



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 29 JULY 2014.

Contents	Page No.
DISCLAIMER	2
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	3
4. PUBLIC QUESTION TIME	4
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2 PUBLIC QUESTIONS	4
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	6
4.4 PRESENTATION, DEPUTATIONS & PETITIONS	6
5. APPLICATIONS FOR LEAVE OF ABSENCE	6
6. CONFIRMATION OF MINUTES	6
6.1 ORDINARY COUNCIL MEETING – 8 JULY 2014	6
7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	6
8. REPORTS OF OFFICERS	7
8.1 DIRECTOR OF PLANNING & SUSTAINABILITY	7
8.1.1 PROPOSED NORNALUP BOARDWALK AND CANOE LAUNCH FACILITY PROJECT	7
8.1.2 PROPOSED MIXED USE DEVELOPMENT – NO. 3 (LOT 200) STRICKLAND STREET, DENMARK	11
8.2 DIRECTOR OF COMMUNITY & REGULATORY SERVICES	29
8.2.1 CONCEPT PAPER – REVIEW OF THE EMERGENCY SERVICES ACTS	29
8.3 DIRECTOR OF INFRASTRUCTURE SERVICES – Nil	32
8.4 DIRECTOR OF FINANCE & ADMINISTRATION - Nil	32
8.5 CHIEF EXECUTIVE OFFICER	33
8.5.1 RECOGNITION OF SERVICE POLICY AMENDMENT	33
9. COMMITTEE REPORTS & RECOMMENDATIONS	35
10. MATTERS BEHIND CLOSED DOORS	35
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	35
12. CLOSURE	35

Ordinary Council Meeting

29 July 2014

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.03pm – The Shire President, Cr Ross 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)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Mr Rob Whooley (Director of Infrastructure Services)
- Mr Kim Dolzadelli (Director of Finance & Administration)

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 7
- Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Nil

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that earlier in the day Council had considered and adopted the 2014/2015 Municipal Budget at a Special Meeting of Council. Cr Thornton added that the increase in Rates was 4.99% which was across the board with no adjustment to the relativities between the differential rates from last financial year.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Mr Geoff Ireland – Item 8.1.1 (Proposed Nornalup Boardwalk and Canoe Launch Facility Project)

Mr Ireland, the owner of Nornalup Riverside Chalets, expressed concern that the plan proposed to revegetate an area on the bank of the Nornalup River which he used to store, launch and retrieve his canoes that he hired out to the public. Mr Ireland noted some difficulty with housing the canoes at the Chalets and having to transport them every time one was hired. Mr Ireland asked whether the Shire would intervene or allow him to store his canoes along the riverbank or on Council land adjoining.

4.09pm – The Director of Community & Regulatory Services left the room.

4.2.2 Mr Shaun Ossinger – Item 8.1.1 (Proposed Nornalup Boardwalk and Canoe Launch Facility Project)

Mr Ossinger, Marine Park Co-ordinator for the Department of Parks & Wildlife, gave some background to the project, noting the complexity of getting necessary approvals, making sure that all stakeholders were happy with the proposal and ensuring conservation of the marine park. Mr Ossinger stated that the area Mr Ireland was referring to had been identified as one of the lowest sections of the riverbank and, as such, a potential point source for pollution, which was the reason why the area required revegetation. Mr Ossinger also noted that the development would include many different aspects ensuring that it was universally accessible and enable broad public access to the Nornalup River.

4.18pm – The Director of Community & Regulatory Services returned to the room.

4.2.3 Mr Graeme Robertson – Item 8.1.2 (Proposed Mixed Use Development – No. 3 (Lot 200) Strickland Street, Denmark)

Mr Robertson, the proponent, stated that he was pleased to see that the Director of Planning & Sustainability had recommended approval of the development noting that it would be the first new building within the Denmark CBD for some 13 years. Mr Robertson asked whether Council would consider halving the number of parking bays required as he did not believe that there would be a need for the additional bays.

4.28pm – Cr Osborne left the room.
 4.30pm – Cr Osborne returned to the room.

4.2.4 Ms Jan Watson – Item 8.1.1 (Proposed Nornalup Boardwalk and Canoe Launch Facility Project)

The Shire President asked the Chief Executive Officer to read out a letter which Ms Jan Watson had sent the State’s Environment Minister noting that the author had requested that the letter be tabled for Councillors.

The Chief Executive Officer read out the letter which supported the boardwalk proposal.

4.37pm – Cr Sampson left the room.
 4.39pm – Cr Sampson returned to the room.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

COUNCIL RESOLUTION	ITEM 5
MOVED: CR SEENEY	SECONDED: CR LEWIS
That Cr Gillies be granted leave of absence for the meeting scheduled for 23 December 2014.	
CARRIED UNANIMOUSLY: 9/0	Res: 160714

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR MORRELL	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 8 July 2014 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 170714

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 PROPOSED NORNALUP BOARDWALK AND CANOE LAUNCH FACILITY PROJECT

File Ref:	GOV.64
Applicant / Proponent:	Department of Parks and Wildlife
Subject Land / Locality:	Reserve 13045, Walpole-Nornalup National Park
Disclosure of Officer Interest:	Nil
Date:	11 July 2014
Author:	Donna Sampey, Sustainability Officer
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
	8.1.1a – Plan Showing Tenure of the Frankland River Foreshore Area
Attachments:	8.1.1b –Letter from DPaW Regarding Proposed Boardwalk and Canoe Launch Facility Project
	8.1.1c – Budget Estimate

Summary:

The Department of Parks and Wildlife (DPaW) have requested formal support from Council for a proposed boardwalk and canoe launch facility at Nornalup abutting the Frankland River (being Reserve 13045 which is Crown Land managed by DPaW as part of the Walpole-Nornalup National Park). The concept plans meet DPaW’s responsibilities for the National Park, and the adjoining Walpole-Nornalup Marine Park, to provide sustainable recreational access which does not impede on ecological values, in accordance with the relevant management plans.

Whilst widespread support has been generally received from stakeholders and the community, the Nornalup Residents and Ratepayers Association (NRRRA) have resolved at a recent Committee Meeting to object to some components of the proposed design.

DPaW have advised that they are unable to accommodate the changes requested by the NRRRA and are now seeking formal Council support to proceed with the current concept design and a financial commitment to the project.

Background:

Proposals for a boardwalk on the Frankland River foreshore at Nornalup have been circulating since at least 2009 but have never eventuated for reasons including lack of funding, external approval requirements or failure amongst stakeholders to agree on a design. Most recently, DPaW, after consultation with the Nornalup community, Shire of Denmark, South Coast NRM, South West Aboriginal Land and Sea Council (SWALSC) and local traditional custodian Wayne Webb, have produced a concept plan for a combined boardwalk and canoe launch facility to be located at the current canoe launch site on the Nornalup foreshore. The site is located opposite the Nornalup Riverside Chalets (No. 6686 (Lot 100) South Coast Highway Nornalup) and is within Reserve 13045 (part of Walpole-Nornalup National Park) which is managed by DPaW. Attached as Attachment 8.1.1a is a map depicting the tenure of the Nornalup foreshore area.

The need for a boardwalk was driven by community desires to formalise access to the river from adjacent Riverside Drive, increasing the area’s amenity and use for locals and visitors alike. Seasonal inundation currently prevents year-round access to the river in this area and lack of formal infrastructure to manage access has contributed to erosion and progressive degradation of the riparian vegetation. The NRRRA have long supported construction of a boardwalk to enhance the foreshore area and their community survey conducted in 2012 indicated 72% of respondents support the concept of a “boardwalk leading from the rear of the Community Hall down to the riverbank and ending in a

viewing platform offering quiet contemplation of the river” (out of a total of 54 responses).

The Boardwalk & Canoe Launch Facility Project

DPaW’s concept plan for the proposed boardwalk and canoe launch facility project (refer Attachment 8.1.1b) incorporates:

- raised timber decking extending from Riverside Drive to the river, incorporating disabled access;
- picnic table and seating;
- canoe launch;
- steps into the water, which will allow safe recreational swimming in conjunction with a proposed ‘motor vessel exclusion zone’ around the boardwalk (in consultation with the Department of Transport);
- rehabilitation of the grassed area that is currently utilised to launch and store canoes (storage of canoes is by the Nornalup Riverside Chalets); and
- a pathway connecting the Nornalup Hall & Settlers Park carparking area with the boardwalk and widening of the Riverside Drive road reserve to include a drop off area (noting this is the part of the project that will be located on Shire managed lands).

DPaW have estimated the overall project cost (maximum) at \$119, 150 (excl. GST) - refer Attachment 8.1.1c.

