consideration, a complementary draft Corporate Business Plan in alignment with the Department of Local Government's Integrated Planning and Reporting Framework.

This document will effectively be the practical 'implementation plan' and align all of the Council's adopted strategies and plans into the new SCP framework, or indeed, bring them to Councils' attention for determination as to whether they are still a strategic priority given consideration of the communities aspirational outcomes, compared to previous strategic directions.

**Background:**

In alignment with the Department of Local Government and Communities *Integrated Planning and Reporting Framework*, the Shire has developed a draft *Strategic Community Plan 'Denmark 2031'* in consultation with its community and stakeholders.

Feedback on the draft document has also been sought to determine the level of support for its proposed outcomes and objectives.

The Council also obtained a reliable number of responses through the development and consultation processes, which should support the confident consideration of the inclusions in the Plan.

A Strategic Community Plan is the principal strategy and planning document that reflects community long-term vision, values, aspirations and priorities with consideration to local government Area/Place/Regional Plans, local government strategies, and resourcing.

The intent of the plan is to:

- Involve the community in the establishment of a long-term vision for the local government through the identification of strategic priorities and aspirations.
- Provide the local government with clear direction and an understanding of the community's well-being, priorities over a longer time frame (social, economic, environmental and civic leadership), and to understand long-term impacts based on research, that will translate to service, asset and land use planning requirements.
- Guide local government priority setting within the Corporate Business Plan.

**Comment:**

The draft *Strategic Community Plan 'Denmark 2031'* has been developed in partnership with the community and key stakeholders.

The draft plan positions Denmark to address the major challenges and opportunities over the next 18 years and to therefore, achieve its aspirational outcomes and directions.

The following key outcomes are extracted from the Plan;

*Proposed Vision*

*Denmark in the Year 2031 is a leading example of a dynamic, connected, caring and cohesive community, in tune with its environment.*

*Proposed Mission*

*The Shire of Denmark aims, through vision and integrity, to serve its whole community and value its natural environment.*

*Proposed Motto*

*Discover Denmark*

That the two emblems / motifs for the Shire of Denmark

*The Splendid Fairywren (Malurus splendens) and;*

*The Red Flowering Gum (Corymbia ficifolia).*

*The Shire of Denmark's guiding values in working together and with the community are;*

- *Sustainability*
- *Effectiveness*
- *Teamwork*
- *Transparency*
- *Respect*
- *Visionary Leadership*
- *Honesty*
- *Integrity*
- *Commitment*
- *Trust*

The author is confident that the documents presented to Council for adoption have been developed with significant and reliable input from the community and stakeholders. It should also be noted that both plans will be subject to further branding and an official launch will be conducted to raise awareness of their adoption.

In terms of whether there are any concerns about the Plans setting things in stone and able to be modified or changed if so desired, the Council is at liberty to amend the SCP at any time, however significant matters should be subject to consultation and the following process.

Strategic Community Plans should be reviewed as follows:

- *Major Review*  
Every four years, Council reviews the vision, priorities and aspirations of the plan with full and wide ranging community engagement.  
It then renews the plan in line with contemporary community desires.
- *Minor Review*  
Every two years following the major review.

A “desktop review” with community consultation and council endorsement.

- *Timing*  
Reviews should take place as soon as practicable after Council biennial elections (2015, 2017 etc).

### **Consultation:**

To develop and gather data and validation for the SCP, it was agreed that material would be taken from several sources, namely:

- Shire of Denmark 2012/13 Community Needs and Customer Satisfaction Survey (incorporating some 655 individual responses)
- ‘Our Culture, Our View’: Shire of Denmark Community Cultural Plan 2010-2015
- Survey conducted at the Australia Day Celebration Breakfast, hosted by the Shire of Denmark, on 26 January 2013 which was attended by over 750 people (incorporating 118 individual responses)
- Charters of Shire of Denmark Standing Committees
- Aquatic Facility Referendum, conducted by Shire of Denmark, April 2013
- Four public workshops held at three locations in the Shire of Denmark, March – April 2013 (incorporating some 54 participants)
- One workshop held with Councillors and Senior Staff of Shire of Denmark, March 2013 (incorporating some 13 participants)
- Three workshops held with employees of the Shire of Denmark, April 2013 (incorporating some 53 participants).