Consultation:

DPaW are following the Department of Aboriginal Affairs (DAA) *Aboriginal Heritage Due Diligence Guidelines* in order to obtain the appropriate aboriginal heritage approvals. Given the negligible site impact, previous degradation and purpose of the project being rehabilitation, the traditional owner consultation DPaW have already performed and subsequent endorsement by SWALSC and Wayne Webb meets DPaW’s responsibilities prescribed by the *Guidelines*. In the event that any additional approvals are required by DAA (i.e Regulation 10), DPaW will manage the process and given the consultation already conducted, approvals are expected to be quick.

As mentioned above, the concept has been supported by SWALSC given the development footprint of the current proposal is no larger than existing and the entire area is to be rehabilitated. General support was also expressed by the Nornalup Foreshore Working Group during a meeting held on 21 May 2014. The Working Group was recently formed by DPaW with support from the Shire and South Coast NRM. Members include representatives from these agencies as well as the NRAA and Nornalup community. The group was established to engage with the local community and stakeholders to conduct on-ground works eg. rehabilitation, erosion control, weeding, across the range of tenures on the Nornalup foreshore.

The exception to the Nornalup Foreshore Working Group support at the 21 May 2014 meeting was the Nornalup Riverside Chalets as they were concerned about the lack of areas to store their canoes under the new proposal.

At their Committee Meeting on 9 June 2014, the NRRA resolved the following:

Gail Guthrie moved that we support the concept of a boardwalk, but we wish to retain the existing canoe launching area, which should be improved with a handrail, and that the area to the right (east) of the proposed boardwalk be retained for passive recreation; seconded by Ian Payton – carried unanimously.

Statutory Obligations:

There are no known significant statutory obligations relating to the report or officer recommendation, noting that any approvals required to be obtained from DAA will be sought by DPaW.

Policy Implications:

The *Walpole and Nornalup Inlets Marine Park Management Plan 2009 – 2019* and *Walpole Wilderness and Adjacent Parks and Reserves Management Plan 2008* govern DPaW management of the area of Nornalup foreshore under State Government tenure.

Budget / Financial Implications:

At this stage the Shire has allocated \$60,000 (excl. GST) in the draft 2014-15 budget. A Special Meeting of Council is scheduled for 2pm on 29 July 2014 to adopt the 2014-15 budget, thus when Council comes to consider this item at the 29 July 2014 Council Meeting (commencing at 4pm) a determination on the allocation of funds would have been made.

Should Council not support the project, the \$60,000 allocated in the draft 2014-15 budget could be re-allocated to another project.

Strategic Implications:

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

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

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

Waterways Goal - That the Shire of Denmark acknowledge the importance of rivers, inlets and coastline to residents, visitors and the local economy, and implements and advocates for policies with other relevant authorities and organisations to maintain these to a high standard of health and amenity.

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

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

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

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

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

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

The concept plan for the boardwalk and canoe launch facility project aims to facilitate access to the Frankland River for a variety of activities including fishing, swimming and passive pursuits, whilst rehabilitating and maintaining the native riparian vegetation. The project seeks to balance the needs of the community while maintaining the riparian strip as an important buffer protecting the health of the river and mitigating against bank erosion and weed encroachment. This will be achieved by formalising access via a raised boardwalk and rehabilitating the grassed area and eroded banks with local native plants.

➤ **Economic:**

The proposed boardwalk and canoe launch facility project represents a partnership between local and state government to meet the needs of the local community.

➤ **Social:**

In general, there is wide-spread support throughout the Nornalup community for a boardwalk on the Frankland River foreshore. The community have long-expressed desire for a facility which will facilitate sightseeing, fishing, swimming and canoe launching. The current proposal incorporates these requirements.

Comment/Conclusion:

In relation to NRRRA's objections in relation to lack of a suitable area to store canoes by a local business and removal of the grassed area for passive recreation, the following is relevant in considering this matter:

- DPaW advises that the current proposal is unable to accommodate any canoe storage due to the limitations in size of the development footprint and requirement to rehabilitate the grassed area (as conditioned by SWALSC).
- The boardwalk design does provide room and dedicated facilities, eg. table and seating, for passive recreation including fishing and picnicking, albeit on the boardwalk and not on a grassed area.
- The only existing use not able to be accommodated by the project works is the storage of canoes on the foreshore area (noting this is land managed by DPaW).
- NRRRA's resolution was made by the Committee and was not a decision reached upon comments by the wider membership of NRRRA.
- The NRRRA 9 June 2014 committee meeting minutes stated that there was no support in the 2012 Nornalup Community Survey (conducted by the Association) for rehabilitation of the foreshore. In this regard it should be noted that no questions of this nature were asked.

From a Sustainability Services perspective, the project as presented by DPaW offers a workable compromise between the competing needs of stakeholders by providing a boardwalk that allows a variety of passive recreational opportunities, accommodating new and existing activities, along with protection and enhancement of the fragile riparian ecosystem required by management plans for the area and traditional owner wishes. Necessary consultation and approvals have been obtained by DPaW to-date, which means there are no foreseen impediments to commencement of the project, other than the objections raised by the NRRRA Committee.

Notwithstanding the officer’s recommendation, should Council have similar concerns to those of NRRRA, the following options are presented for Council’s consideration:

1. Advise DPaW that the current concept plan is not supported and that the Shire of Denmark is not prepared to provide financial support to the project at this point in time.
2. Advise DPaW that the position of the Nornalup Residents and Ratepayers Association is fully supported by Council (i.e. access improvements to existing canoe launch area, retention of grassed area (i.e. no rehabilitation) and approval to store canoes on the foreshore reserve) and request DPaW modify the concept plan accordingly to accommodate such requests – noting that upon the modified concept plans being supported by the Nornalup Residents and Ratepayers Association, the Shire will allocate \$60,000 (excl. GST) to the project.

It should be noted that failure to support the current proposal for the Boardwalk & Canoe Launch Facility could result in this project being postponed indefinitely and the community will again miss out on a boardwalk that it has requested for some years.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1
MOVED: CR GILLIES	SECONDED: CR SEENEY
That Council, with respect to the Department of Parks and Wildlife’s (DPaW) proposed Boardwalk and Canoe Launch Facility Project on the Nornalup foreshore:	
<ol style="list-style-type: none"> 1. Support the current concept plan as detailed in Attachment 8.1.1b; 2. Allocate \$60,000 (excl. GST) towards the project subject to: <ol style="list-style-type: none"> a) The project works including the construction of the pathway connecting the Nornalup Hall & Settlers Park carparking area with the boardwalk and widening of the Riverside Drive road reserve to include a drop off area; and b) The final detailed design of project works, including the pathway connections and drop off areas works, being approved by the Shire of Denmark’s Chief Executive Officer. 3. Advise DPaW and the Nornalup Resident and Ratepayers Association of Council’s decision. 	
CARRIED UNANIMOUSLY: 9/0	Res: 180714

8.1.2 PROPOSED MIXED USE DEVELOPMENT – NO. 3 (LOT 200) STRICKLAND STREET, DENMARK

File Ref:	A1483 (2013/241)
Applicant / Proponent:	Ayton Baesjou Planning on behalf of Nostrebor Pty Ltd, Frenesi Pty Ltd & Sven James Robertson
Subject Land / Locality:	No. 3 (Lot 200) Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	14 July 2014
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2a – SAT’s Published Reasons for Determination 8.1.2b – Planning Application 2013/241 Documentation (June 2014) 8.1.2c – Table 4 of the R-Codes 8.1.2d – Elevation Plan With Height Delineations 8.1.2e – Clause 6.3.3 Parking of the R-Codes

Summary:

The proponent is seeking Planning Approval for a mixed use development (restaurant, café), four (4) tenancies at ground level for commercial (shop/office) usage and seven (7) multiple dwellings (first floor permanent residential units) on No. 3 (Lot 200) Strickland Street, Denmark.

After assessment of the proposal having regard to the relevant requirements of Town Planning Scheme No. 3, (TPS No. 3) relevant Town Planning Scheme Policies and the Residential Design Codes, the proposal represents a good development outcome for the site with appropriate conditions being imposed to address issues such as car parking shortfall and interface with the adjoining streetscape.

Background:

Current Application

An application for Planning Approval was lodged with Planning Services in December 2013 for a mixed use development comprising a café, four (4) tenancies at ground level for commercial (office) or residential usage (depending on the future owner’s requirements) and seven (7) residential units on the first floor.