Council subsequently approved the draft SCP for advertising with submissions closing on 27 September 2013.

Council invited submissions on the final document, via;

- The Walpole Weekly
- Denmark Bulletin
- Website
- Library Display
- Office Display
- Presentation and display at the Denmark Chamber of Commerce AGM
- Memo to all employees
- Memo to Councillors and
- Letters to all Community Groups of the Shire.

*Following close of submissions, comments have been received from the following with the authors accompanying recommended approach to those suggested submissions;*

- *Staff and the Consultant*
  - *With respect to various typographical, readability and format matters.*

*The author notes that all suggestions / modifications have been accepted with modifications to readability, spelling, grammar and format shown using track changes in the accompanying attachment (refer Attachment 8.5.3b – provided separately to the Agenda).*

- *Cr Osborne*
  - *That Council should register (and protect) the mottoes Discover Denmark and Denmark Naturally with IP Australia.*

*The author agrees and notes that the cost of registration is minimal. Action proposed: That the CEO register the mottoes Discover Denmark (proposed as the Councils official motto) and also Denmark Naturally. It is noted that the Chamber of Commerce registered the name ‘Denmark...it’s only natural’ in 2007. ‘Where the forest meets the sea’ is similarly not registered and it is proposed that this also be registered.*

- *Mrs P Edwards*

## “1. HEALTH

One important aspect of Health overlooked in the Draft Strategic Plan is Primary Health Care.

A commonly used definition of Australian Primary Health Care is:

Primary health care is socially appropriate, universally accessible, scientifically sound first level care provided by health services and systems with a suitably trained workforce comprised of multi-disciplinary teams supported by integrated referral systems in a way that: gives priority to those most in need and addresses health inequalities; maximises community and individual self-reliance, participation and control; and involves collaboration and partnership with other sectors to promote public health. Comprehensive primary health care includes health promotion, illness prevention, treatment and care of the sick, community development, and advocacy and rehabilitation.

(Definition developed by the Australian Primary Health Care Research Institute (APHCRI) and cited in Primary Health Care Reform in Australia: Report to Support Australia's First National Primary Health Care Strategy (September 2009)).

The issue of primary health care – putting in place facilities which will enable the population to remain healthy – is one of supreme importance in a community which will inevitably age and require special services. The town is indeed well equipped to cater for those who participate in football, tennis, golf, bowls, surfing and gymnastic activities. Swimming is not catered for. Provision of a swimming pool to enable community members of all ages to exercise and maintain good health would help alleviate the demand for aged care residential facilities. While hydrotherapy is advantageous for people with existing physical problems a swimming pool enables all members of the community to participate in a form of exercise which can only be beneficial in terms of health outcomes and may well prevent the onset of age related problems.”

*The author agrees that access and availability of quality primary health care and the health of the residents in general, are critical success factors in the development of any community and believes that this is adequately addressed by both the Health Goal as well as the Recreation Goal as amended.*

## “2. RECREATION

The Shire of Denmark provides high quality facilities for sporting clubs. It does not cater too well for members of the community who require exercise in a non-weight bearing environment. A swimming pool would cater for the community across the board, not just for those who are fit and able to participate in field sports, golf, tennis, surfing and gymnastics. The recent survey of ratepayers made it clear that a large proportion of the community support this viewpoint. A pool would also cater for the needs of the many tourists passing through the town throughout the year. This is a facility which the community needs sooner rather than later.”

*The author notes that he believes that this issue is adequately covered under the item above with the slightly amended Recreation Goal.*

### “3. DEVELOPMENT

I have been advised by a member of Council that if all the subdivisions which have already been approved in the Shire were to be developed the town population would swell to 15,000. Perhaps a moratorium (sic) on new subdivisions until the existing subdivisions are serviced and occupied would make sense.”

*The author notes that such a desire is technically beyond Council’s power in that subdivision control is the domain of the State Government. Council could have a position on the matter, however the author does not believe that this would be beneficial or effective.*

- *Mr C Baxter on behalf of the Peaceful Bay Progress Association*

*“We see Peaceful Bay in 2031 as an important settlement within the Shire that will have a larger permanent population. Before 2031, the community of Peaceful Bay aspire to have achieved security of tenure for the leasehold blocks. This may be through strata or freehold, or by any other means that may become possible.”*

*The author notes the present Population Goal, in particular, that should assist achieve this aspiration and this, combined with the separate report in the current Council agenda as well as the adopted complementary and informing recommendations with respect to Peaceful Bay in the Local Planning Strategy 2011, should assist achieve this outcome without it specifically needing to be mentioned in this Plan.*

- *Mr B Schur*

*Refer Attachment 8.5.3a for M Schur’s detailed submission with respect to the Plan and specifically his statement that the Council has no mandate to plan for the future conversion of the Agriculture College land as future urban.*

*The author notes that the reference to the land comprising the Denmark Agricultural College was highlighted for long term potential future urban (25 years plus) in the draft Local Planning Strategy (LPS) before it was removed in the final document.*

*Accordingly the Council has no current or future plans that would alter the fabric of the Colleges existing enjoyment and use of the land for educational purposes other than the known reference to acquiring, with their knowledge and permission, and at an agreed price, portion of the land for light industrial purposes.*

*Indeed the LPS has as an adopted high level Strategy ‘Lobby State Government for the continued operations of the Agricultural College and work with the college to expand areas of expertise’.*

*Further, page 104 of the same Strategy states “Having such an educational facility adds an economic benefit to the region and protection should be afforded to maintaining this facility for the long term”.*

- *Dr CM Gearon*

“Council, it’s officers and the Community are to be commended on the work they have put into the draft strategic plan to date. I would like to make the following observations:

- the comments regarding the high median (or do you mean?) age of the residents on pages 20 and 21 including the words "monoculture" and "conservatism" appear to be opinions rather than based on fact. These two paragraphs require either appropriate references to evidence

supporting those statements or modification to indicate that they are opinions.

- previously Denmark has branded itself, among other things, as an age friendly community which is reflected in the current committee structure and Council's recent forum. Under the heading "Social" there is no mention of the over 55 demographic. I think this requires some further consideration.
- with reference to the heading "Health" on pages 24 and 25 - caring for an older demographic is not just about ensuring appropriate residential care is available. The promotion of "Aging in Place" is considered equally important by health authorities. If we are to ensure that our older demographic is to remain healthy in their own homes not only do we need to ensure that they have access to appropriate home and community primary care but we also need to ensure that they are physically and mentally kept active. Denmark's many fantastic sporting clubs and facilities fail to address the requirement of this particular demographic group for low impact exercise. A swimming pool would address this requirement.
- it is misleading to accompany the paragraphs regarding the Council's Survey of rateable properties with regards to a pool by a graphic of the Bollig Pixel Trix concept. Anyone not reading this document carefully might assume that a pool is included in the strategic plan when it obviously is not.
- with specific regards to the following statement on page 25 "*The outcome demonstrated that the matter of an aquatic facility for the Shire was one that will need to be revisited again during the life of this Plan.*" This plan is for the next 18 years, the statement I have quoted requires a more timely response to the Community's desire for a pool.

Hope you find these comments useful."

*The author notes the general nature of the comments, notes that use of the term median is correct and that the Plan does have a general style of 'opinion' though the entire document. The author in this context is therefore the 'Shire of Denmark' and the comments, in the opinion of the author, can remain without requiring changes. Reference to the need for a swimming pool within the Plan are dealt with as mentioned in the response to Mrs P Edwards. The author has replaced the Aquatic Centre image at the suggestion of the submitter as it may be misleading as suggested.*