Council considered this matter at the Ordinary Meeting of Council held on 21 January 2014 and resolved as follows (Res No: 060114):

That the item be adjourned to the next meeting of Council on Tuesday, 11 February 2014, pending consideration of receipt of the proponent’s legal advice and reconsideration of Council’s legal advice.

This matter was re-considered at the Ordinary Meeting of Council held on 11 February 2014 wherein Council resolved as follows (Res No: 040214):

That Council with respect to the planning application for the Proposed Mixed Use Development on No. 3 (Lot 200) Strickland Street, Denmark resolves to:

1. *Refuse Planning Approval for the ‘multiple dwelling’ component of the development for notwithstanding as per Clause 3.2.5 of Town Planning Scheme No. 3 the proposed use of ‘multiple dwelling’ may be consistent with the purpose and intent of the ‘Commercial’ zone, the extent of the residential development proposed is not consistent with the R25 density coding that applies to the site as per Town Planning Scheme No. 3 in that the maximum permissible number of dwellings is four (4) as per Part 5 and Table 1 of State Planning Policy 3.1: Residential Design Codes;*
2. *Advise the applicant that:*
 - a) *The office and restaurant (café) components of the development are permitted land uses for the site as per Town Planning Scheme No.3, however a full*

assessment of the appropriateness of these components of the development having regard to the relevant Town Planning Scheme No. 3 provisions (i.e. setbacks, car parking requirements etc) has not been undertaken at this stage given that the overall design philosophy for the site is for a mixed use development incorporating residential development on-site and it is considered that approval to these elements of the development without the residential development on-site is not in keeping with the development proposal for the site, and if residential development was not proposed then the development form on-site is likely to be entirely different.

- b) The Shire of Denmark is prepared to consider a proposal for a mixed use development on-site that proposes a maximum of four (4) grouped and/or multiple dwellings subject to compliance with the relevant Town Planning Scheme No. 3 and State Planning Policy 3.1: Residential Design Code provisions.*
- c) Should the owner wish to pursue a proposal that provides for residential development on-site that does not comply with the R25 density coding that applies to the site, the following options are available:*
 - i) Lodge a Scheme Amendment Request to TPS No. 3 as per Council Policy P100601;*
 - ii) Lodge a formal Scheme Amendment to TPS No. 3 to alter the density coding of R25 that currently pertains to residential development on-site;*
 - iii) Seek, via discussions with Councillors and staff to have scheme provisions within Town Planning Scheme No. 4 that achieve the owner's desired outcome(s) for the site; or*
 - iv) Lodge a submission when Town Planning Scheme No. 4 is advertised for public comment should the proposed scheme provisions not achieve the owner's desired outcome(s) for the site.*

Following Council's resolution, a Right of Review with the State Administrative Tribunal (SAT) was lodged. From the Directions Hearing held on 11 April 2014 on this matter, it was ascertained that the preliminary issue for determination was *"Whether there is power for the Council to vary the density code in relation to the development application under Clause 5.3.3 of Shire of Denmark TPS 3"*.

The hearing of the preliminary issue was considered on the 14 May 2014 before Deputy President his Honour Judge Parry, wherein SAT issued an Order as per the following:

- 1. The preliminary issue is answered as follows:
"The respondent has power to vary the density code in relation to the development application under Clause 5.3.3 of the Shire of Denmark Town Planning Scheme No. 3".*
- 2. The matter is referred to mediation at the respondent's office on a date to be set.*
- 3. By 16 May 2014 the applicant is to advise the Tribunal of mutually available dates for a one day mediation.*

Attached at Attachment 8.1.2a for Council's information is a copy of the Tribunal's published reasons in relation to the above determination.

Following issuance of the above SAT Order, both parties' lawyers liaised regarding Orders 2 & 3 of the SAT Order and the best way to move forward on this application. As a result, both parties agreed to a Minute of Consent Orders being made as follows:

- 1. Orders 2 & 3 made by the Deputy President, his Honour Judge Parry on 14 May 2014 for the matter to be referred to mediation, and for available dates to be advised to the Tribunal, are hereby cancelled.*
- 2. Pursuant to s.31(1) of the State Administrative Tribunal Act 2004 (WA), the Council of the Shire of Denmark is invited to reconsider its decision in the above matter at the next available Ordinary Council Meeting on or before 31 July 2014.*
- 3. The matter is listed for a further directions hearing on Friday, 1 August 2014.*

Following the SAT determination, the applicant lodged amended drawings for a mixed use development comprising a restaurant (café), four (4) tenancies at ground level for commercial (shop/office) usage and seven (7) multiple dwellings (first floor permanent residential units) – refer Attachment 8.1.2b.

Consultation:

External Consultation:

As the proposed land use of 'Multiple Dwellings' is a "Use Not Listed" in accordance with TPS No. 3, 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 12 June 2014 inviting public comment;
- The application was referred to nine (9) adjoining landowners inviting comment; and
- The application was referred to the Department of Lands inviting comment (on basis of verandah encroaching into the Strickland Street road reserve).

No public submissions were received on the proposal, with the submission from the Department of Lands providing the following comments:

The Department of Lands supports the proposed Development Application and Building Application provided that:

- 1. The minimum height above the footpath is 2.75 metres consistent with current policy guidelines or at height considered to be of a safe level having regard for the contour of the land being developed;*
- 2. The structure is not permanent and could be dismantled if required;*
- 3. That the verandah does not form part of a balcony (or be used as a balcony) that would increase the floorspace of the adjoining building; and*
- 4. The Shire of Denmark indemnifies (and keeps indemnified) the Minister for Lands for all costs and any liability in regard to the proposed structure.*

All of the issues referenced by Department of Lands can be addressed via conditions on the Planning Approval.

Internal Consultation

- Development Co-ordination Unit.

Statutory Obligations:

TPS No. 3 and the R-Codes (State Planning Policy 3.1) specify the pertinent planning provisions for the proposal.

In accordance with TPS No.3, the subject site is zoned "Commercial (R25)", and given the proposal is for a mixed use development as per Clause 5.3.3 of TPS No 3 Council determines the applicable density code that relates to the development proposal (notwithstanding the designation on the Scheme map).

Policy Implications:

Town Planning Scheme Policy No. 15: Townscape Policy, Town Planning Scheme Policy No. 31: Commercial Strategy and Town Planning Scheme Policy No. 42: Public Art are relevant to this planning application and have been considered accordingly in the assessment of this application.

Budget / Financial Implications:

Should the applicant wish to pursue the current Right of Review with the State Administrative Tribunal, the Shire of Denmark will be required to cover its costs associated with the Right of Review process.

As per Council's draft 2014-15 Fees & Charges Schedule (noting that at the time of writing this report the Schedule is still 'draft'; however Council will be considering adoption of the 2014-15 Budget (including adoption of the Fees & Charges Schedule) at the Special Meeting of Council scheduled for 2pm on 29 July 2014, thus when Council comes to consider this item at the 29 July 2014 Council Meeting (commencing at 4pm) the 2014-15 Fees & Charges Schedule would have been adopted), cash in lieu of car parking is to be calculated as per the following:

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

Definition of formula terms:

- "Bay Size" = 27m²
- "Construction Cost" = \$2,215 per bay
- "Land Value per m²" = as determined by a licensed valuer, and agreed to by the Shire of Denmark
- "Shortfall" = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided

The car parking shortfall for this development is twelve (12) car parking bays (refer 'Comment/Conclusion' section of the report for more information in this regard), and Planning Services are recommending that Council require a cash-in-lieu payment for the entire shortfall.

For Council's information in considering the likely figure that would apply in this instance, a commercial development in Strickland Street recently paid \$10,250 for a shortfall of one (1) car parking bay (noting the construction cost was only \$2,150 per bay). Therefore utilising this as an indicative figure, this cash-in-lieu payment of \$123,000 would apply.

As at July 2014, the Shire has \$10,250.00 held as 'Restricted Cash' as cash-in-lieu payments received from other commercial developments in the CBD area (noting in the last two (2) years cash-in-lieu funds totalling \$205,803.17 have been utilised for provision of public car parking at Randall Park & Millars Creek/North Street).

Strategic Implications:

The site is designated 'Town Centre – Inner Core' in the Local Planning Strategy (2011). As per the Local Planning Strategy (2011) one of the 'Future Retail' objectives is "To ensure that the Denmark town centre continues to be the focus for all forms of commercial activity that support a vibrant town centre and to ensure that future development enhances its village character".

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

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

Economic Goal: Development – that the Shire of Denmark closely monitor development and associated infrastructure needs in the region, and acts in conjunction with other

authorities and agencies to plan development which is sensitive, timely and appropriate to the community's needs.

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

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

Sustainability Implications:

➤ **Governance**

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

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation; noting that the officer recommendation recommends Planning Approval with conditions imposed to address the environmental related matters (e.g. stormwater management).

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation; noting however that the development, both during and after construction, will provide local employment opportunities.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation; noting that the officer recommendation recommends Planning Approval with conditions imposed to address social issues such as car parking and amenity.

Comment/Conclusion

The proposal has been assessed having regard to the relevant provisions of TPS No. 3, relevant Town Planning Scheme Policies, the R-Codes and the proposal is generally compliant with, or can be conditioned to comply with, the relevant requirements with the exception of the following issues that require Council's determination:

- the density coding to apply to this proposal;
- the car parking requirements to apply; and
- the setbacks of the development to North Street and Strickland Street.

Each of these issues is discussed in detail below.

Density Coding

As has recently been determined by SAT, noting the provisions of Clause 5.3.3 of TPS No. 3 the Council has the ability to determine the applicable density code that is to relate to the development proposal notwithstanding the designation on the Scheme map.

The subject proposal is seeking approval for the development of seven (7) multiple dwellings on-site, in addition to a restaurant (café) and four (4) commercial (shop/office) units. The residential component of the development proposes a plot ratio of 0.34 and based on the building heights (top of wall height & top of roof height), the applicant contends that the density coding of R50 should apply.

In determining the appropriate density coding to apply to this particular proposal, Council should initially give due regard to the 'R25' designation provided on the Scheme map and then consider whether the subject proposal warrants any variation to the density coding as a result – taking into account a range of factors including but not limited to building bulk, scale, height, provision of appropriate facilities (e.g. car parking, open space) and relationship to adjoining developments.

In relation to whether the 'R25' density code is appropriate or whether the density coding should be increased (or even decreased), the following is provided for Council's consideration:

- The density coding of R25 to the town centre (including the subject lot) was introduced via Amendment No. 59 to TPS No. 3 – noting that Amendment No. 59 reviewed all residential density codings in the vicinity of the Denmark townsite to allow development to a higher density coding in appropriate areas. Prior to Amendment No. 59 the site had a density coding of R15.
- If the R25 density coding was to be applied to the subject site, as per Table 1 of the R-Codes the maximum permissible number of dwellings (single house, grouped dwelling or multiple dwelling) that could be developed on-site is four (4).
- From a Planning Services perspective, mixed use developments in a town centre environment whereby activation and vitality is encouraged is appropriate. The key is to ensure that overall a good development outcome is achieved, and it is acknowledged in some part that the application of a R25 density coding to the residential component could be a limiting factor in achieving a good design outcome for the site.
- Should a density coding of R30 or above apply, and noting this proposal entails 'multiple dwellings', then Part 6 of the R-Codes would apply. In this regard there is no minimum site area for multiple dwellings with a density coding of R30 and above – noting that the extent of development is guided by requirements such as plot ratio, setbacks, building height, car parking and open space. This approach essentially provides a 'building envelope' within which a development proposal can be considered rather than taking the approach that development on-site is initially governed by a limit on the number of residential units – thus providing for the design to respond accordingly utilising design principles.
- Table 4 of the R-Codes (attached at Attachment 8.1.2c) is utilised to assess multiple dwelling applications in areas coded R30 or greater as per the 'Deemed-to-Comply' provisions of the R-Codes (that is if the development complies with such provisions then there is no ability for the Council to refuse the proposal as such).

This proposal is for a development with a plot ratio of 0.34, thus on this basis alone it would comply with the maximum plot ratio provisions for the density codings ranging from R30 – R160.

- Plot ratio provisions should not be considered in isolation of other development requirements when determining an appropriate density coding to apply, thus Table 4 of the R-Codes also references setback and height requirements (noting however that TPS No. 3 setbacks will apply in this instance).

The maximum height provisions that relate to R30 and R40 density codings effectively provides for two-storey development as-of-right, whilst the maximum height provisions that relate to R50 and R60 density codings provide for three-storey development as-of-right and so on.

In this regard this proposal is for a maximum top of wall height of 6.4 metres and maximum top of roof height of 9.7 metres, thus the basis for the applicant referencing that R50 should apply such that the 'Deemed-to-Comply' provisions relate rather than assessment via the 'Design Principles' criteria.

The development proposal is effectively a two-storey development (with undercroft development), with only minor encroachments above the ‘Deemed-to-Comply’ maximum wall height provisions that would relate to R30 – R40 density codings (refer Attachment 8.1.2d).

From a Planning Services perspective it is considered that these minor encroachments should be dealt with utilising the ‘Design Principles’ criteria of the R-Codes rather than referencing the applicable density coding of R50 and above should apply – noting that by applying the R50 coding this would then effectively support three-storey development as-of-right and it is considered that this should not be an ‘as-of-right’ provision; that is applications seeking to vary the ‘Deemed-to-Comply’ provisions should be assessed against the relevant ‘Design Principles’ whereby site specific situations can be taken into account (i.e. slope of the site, appropriateness of design, impacts on streetscape and adjoining developments etc).

- When assessing the current proposal in terms of building bulk, scale and height only, it is considered that the proposal as presented is a good development outcome that has been able to be achieved utilising the R30 density coding applying to the site and the minor height encroachments being supported via assessment of ‘Design Principles’ criteria - as opposed to applying the R50 density coding as proposed by the applicant on the basis that this effectively approves three-storey developments as-of-right.

Having regard to all of the above, Planning Services recommend that Council should acknowledge that applying the R25 density coding for the subject site could be a limiting factor in achieving the desired outcomes for mixed use development in the Denmark CBD area, and consequently having regard to Clause 5.3.3 of TPS No. 3 determines that the applicable density code that should relate to the subject site is R30 - noting that Council is prepared to consider variations to the maximum height criteria as referenced in Table 4 of the R-Codes having regard to the ‘Design Principles’ criteria that applies to Building Height.

It should be noted that the above recommendation for the applicable density coding has also been considered in context of the car parking requirements for this site – refer section below addressing this issue.

Car Parking Requirements

As per TPS No. 3 and the Deemed-to-Comply criteria C3.1 of Clause 6.3.3 Parking of the R-Codes (noting this assumes a density coding of higher than R25 is supported by Council), the on-site car parking requirements for the development are as follows:

Land Use	Applicable Scheme or R-Code Provision	Required No. Of Bays
Restaurant	1 bay per 4 persons	8 bays (based on maximum occupancy of 32 persons)
Shop/Office	1 bay per 40m ² gross leasable area	9 bays (based on 344.02m ² gross leasable area)
Multiple Dwellings	<p><u>Location B</u> (NB: applies when Location A criteria does not. Location A criteria is that the site is within 800m of a train station on a high frequency rail route or 250m of a high frequency bus route)</p> <ul style="list-style-type: none"> • Small (<75m² plot ratio area or 1 bedroom) – 1 bay • Medium (75-110m² plot ratio area) – 1.25 bays 	11 bays (based on 1.25 bays each for Units 5, 7, 8, 9, 10 & 11; 1 bay for Unit 6; 1.75 bays for visitor parking)

	<ul style="list-style-type: none"> • Large (>110m² plot ratio area) – 1.5 bays • Visitors car parking spaces (per dwelling) – 0.25 bays 	
		TOTAL – 28 bays

The development proposal as presented provides for sixteen (16) car parking bays on-site, thus representing a shortfall of twelve (12) car parking bays.

In this regard, the applicant is seeking Council approval to:

1. Utilise the Location A criteria as per the ‘Deemed-to-Comply’ criteria C3.1 of Clause 6.3.3 Parking of the R-Codes on the basis that the development is located within the CBD and neither a train or bus is needed to access all the facilities and amenities within the Denmark town centre, thus a lesser parking provision is considered appropriate.
2. Support the required number of visitor car parking bays being provided in the public realm rather than on-site given the extensive on-street parking within Strickland Street and that it is anticipated most visits to the units will occur outside normal working hours when car parking in the area is not at a premium.
3. Not require cash-in-lieu apply to any shortfall in car parking bays on-site on the basis that there is available car parking already in the adjoining locality (i.e. right angle car parking on Strickland Street directly abutting the site and 28 car parking bays on the northern side of North Street) as well as the proposed relocation of the IGA supermarket reducing the pressure for car parking in this part of the CBD.

Comments in Relation to Point 1

A development proposal is eligible for assessment utilising the Location A criteria of C3.1 of Clause 6.3.3 Parking of the R-Codes if any part of the subject lot is within:

- 800 metres to a train station located on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform; or
- 250 metres from a high frequency bus route, measured in a straight line from any location along the route to any part of the subject lot.