- *Dr J Sharpham on behalf of the Denmark Historical Society (Inc.)*

*Refer Attachment number 8.5.3a for the Society's detailed submission with respect to the Plan and specifically concerns with respect to not including adequate reference in the Plan to the History and vibrant past of the Shire in informing the future, and specifically reference to the word 'always' on the draft Plan page 22.*

*The author concurs with the suggested amendment to the paragraph and has corrected the reference. With respect to the history of the Shire assisting to inform the future, the author suggests that without undue and unwarranted replication of the work in the Municipal Heritage Inventory or Local Planning Strategy, (both major informing documents to the SCP), the author has attempted to address these concerns with several paragraphs that references these other published and available works to inform the reader about our historical past.*



- *Dr L Do Rozario and Dr L Joyce*

*Refer Attachment number 8.5.3a for Dr Joyce and Dr Do Rozario's detailed submission with respect to the Plan across a number of the areas of the Plan.*

*Comments made by the submitters with respect to its views on the proposed Mission, Vision and Objectives and Goals are noted with only minor changes proposed by the author with respect to acknowledging that the Goals have been rebagged as Strategies to achieve the Aspirational Outcomes and have been made forward looking rather than reflecting 'the now'.*

*Comments made by these submitters and several others about an apparent gap acknowledging the importance of 'the Arts' to the social fabric of Denmark is acknowledged and the Plan has been modified to reflect this.*

- *Dr C Edwards on behalf of the Denmark Aquatic Centre Committee Inc.*

*Refer Attachment number 8.5.3a for Dr Edward's detailed submission with respect to the Plan and specifically suggestions with respect to the Recreation Goal and altered words with respect to the proposed aquatic centre.*

*The author supported the intent of Dr Edwards's suggestions as detailed within the amended Plan.*

- *Mr K Koning on behalf of the Wilson Inlet Restoration Group (Inc.)*

*Refer Attachment number 8.5.3a for the Group's detailed submission with respect to the Plan and specifically concerns with respect to the health of Wilson Inlet and development of Poison Point as a recreation zone.*

*The author notes the comments and that two of the major existing adopted informing strategies to the SCP are the adopted Wilson Inlet Foreshore Reserves Management Plan 2008 and the Wilson Inlet Management Strategy (WIMS) 2013. The author notes that the Group has asked that funding for the implementation of aspects of the WIMS be referenced in the SCP, however the author is of the view that such an inclusion is premature and is adequately addressed in the Plan's long term aspirational outcome under the heading of Waterways.*

- *Mrs G Guthrie on behalf of the Denmark Chamber of Commerce (Inc.)*

*Refer Attachment number 8.5.3a for Denmark Chamber of Commerce (Inc.)'s detailed submission with respect to the Plan.*

*The author notes the effort that the Chamber has made in their detailed submission. In responding to it, several of the suggestions have been addressed by making minor amendments to the Plan and the Chamber correctly notes that the Implementation Plan and Corporate Business Plan will have detailed actions and strategies that they will be able to comment on and contribute to in coming months. The author also concurs with the missing 'value' of creativity not ranking as highly as he had indeed 'hoped' and certainly 'believed' would have been, prior to the commencement of the process. The author is of the view that perhaps when people are asked what values they want for 'their' Shire or Councillors to have, that creativity is perhaps seen as subservient to more conservative values associated with 'trustees' or 'administrators' than the 'community' can allow itself to have. That is not to say the Council and community do not value 'creativity' of the community – just that it was not quite as highly rated, compared to the values for the Organisation and its employees*

to 'deliver' upon for the community. That said – it was a close 11<sup>th</sup> and could easily be added – but having 10 values are already on the 'long side'.

- Mr D Clarke on behalf of Transition Kwoorabup Denmark

Refer Attachment number 8.5.3a for Transition Kwoorabup Denmark's detailed submission with respect to the Plan across a number of the areas of the Plan.