Obviously the above is not relevant to Denmark, thus utilising the ‘Deemed-to-Comply’ provisions of the R-Codes, the Location B criteria is relevant – resulting in the required car parking bays for the residential component of the development being eleven (11) bays as opposed to nine (9) if the Location A criteria was to be used.

In assessing the request for reduced car parking against the relevant ‘Design Principles’ (refer Attachment 8.1.2), Planning Services do not necessarily support the applicant’s submission that car parking requirements for the residential component of the development will be reduced just on the basis that the site is located within the Denmark CBD – noting that not everyone’s employment, service & facility needs can be met from the existing development in the Denmark CBD, thus it is considered highly likely that a development of this nature will still require residential car parking to be provided on-site to address such needs.

Comments on Point 2

From a Planning Services perspective, although there may be some merit in supporting the required visitor parking bay (being 2 bays) off-site, overall it is considered that Council not support this request on the basis in light of the comments provided in relation to Point 3 below.

Comments on Point 3

From a Planning Services perspective it is not considered appropriate to waive the requirement for cash in lieu associated with the twelve (12) car parking bay shortfall having regard to the following:

- The applicant is seeking Council approval to maximise the extent of development on-site (both commercial and residential) whilst also seeking Council approval to not provide the required car parking in either the private (i.e. on-site) or public realm (via cash-in-lieu). From a Planning Services perspective, the applicant/landowner is effectively seeking to “have their cake & eat it” – that is seeking to develop the site with no expense to the landowner or with limited community benefit as a result.

From a Planning Services perspective, if the developer does not wish to pay cash-in-lieu for the car parking shortfall, then the development should be redesigned accordingly such that the development footprint is reduced thus providing the opportunity for all car parking required to be provided on-site.

- The proposal is only seeking to provide for 57% of the car parking generated by the development on-site.
- Notwithstanding that the subject site is located in the CBD, this development proposal will generate a genuine requirement for car parking (either on-site or in the public realm) associated with both the commercial and residential components of the development.
- The commercial development component of the development alone requires seventeen (17) car parking bays – noting that the development proposal only seeks to provide sixteen (16) car bays on-site.
- Car parking in the surrounding areas has more recently been funded via townscape improvement projects (via combination of Country Local Government Funds and municipal funds (i.e. ratepayer monies)) and cash-in-lieu car parking funds received from other commercial developments that did not meet their on-site car parking requirements (e.g. Denmark Medical Centre paid cash-in-lieu for a shortfall of 15 car parking bays of \$152,625).
- The applicant’s reference that IGA will be relocating is not necessarily a given; noting that regardless, any other development that occupies this building should the supermarket relocate will generate car parking requirements as well that may require off-site parking to be utilised as well by its customers (as is the current case with IGA notwithstanding they have numerous on-site car parking bays as well).
- Notwithstanding that the Morgan Richards Community Centre has provided the required on-site car parking bays, the very nature of the usage of these site may likely generate the need for additional off-site car parking at any time (day or night; 7 days a week). Coupled with the existing Denmark CBD car parking demands for public parking, the assumption by the applicant that there is ample ‘available’ parking is not considered correct.
- The 2012/13 Shire of Denmark Community Needs and Customer Satisfaction Survey Report, 59.6 % of respondents agreed or strongly agreed that Council should provide more parking in the CBD area (noting that only 18.2% strongly disagreed or disagreed, with 22.2% responding ‘neutral’ or ‘unsure’).
- Accepting payment of cash in lieu by commercial developments that are unable to provide on-site car parking provides suitable funding mechanisms to enable Council to provide such parking in the public domain which will benefit all commercial developments in the CBD area.

Having regard to the above, Planning Services recommend that a condition be imposed on the Planning Approval that the shortfall of twelve (12) car parking bays be addressed via a cash-in-lieu payment as per Clause 5.23 of TPS No. 3.

Setbacks of the Development to North Street and Strickland Street.

As per TPS No. 3 the minimum front setback for development in the ‘Commercial’ zone is nil, with Town Planning Scheme Policy No. 31: Commercial Strategy referencing that

all buildings, including corner sites, should be built to the footpath and cover the full width of the site.

The proposal as presented provides for:

- Recessed building fronts of approximately 1.2 metres to 4.3 metres associated with the commercial ground floor units, noting there is a balcony above the recessed area and a verandah over the section of Strickland Street footpath abutting the commercial ground floor units.
- The café component has a setback of 1.3 metres from North Street and setbacks to Strickland Street ranging from approximately 5.5 metres to 7.8 metres, with this area being utilised for landscaping purposes.

From a Planning Services perspective, it is considered that the café component of the development should ideally have sought to provide a nil setback to Strickland Street – however on balance and recognising that this area is proposed for landscaping purposes and not car parking, it is considered that the proposal as presented is appropriate in terms of setbacks and street relationship.

Conclusion

Overall the development proposal as presented from a ‘built form’ perspective is considered to be a good development outcome, noting that this summation is subject to the requirement for cash-in-lieu to be paid for the associated car parking shortfall that results from the development as proposed.

Having regard to all of the above, Planning Services recommend that Council should acknowledge that applying the R25 density coding for the subject site could be a limiting factor in achieving the desired outcomes for mixed use development in the Denmark CBD area, and consequently having regard to Clause 5.3.3 of TPS No. 3 determines that the applicable density code that should relate to the subject site is R30 - noting that Council is prepared to consider variations to the maximum height criteria as referenced in Table 4 of the R-Codes having regard to the ‘Design Principles’ criteria that applies to Building Height.

Voting Requirements:

Simple majority.

5.03pm – *The Chief Executive Officer left the room.*

5.04pm – *The Chief Executive Officer returned to the room.*

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR MORRELL	SECONDED: CR GILLIES
<p>That Council, pursuant to section 31 of the State Administrative Tribunal Act 2004 (WA) in respect of SAT Application DR 76 of 2014 relating to the planning application for the Proposed Mixed Use Development (Restaurant (Café), Four (4) Commercial Units (Shop/Office) and Seven (7) Dwellings) on No. 3 (Lot 200) Strickland Street, Denmark resolves to:</p>	
<ol style="list-style-type: none"> 1. Determine, as per Clause 5.3.3 of Town Planning Scheme No. 3, that the appropriate density code to apply for development requirement purposes for the subject site is “R30” – noting that Council is prepared to give due consideration to variations to Building Height having due regard to the ‘Design Principles’ criteria as opposed to Table 4 (being the ‘Deemed-to-Comply’ provisions) of the Residential Design Codes 2. Grant planning approval subject to the following: 	

Conditions

- a) Development shall be in accordance with the attached stamped approved plans dated 9 June 2014, including the following modifications:
 - i. The verandah over the Strickland Street footpath being modified in width such that there is a 600mm setback to verandah posts from the face of the kerb – refer Advice Note a).
 - ii. The verandah over the Strickland Street footpath having a minimum height of 2.75 metres.
- b) The vehicle crossovers to North Street and Mackay Lane (noting left out only turn movement is permissible) to be constructed, drained and sealed (concrete, asphalt or brick paved) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
- c) A minimum of sixteen (16) car parking bays being provided on-site, with all car parking bays and vehicle accessways complying with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off Street Car Parking, the Building Code of Australia and Australian Standard AS2890.6:2009 Parking Facilities Part 6: Off-street Parking for People with Disabilities.
- d) Prior to the issuance of a building permit, a cash in lieu contribution for the shortfall of twelve (12) car parking bays on-site is to be paid to the Shire of Denmark, with such payment to be calculated as per Council's operative Schedule of Fees & Charges applicable at the time of payment (refer Advice Note b).
- e) All vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, kerbed, marked, signed (where required) and thereafter maintained.
- f) All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
- g) No parking or display of vehicles and/or equipment shall occur within the adjoining road verge area(s) at any time.
- h) The loading and unloading of goods to and from the premises shall be carried out entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- i) The installation of any outdoor lighting on the building and/or in the car parking area(s) shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
- j) Seating occupancy for the restaurant (café) component of the development being limited to 32 persons (refer Advice Note c).
- k) The existing footpaths on North Street and Strickland Street road reserves being modified, at the developer's expense, such that they provide for a continuous footpath from the road carriageway through to the property boundary line, with all required modifications being approved by the Shire of Denmark (Infrastructure Services)
- l) Existing infrastructure located within the North Street and Strickland Street road reserves shall be retained and protected during the construction period with any damage to the infrastructure to be repaired by the developer at their expense to the satisfaction of the Shire of Denmark (Infrastructure Services).
- m) Prior to the issuance of a building permit, engineering plans providing details on crossovers, car parking, vehicle accessways, footpath (internal and external of the site), bicycle racks and associated infrastructure works being submitted to and approved by the Shire of Denmark (Infrastructure Services).
- n) Prior to the issuance of a building permit, a stormwater management plan being submitted to and approved by the Shire of Denmark (Infrastructure Services), with such stormwater plan to be in accordance with water sensitive urban design principles.