The author concurs with general comments made by several of the submitters, including Transition Kwoorabup Denmark (TKD), that the proposed Motto and indeed most of the final favoured mottoes discussed were more tourist slogans than aspirational or inspirational oriented. Is the motto designed to be a call to arms for the organisation, elected members and populace or is it designed and to be used for branding tourism (external and future customers)? As detailed in the SCP, in the absence of clear direction on this, the author has recommended the status quo – Discover Denmark until or if the Council and or Community seek to undertake a process to identify and adopt a new one. Comments made by TKD with respect to its views on the proposed Mission, Vision and Objectives and Goals are noted with only minor changes proposed by the author with respect to acknowledging that the Goals have been rebagged as Strategies to achieve the Aspirational Outcomes and have been made forward looking rather than reflecting 'the now'.

- Mr J Fleming

Refer Attachment number 8.5.3a for Mr Fleming's detailed submission with respect to the Plan across a number of the areas of the Plan.

The author notes that, in the opinion of the author, that the submitters concerns in relation to the College have been answered under the submission by Mr Schur. The submitter is correct in relation to the implementation plan needing to detail the various actions and strategies that will complement the Plan including one of the key informing strategies, that of the Local Planning Strategy. Comments made by the submitter with respect to his views on the Objectives and Goals are noted with minor changes proposed by the author with respect to acknowledging that the Goals have been rebagged as Strategies to achieve the Aspirational Outcomes and have been made forward looking rather than reflecting 'the now'. The submitter correctly also points out that the official title to utilise for a Community Strategic Plan is indeed a Strategic Community Plan. Whilst the author prefers the use of the title CSP (putting the Community first in the opinion of the author is preferred), the State Governments legislation does reference SCP. Councils in WA have used a mix of titles and Councils in NSW use the CSP reference. On balance the author has amended the document to reflect the SCP title.

In the opinion of the author, the above suggested and incorporated amendments, together with those made to the document as amended, are not considered major and do not alter the purpose and intention of the draft *Strategic Community Plan 'Denmark 2031'* that was released for community consultation.

#### **Statutory Obligations:**

The requirements for preparation, consideration, consultation and advertising of a Strategic Community Plan are detailed in the Local Government Act 1995.

Further guidance on the achievement of best practice standards is outlined within the Department of Local Government and Communities *Integrated Planning and Reporting Framework* and *Advisory Standards* and website.

Extract Local Government Act 19955.56. *Planning for the future*

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Extract Local Government (Administration) Regulations 199619C. *Strategic community plans, requirements for (Act s. 5.56)*

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
  - (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
  - (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
  - (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
  - (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
    - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
    - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
    - (c) *demographic trends.*
  - (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
  - (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*
- \*Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
  - (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
  - (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

19D. *Adoption of plan, public notice of to be given*

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*

- (a) *notification that —*
- (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
  - (ii) *details of where and when the plan may be inspected;*
- or
- (b) *where a strategic community plan for the district has been modified —*
- (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
  - (ii) *details of where and when the modified plan may be inspected.*

**Policy Implications:**

The Council's Community Consultation Policy P040123 related to the development of the agreed community consultation phases and workshops in preparation of the SCP as detailed under Consultation.

**Budget / Financial Implications:**

The development of the draft *Strategic Community Plan Denmark 2031* has involved engagement of a consultant, numerous workshops, the Biennial Customer Satisfaction and Community Survey and advertising costs, with an estimated total cost of approximately \$15,000, excluding staff time.

**Strategic Implications:**

The adoption of the inaugural SCP replaces the Shire of Denmark Strategic Plan 2006.

**Sustainability Implications:**

➤ **Environmental:**

The following aspirational outcome is proposed through the SCP;

*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.*

➤ **Economic:**

The following aspirational outcome is proposed through the SCP;

*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.*

➤ **Social:**

The following aspirational outcome is proposed through the SCP;

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

➤ **Governance:**

The following aspirational outcome is proposed through the SCP;

*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.*

**Voting Requirements:**

Absolute majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION** ITEM 8.5.3  
 MOVED: CR OSBORNE SECONDED: CR ROWLAND

That Council adopt the Strategic Community Plan (as amended) entitled 'Denmark 2031' for effect from the current financial year through to 2031, with the following accompanying Vision;

"Denmark in the Year 2031 is a leading example of a dynamic, connected, caring and cohesive community, in tune with its environment";

and that the submitters be thanked and responded to individually and that the Council give local public notice of the Plans availability.

6.31pm – Cr Gillies left the room.

6.34pm – Cr Gillies returned to the room.

**AMENDMENT**

MOVED: CR LEWIS

SECONDED: CR GILLIES

That the values of "honesty & integrity" be merged and add the value of "creativity" be added.

CARRIED: 8/0 Res: 481013

**SUBSTANTIVE MOTION**

That Council:

1. Merge the values of "honesty & integrity" and add the value of "creativity" in the Plan; and
2. Adopt the Strategic Community Plan (as amended) entitled 'Denmark 2031' for effect from the current financial year through to 2031, with the following accompanying Vision, "Denmark in the Year 2031 is a leading example of a dynamic, connected, caring and cohesive community, in tune with its environment."

CARRIED BY AN ABSOLUTE MAJORITY: 8/0

Res: 511013

**9. COMMITTEE REPORTS & RECOMMENDATIONS**

Nil

6.40pm – The Acting director of Planning & Sustainability, the Director of Finance & Administration left the room and did not return.

6.40pm – The Director of Community & Regulatory Services left the room.

**10. MATTERS BEHIND CLOSED DOORS**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 10
MOVED: CR SEENEY	SECONDED: CR PEDRO
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 applicant's name to remain confidential to Council until the official announcement at the winners' current School's 2013 Graduation Ceremony.	
CARRIED: 8/0	Res: 521013

6.47pm – Council proceeded behind closed doors.

**10.1 SHIRE OF DENMARK LEADERSHIP AWARD**

<b>File Ref:</b>	PBR.10
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 October 2013
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	10.1 – Application (Confidential Attachment)

**Summary:**

Council is requested to peruse this year's application 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.

**Comment:**

One Application has been received and is attached.

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.

**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 & Staff to assist with promoting the awards;
- Specific Memo to Council's Youth Centre Co-ordinator requesting assistance in promoting the awards;
- Phone conversation with the Denmark High School Principal.

Council Staff endeavoured to schedule a time for the CEO or Shire President (Deputy at the time) to visit the Denmark High School to promote the Leadership Award to students however the Principal believed that students had received sufficient information already at that stage.

**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 2013/14 Municipal Budget includes an amount of \$1,000 for the Youth Leadership Award (GL1610822).

**Strategic Implications:**

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

**Sustainability Implications:****➤ Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 10.1
MOVED: CR SEENEY	SECONDED: CR PEDRO
That with respect to the 2013 Leadership Award, Council;	
1. Announce <b>EMBARGOED</b> as the successful applicant at the Denmark High School's graduation ceremony in 2013;	
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: 8/0	Res: 531013



<b>10.2</b>	<b>2013 DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP</b>
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<b>File Ref:</b>	PBR.10
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 October 2013
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	10.2 – Applications (Confidential Attachments)

**Summary:**

Council is requested to peruse this year's applications for the Denmark Agricultural College Scholarship and select the successful recipient.

**Background:**

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

**Comment:**

Nine Applications have been received and are attached. This is the same number that were submitted last year.

**Consultation:**

This Scholarship 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 & Staff to assist with promoting the awards;
- Phone conversation with the Denmark Agricultural College Staff Member;
- Phone conversation with the Denmark High School Principal;
- Phone conversation with the Department of Education who advised that it would be effective to liaise directly with the Schools.

Council Staff endeavoured to schedule a time for the CEO or Shire President (Deputy at the time) to visit the Agricultural College and the High School to promote the Scholarship to students however both institutions believed that students had received sufficient information already at that stage.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

*Policy "P080201 DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP*

*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 2013/14 Municipal Budget includes an amount of \$1,000 for the "Ag College Scholarship" (1610832).

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10.2</b>
MOVED: CR ROWLAND	SECONDED: CR GILLIES
That with respect to the 2013 Denmark Agricultural College Scholarship; Council:	
1. Announce <b>EMBARGOED</b> as the successful applicant at their current School's graduation ceremony in 2013 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: 8/0	Res: 541013

6.50pm – Cr Rowland left the room.