- o) Prior to the issuance of a building permit, a landscaping plan shall be submitted to and approved by the Shire of Denmark (Sustainability Services), with the landscaping areas being those identified on the approved site plan. The landscaping plan shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:
- i. Proposed trees and shrubs to be planted including species, number and size of plants (NB: emphasis should be on native plants because of their general hardiness and low water requirements). Trees and plants are to be shown in exact location using clear symbols.
 - ii. Site layout and context including property boundaries, street names, building/s, parking areas, paved areas, adjacent verges, existing trees and vegetation to be retained.
 - iii. Reticulation methods.
 - iv. Maintenance arrangements.
 - v. Weed control measures (if applicable) associated with any existing weed infestations on-site.
 - vi. Details of any hard landscaping, paving materials, street furniture, bollards, bins, lighting etc.
- p) Prior to occupancy of the development, all landscaping shall be carried out in accordance with the approved landscaping plan and thereafter shall be maintained as landscaping at all times.
- q) External clothes drying area(s) appurtenant to the dwelling(s) shall be provided in a location such that they are screened from public view from the street. Mechanical driers are available to be used as an alternative to external clothes drying area(s).
- r) Balconies facing Strickland Street & North Street associated with the multiple dwellings shall not be used for clothes drying purposes at any time.
- s) Any fencing proposed on-site in the vicinity of the North Street/Strickland Street intersection shall be open/permeable type fencing to the satisfaction of the Shire of Denmark (Planning Services).
- t) Prior to the occupancy of the development, the landowner(s) shall provide written evidence to the Shire of Denmark that they have suitable public liability insurance that can indemnify the Shire of Denmark against any claim should an accident occur involving the verandah constructed over the Strickland Street footpath.
- u) Prior to the issuance of a building permit, a waste management plan shall be submitted and approved by the Shire of Denmark (Infrastructure Services/Health Services). Such plan is to detail how all refuse generated from the site will be dealt with, including the location and design of all refuse storage areas having regard to the requirements of the Shire of Denmark's Health Local Laws 2008 (as amended) and the means by which waste disposal vehicles will access the bins (noting that generally the Shire's rubbish collection service does not extend to utilising private property for rubbish collection).
- v) A Construction Management Plan shall be submitted to and approved by the Shire of Denmark (Planning/Building Services) as part of the Building Permit application, with such plan to address the following:
- a) Access to and from the site.
 - b) The delivery of materials and equipment to the site.
 - c) The storage of materials and equipment on the site.
 - d) The parking arrangements for contractors and sub-contractors.
 - e) Management of construction waste.
 - f) Dust and sand mitigation measures.
 - g) Construction times (if proposing different times to the relevant Regulations) and associated noise prevention measures.
 - h) Other matters likely to impact on surrounding properties.

- w) The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Denmark.
- x) The development is to be connected to a reticulated water supply provided by a licensed water provider.
- y) The development shall be connected to sewer.
- z) No signage has been approved as part of this planning application – refer Advice Note d).
- aa) At the time of lodgement of the building permit application, the developer to pay the Development Contributions for Road Infrastructure fee as per the Shire of Denmark’s Operative Fees and Charges Schedule (refer Advice Note e).
- bb) As per Town Planning Scheme Policy No. 42: Public Art, the developer shall incorporate public art within the development or contribute financially to the Shire’s Public Art Fund, with the value being determined on the basis of 0.5% of the value of the construction cost of development.

Should the developer seek to comply with this condition by incorporating public art within the development, prior to the issuance of a building permit, details of the proposed public artwork/s (having regard to Clause 6.3.1 of Town Planning Scheme Policy No. 42: Public Art) are to be submitted to and approved by the Shire of Denmark (Planning Services) – refer Advice Note 8.

Should the applicant/developer seek to comply with this condition via a financial contribution, such payment shall be made prior to the issuance of a building permit.

- cc) Immediately prior to the occupation of the development for its approved purpose, the developer shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Approval.

Advice Notes:

- a) In relation to Condition a), the Strickland Street footpath is only 2.28 metres from the back of the footpath (which is the boundary line) and the face of the kerb (not 3 metres as per the survey plan lodged with the planning application documentation – noting that this feature survey pre-dates the demolition of the building on-site (which occurred in 2009) and the streetscape improvement works undertaken by the Shire in 2011). The car parking configuration in this area provides for vehicle overhang over the kerb thus the requirement for the verandah posts to have a setback of 600mm from the face of kerb.

- b) In relation to Condition d), in accordance with Council’s 2014-2015 Fees & Charges Schedule, cash in lieu of car parking is calculated as per the following:

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

Definition of formula terms:

“Bay Size” = 27m²

“Construction Cost” = \$2,215 per bay

“Land Value per m²” = as determined by a licensed valuer, and agreed to the Shire of Denmark

by

“Shortfall” = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided

- c) In relation to Condition j), the seating capacity of the restaurant (café) has been determined on the basis of car parking requirements. Should the restaurant (café) wish to seek approval to increase the seating capacity of the café in the future (assuming toilet numbers allow for consideration of such), then it is likely that additional car parking requirements will apply (being in the form of cash-in-lieu given there is no ability to provide additional car parking on-site).
- d) In relation to Condition z), consultation should occur with the Shire of Denmark (Planning Services) regarding approval requirements for signs having regard to Town Planning Scheme No. 3 and Town Planning Scheme Policy No. 32: Signs.
- e) In relation to Condition aa), as per the Council's 2014/15 Fees & Charges Schedule, the applicable development contribution fee is \$1,850 per residential dwelling and \$1,850 per 1000m² of land or commercial floorspace, whichever is greater.
- f) It is the responsibility of the developer to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- g) It is the responsibility of the developer/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

AMENDMENT

MOVED: CR LEWIS

SECONDED: CR GILLIES

That in part q), after the word "street", delete the full stop and replace it with the word "or".

CARRIED: 9/0

Res: 190714

AMENDMENT

MOVED: CR OSBORNE

SECONDED: CR GILLIES

That part d) be amended by replacing the words "issuance of a building permit" with the words "issuance of any Occupancy Certificate for the development".

CARRIED: 9/0

Res: 200714

SUBSTANTIVE MOTION

That Council, pursuant to section 31 of the State Administrative Tribunal Act 2004 (WA) in respect of SAT Application DR 76 of 2014 relating to the planning application for the Proposed Mixed Use Development (Restaurant (Café), Four (4) Commercial Units (Shop/Office) and Seven (7) Dwellings) on No. 3 (Lot 200) Strickland Street, Denmark resolves to:

1. Determine, as per Clause 5.3.3 of Town Planning Scheme No. 3, that the appropriate density code to apply for development requirement purposes for the subject site is "R30" – noting that Council is prepared to give due consideration to variations to Building Height having due regard to the 'Design Principles' criteria as opposed to Table 4 (being the 'Deemed-to-Comply' provisions) of the Residential Design Codes
2. Grant planning approval subject to the following:

Conditions

- a) Development shall be in accordance with the attached stamped approved plans dated 9 June 2014, including the following modifications:
 - iii. The verandah over the Strickland Street footpath being modified in width such that there is a 600mm setback to verandah posts from the face of the kerb – refer Advice Note a).
 - iv. The verandah over the Strickland Street footpath having a minimum height of 2.75 metres.
- b) The vehicle crossovers to North Street and Mackay Lane (noting left out only turn movement is permissible) to be constructed, drained and sealed (concrete, asphalt or brick paved) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
- c) A minimum of sixteen (16) car parking bays being provided on-site, with all car parking bays and vehicle accessways complying with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off Street Car Parking, the Building Code of Australia and Australian Standard AS2890.6:2009 Parking Facilities Part 6: Off-street Parking for People with Disabilities.
- d) Prior to the issuance of any Occupancy Certificate for the development, a cash in lieu contribution for the shortfall of twelve (12) car parking bays on-site is to be paid to the Shire of Denmark, with such payment to be calculated as per Council's operative Schedule of Fees & Charges applicable at the time of payment (refer Advice Note b).
- e) All vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, kerbed, marked, signed (where required) and thereafter maintained.
- f) All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
- g) No parking or display of vehicles and/or equipment shall occur within the adjoining road verge area(s) at any time.
- h) The loading and unloading of goods to and from the premises shall be carried out entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- i) The installation of any outdoor lighting on the building and/or in the car parking area(s) shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
- j) Seating occupancy for the restaurant (café) component of the development being limited to 32 persons (refer Advice Note c).
- k) The existing footpaths on North Street and Strickland Street road reserves being modified, at the developer's expense, such that they provide for a continuous footpath from the road carriageway through to the property boundary line, with all required modifications being approved by the Shire of Denmark (Infrastructure Services)
- l) Existing infrastructure located within the North Street and Strickland Street road reserves shall be retained and protected during the construction period with any damage to the infrastructure to be repaired by the developer at their expense to the satisfaction of the Shire of Denmark (Infrastructure Services).
- m) Prior to the issuance of a building permit, engineering plans providing details on crossovers, car parking, vehicle accessways, footpath (internal and external of the site), bicycle racks and associated infrastructure works being submitted to and approved by the Shire of Denmark (Infrastructure Services).
- n) Prior to the issuance of a building permit, a stormwater management plan being submitted to and approved by the Shire of Denmark (Infrastructure Services), with such stormwater plan to be in accordance with water sensitive urban design principles.

- o) Prior to the issuance of a building permit, a landscaping plan shall be submitted to and approved by the Shire of Denmark (Sustainability Services), with the landscaping areas being those identified on the approved site plan. The landscaping plan shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:
 - i. Proposed trees and shrubs to be planted including species, number and size of plants (NB: emphasis should be on native plants because of their general hardiness and low water requirements). Trees and plants are to be shown in exact location using clear symbols.
 - ii. Site layout and context including property boundaries, street names, building/s, parking areas, paved areas, adjacent verges, existing trees and vegetation to be retained.
 - iii. Reticulation methods.
 - iv. Maintenance arrangements.
 - v. Weed control measures (if applicable) associated with any existing weed infestations on-site.
 - vi. Details of any hard landscaping, paving materials, street furniture, bollards, bins, lighting etc.
- p) Prior to occupancy of the development, all landscaping shall be carried out in accordance with the approved landscaping plan and thereafter shall be maintained as landscaping at all times.
- q) External clothes drying area(s) appurtenant to the dwelling(s) shall be provided in a location such that they are screened from public view from the street or Mechanical driers are available to be used as an alternative to external clothes drying area(s).
- r) Balconies facing Strickland Street & North Street associated with the multiple dwellings shall not be used for clothes drying purposes at any time.
- s) Any fencing proposed on-site in the vicinity of the North Street/Strickland Street intersection shall be open/permeable type fencing to the satisfaction of the Shire of Denmark (Planning Services).
- t) Prior to the occupancy of the development, the landowner(s) shall provide written evidence to the Shire of Denmark that they have suitable public liability insurance that can indemnify the Shire of Denmark against any claim should an accident occur involving the verandah constructed over the Strickland Street footpath.
- u) Prior to the issuance of a building permit, a waste management plan shall be submitted and approved by the Shire of Denmark (Infrastructure Services/Health Services). Such plan is to detail how all refuse generated from the site will be dealt with, including the location and design of all refuse storage areas having regard to the requirements of the Shire of Denmark's Health Local Laws 2008 (as amended) and the means by which waste disposal vehicles will access the bins (noting that generally the Shire's rubbish collection service does not extend to utilising private property for rubbish collection).
- v) A Construction Management Plan shall be submitted to and approved by the Shire of Denmark (Planning/Building Services) as part of the Building Permit application, with such plan to address the following:
 - a) Access to and from the site.
 - b) The delivery of materials and equipment to the site.
 - c) The storage of materials and equipment on the site.
 - d) The parking arrangements for contractors and sub-contractors.
 - e) Management of construction waste.
 - f) Dust and sand mitigation measures.
 - g) Construction times (if proposing different times to the relevant Regulations) and associated noise prevention measures.
 - h) Other matters likely to impact on surrounding properties.

- w) The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Denmark.
- x) The development is to be connected to a reticulated water supply provided by a licensed water provider.
- y) The development shall be connected to sewer.
- z) No signage has been approved as part of this planning application – refer Advice Note d).
- aa) At the time of lodgement of the building permit application, the developer to pay the Development Contributions for Road Infrastructure fee as per the Shire of Denmark’s Operative Fees and Charges Schedule (refer Advice Note e).
- bb) As per Town Planning Scheme Policy No. 42: Public Art, the developer shall incorporate public art within the development or contribute financially to the Shire’s Public Art Fund, with the value being determined on the basis of 0.5% of the value of the construction cost of development.

Should the developer seek to comply with this condition by incorporating public art within the development, prior to the issuance of a building permit, details of the proposed public artwork/s (having regard to Clause 6.3.1 of Town Planning Scheme Policy No. 42: Public Art) are to be submitted to and approved by the Shire of Denmark (Planning Services) – refer Advice Note 8.

Should the applicant/developer seek to comply with this condition via a financial contribution, such payment shall be made prior to the issuance of a building permit.

- cc) Immediately prior to the occupation of the development for its approved purpose, the developer shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Approval.

Advice Notes:

- a) In relation to Condition a), the Strickland Street footpath is only 2.28 metres from the back of the footpath (which is the boundary line) and the face of the kerb (not 3 metres as per the survey plan lodged with the planning application documentation – noting that this feature survey pre-dates the demolition of the building on-site (which occurred in 2009) and the streetscape improvement works undertaken by the Shire in 2011). The car parking configuration in this area provides for vehicle overhang over the kerb thus the requirement for the verandah posts to have a setback of 600mm from the face of kerb.
- b) In relation to Condition d), in accordance with Council’s 2014-2015 Fees & Charges Schedule, cash in lieu of car parking is calculated as per the following:

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

Definition of formula terms:
“Bay Size” = 27m²
“Construction Cost” = \$2,215 per bay
“Land Value per m²” = as determined by a licensed valuer, and agreed to by the Shire of Denmark
“Shortfall” = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided

- c) In relation to Condition j), the seating capacity of the restaurant (café) has been determined on the basis of car parking requirements. Should the restaurant (café) wish to seek approval to increase the seating capacity of the café in the future (assuming toilet numbers allow for consideration of such), then it is likely that additional car parking requirements will apply (being in the form of cash-in-lieu given there is no ability to provide additional car parking on-site).
- d) In relation to Condition z), consultation should occur with the Shire of Denmark (Planning Services) regarding approval requirements for signs having regard to Town Planning Scheme No. 3 and Town Planning Scheme Policy No. 32: Signs.
- e) In relation to Condition aa), as per the Council's 2014/15 Fees & Charges Schedule, the applicable development contribution fee is \$1,850 per residential dwelling and \$1,850 per 1000m² of land or commercial floorspace, whichever is greater.
- f) It is the responsibility of the developer to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- g) It is the responsibility of the developer/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

CARRIED UNANIMOUSLY: 9/0

Res: 210714

8.2 Director of Community & Regulatory Services

8.2.1 CONCEPT PAPER – REVIEW OF THE EMERGENCY SERVICES ACTS

File Ref:	FIRE.3
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The CESM position is jointly funded by the Shire and DFES.
Date:	14 July 2014
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.1 – WALGA Submission on Concept Paper

Summary:

This report discusses the Department of Fire and Emergency Services (DFES) Concept Paper, particularly the areas that affect the Shire of Denmark and its volunteer fire fighters, and is based upon the June 2014 WALGA submission to the DFES Concept Paper, attached, as many of their comments/positions are of a similar nature to that of the officers.

Background:

Fire and emergency services in Western Australia currently operate in accordance with three distinct pieces of legislation, the Fire Brigades Act 1942 (Fire Brigades Act), the Bush Fires Act 1954 (Bush Fires Act) and the Fire and Emergency Services Act 1998 (Fire and Emergency Services Act). These three Acts are known collectively as the emergency services Acts. As more than half a century has passed since the introduction of the Fire Brigades Act and the Bush Fires Act, some elements may be considered outdated.

In 2006 the Community Development and Justice Standing Committee (CDJSC) Inquiry into Fire and Emergency Services Legislation 2006 (the CDJSC inquiry) was concluded. The CDJSC tabled its report, containing 88 recommendations, in the Legislative Assembly on 19 October 2006. One of the most significant outcomes was the recommendation to repeal the emergency services Acts and develop one comprehensive, consolidated piece of legislation.