6.52pm – The Director of Community & Regulatory Services returned to the meeting.

6.53pm – Cr Rowland returned to the room.

6.53pm – The meeting proceeded in public.

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

<b>COUNCIL RESOLUTION</b>	ITEM 11
MOVED: CR OSBORNE	SECONDED: CR LEWIS
That Council accept an item of new business.	
CARRIED: 8/0	Res: 551013

6.55pm – The Chief Executive Officer left the room.

**11.1 “DOGTOPIA” DOG PARK & “OFF LEAD” EXERCISE STRATEGY**

<b>File Ref:</b>	ORG.79
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	18 October 2013
<b>Author:</b>	Cr Ross Thornton, Shire President
<b>Authorising Officer:</b>	Cr Ross Thornton, Shire President
<b>Attachments:</b>	No

Comments from Cr Ian Osborne

Since the Minutes have been published and the "Denmark Bulletin" has reported, residents in the vicinity of Nellie Saw Park have begun to organise against the proposal. Their argument is that they've bought property in their neighbourhood on the basis that Nellie Saw Park is a passive open space (which includes dogs on leads) and for Council to subsequently change this affects their amenity and property values.

I've heard no objections to the use of Laing Park or Reserve 32279 being in the Strategy. The difference is that these areas are largely undeveloped - with Nellie Saw we are trying to shoehorn an off-lead dog park into an already established residential area.

I'm conscious that rescission motions are untidy things and there is an argument in favour of just letting this process run its course - ie, receive submissions, then make a decision to kill the idea of including Nellie Saw Park from the "Dogtopia" strategy.

However, I think to do this will create unnecessary stress for the residents, who will spend the whole time until the final decision in a state of anxiety and uncertainty. We may well have confidence in our process and that all will turn out well in the end, but not everyone has that level of knowledge and confidence in our system.

I think it's inevitable what will happen here, so we should just deal with this immediately.

Cr Thornton, Cr Lewis & Cr Seeney indicated their support for the following rescission motion.

**COUNCIL RESOLUTION**

MOVED: CR OSBORNE

ITEM 11.1 A  
SECONDED: CR LEWIS

6.57pm – The CEO returned to the room.

That Council rescind Resolution 050913 which reads;  
That Council endorse for the purposes of advertising for public comments for a 60 day period the proposed “Dogtopia” Dog Park and “Off Lead” Exercise strategy, in addition to the existing gazetted areas of the Shire, as follows:

1. Laing Park, Lot 101 Ocean Beach Rd as the site that is proposed to be developed as the primary dog park, for the Shire.
2. Nellie Saw Park, Lot 1054 Horsley Rd as a low key fenced small dog focused “off lead” exercise area.
3. The unnamed portion of Reserve 32279, Lot 1001 that is adjacent to Walters Park that is on Campbell Rd near the corner of Inlet Drive as a low key “off lead” exercise area.
4. Totally excludes dogs from the playing surfaces of the Mclean Park Oval complex.

CARRIED BY AN ABSOLUTE MAJORITY: 8/0

Res: 561013

**COUNCIL RESOLUTION**

MOVED: CR OSBORNE

ITEM 11.1 B  
SECONDED: CR LEWIS

That Council endorse for the purposes of advertising for public comments for a 60 day period the proposed “Dogtopia” Dog Park and “Off Lead” Exercise strategy, in addition to the existing gazetted areas of the Shire, as follows:

1. Laing Park, Lot 101 Ocean Beach Rd as the site that is proposed to be developed as the primary dog park, for the Shire.
2. The unnamed portion of Reserve 32279, Lot 1001 that is adjacent to Walters Park that is on Campbell Rd near the corner of Inlet Drive as a low key “off lead” exercise area.
3. Totally excludes dogs from the playing surfaces of the Mclean Park Oval complex.

CARRIED: 8/0

Res: 571013

**12. CLOSURE OF MEETING**

7.01pm - There being no further business to discuss the Presiding Person, 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.)*