In November 2008 Cabinet approved the drafting of the Emergency Services Bill. Drafting instructions were provided to the Parliamentary Counsel's Office, however, these instructions were deemed insufficient. Since 2009 several attempts have been made to continue the legislation review process however, due to changing business commitments and priorities, work on the new emergency services Act stalled.

In November 2012 the Department of Fire and Emergency Services (DFES) commenced a project to progress the Review of the Emergency Services Acts. The new Act is intended to consolidate the existing provisions; update the legislation to reflect contemporary emergency service practice; and, where appropriate, incorporate recommendations from major inquiries and reports.

The legislation review process has been split into three stages which are as follows;

Stage 1 - Preliminary Consultation which was an information gathering stage whereby stakeholders were asked to identify issues and opportunities that could be considered and addressed in a new Act.

Stage 2 - Expert Panel Discussions and Workshops were conducted to allow the issues identified during Stage 1 activities to be categorised into eleven key topics for the purpose of focused consultation and analysis. This included expert panel discussions

and workshops involving stakeholders targeted for their specific expertise, knowledge or interest in the subject matter.

The goal of the expert panel discussions and workshops was not to achieve consensus on a way forward, but rather to identify strengths, weaknesses, opportunities and threats in the current emergency services Acts that could be addressed through the review.

The expert panel discussions centred on the following categories:

1. Legislative Aspects of the Emergency Services Levy (ESL);
2. Emergency Service Areas;
3. Prescribed Legislative Functions and Responsibilities;
4. Protection of Volunteers;
5. Volunteer Brigades, Groups and Units;
6. Offences and Enforcement;
7. Risk Treatments;
8. Built Environment;
9. Emergency Service Powers;
10. Command and Control; and
11. Administration of Career Firefighters.

The Shire of Denmark and its volunteer fire fighters attended one of the DFES scheduled workshops held in Albany and the Director of Community and Regulatory Services, Gregg Harwood attended a panel discussion in Perth to provide feedback on areas within the current Acts that worked well and areas that needed further improvements/modernisation.

As a result of the analysis of the information gathered during Stages 1 and 2, the Concept Paper was developed for consultation until 31 July 2014. The Shire now has the ability to provide DFES with further comment or support the findings of the WALGA submission to the DFES Concept Paper which will assist in the future direction of emergency services legislation in Western Australia.

Stage 3 of this project is the release of this Concept Paper for public comment and is the reason for the officer report which recommends that Council supports the June 2014 WALGA Submission to the DFES Concept Paper – Review of the Emergency Services Acts as it reflects the views of staff and the senior officers of Denmark's Volunteer Bushfire Fire Brigades.

Consultation:

The Officer has sought comment from the public, notice published in the Denmark Bulletin on the 15 May under "Council Conversations", with no responses received and at the Bush Fire Advisory Committee on the 5 June with the following motion that was passed;

"That the BFAC authorise the Chief Bush Fire Control Officer to form a sub-committee / working group of a maximum six interested FCOs or brigade officers to make a submission on the proposed Emergency Services act on behalf of BFAC prior to the 30 July 2014."

This group met on several occasions and has provided its comments directly to DFES and the officer having read these comments has identified that the majority of the working group's findings in regards to the Concept Paper are in line with the WALGA discussion paper.

On the 27 May the officer represented the Shire by attending one of 4 workshops facilitated by WALGA, and supported by DFES, which was held at the Shire of Plantagenet. The afternoon was spent working through the WALGA discussion paper

and attendees provided advice and feedback on the relevant issues that arose in relation to WALGA's position and comments.

The feedback from the 4 workshops was compiled by WALGA officers and formed the basis of June 2014 WALGA submission to DFES.

Statutory Obligations:

There are major statutory implications in that the review, once completed will seek to amalgamate the Bush Fires Act 1954, Fire Brigades Act 1942 and the Fire and Emergency Services Act 1998.

Policy Implications:

There may be policy implications once the review of the Emergency Services Acts is completed and the Council policies related to fire and emergency management may need to be reviewed to ensure that the Shire is operating within its statutory obligations.

Budget / Financial Implications:

There are possible financial implications upon either the Council's current Budget or Long Term Financial Plan and may include but not limited to;

1. Provision of additional training of volunteer fire fighters,
2. Undertaking further risk identification and mitigation activities on local government land in general and or if directed to by the FES Commissioner,
3. Increased mitigation and compliance workloads of staff, in particular private property hazard management plans,
4. Identifying mitigation requirements and undertaking compliance for all natural hazards on Shire land and private property,
5. Education and community awareness programs, and
6. Redevelopment of infringement notices.

Strategic Implications:

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

Public Safety: ...work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.

Fire Management: ...work collaboratively with relevant agencies to maintain a high level of planning, communication and infrastructure for effective fire and emergency management.

Sustainability Implications:

➤ **Governance:**

There are known significant governance considerations relating to the report as the new Emergency Services Act will result in the review of local government by laws, policies, procedures and daily activities.

➤ **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 known social considerations relating to the report or officer recommendation as the Emergency Services Act will relate to the local communities and volunteer fire fighters.

Comment/Conclusion:

It is important for local governments to provide input into restructure of legislation that directly impacts its current working practices, local community and volunteer fire fighters to the extent that the emergency services Act review may have upon them.

As such the officer has reviewed the DFES Concept Paper and the June 2014 WALGA submission and has identified that the comments from WALGA’s submission, which has particularly focused on the areas of the 198 page DFES Concept Paper that are relevant to local governments and volunteers, are in line with his thoughts and those of recent Council decisions, such as retaining the control and responsibility of Bush Fire Brigades and setting a level of training standards.

From this the officer has made the following recommendation;

Voting Requirements:

Simple majority.

5.31pm – *The Director of Planning & Sustainability left the room.*

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.2.1
MOVED: CR SEENEY		SECONDED: CR SAMPSON
That Council supports the June 2014 WALGA Submission to the DFES Concept Paper – Review of the Emergency Services Acts, and submits a letter in writing to DFES outlining that support.		
CARRIED UNANIMOUSLY: 9/0		Res: 220714

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration
Nil

8.5 Chief Executive Officer

8.5.1 RECOGNITION OF SERVICE POLICY AMENDMENT

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The Author and Authorising Officer are both employees of Council to whom the report and Officer Recommendation could potentially relate
Date:	21 July 2014
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

This report recommends that Council Policy P040224 (Recognition of Service Policy) be amended to include a category for 25 years' service.

Background:

In 2013 the Chief Executive Officer established an Honour Board which recognises employees who had (and have) achieved 25 years' service with the Shire of Denmark.

The Honour Board was unveiled at the Council's 2013 Staff Christmas Function and due recognition was given to those employees who had/have achieved the milestone.

It has been noted however that Council's Recognition of Service Policy does not reflect this additional way of recognising employees who have worked for the Shire of Denmark for 25 years.

Consultation:

Nil

Statutory Obligations:

Nil

Policy Implications:

Council's current Policy P040224 – Recognition of Service Policy reads as follows;

“Objective

To recognise the length of service of employees.

Policy

Council will recognise employees with continuous service in accordance with the following;

- a) 10 years of service – function with employees and a certificate of service.*
- b) 20 years of service – function with Councillors, employees and partners and an engraved memento to the value of \$500.*
- c) 30 years of service – Civic Reception with Councillors, employees and partners and an engraved memento to the value of \$1,000.*

Responsibility for Implementation

The Chief Executive Officer and all Directors are responsible for implementation of this policy.”

Should Council agree to amend Policy P040224, the Policy Manual will be updated accordingly.

Budget / Financial Implications:

There are known financial implications on the Council's Long Term Financial Plan and any costs involved in adding names to the Honour Board are minimal and could be accommodated within Council's current budget.

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Vision and Values.

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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

➤ Economic:

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

➤ Social:

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

Comment/Conclusion:

To accommodate this new, additional form of employee recognition the Officer suggests that Council Policy P040224 be amended to read as follows;

Objective

To recognise the length of service of employees.

Policy

Council will recognise employees with continuous service in accordance with the following;

- a) 10 years of service – function with employees and a certificate of service.
- b) 20 years of service – function with Councillors, employees and partners and an engraved memento to the value of \$500.
- c) 25 years of service – inscription of employee's name and date of 25 year achievement on the Council's Employee 25 Year Service Honour Board and appropriate recognition given at a function with Councillors, employees and partners.
- d) 30 years of service – Civic Reception with Councillors, employees and partners and an engraved memento to the value of \$1,000.

Responsibility for Implementation

The Chief Executive Officer and all Directors are responsible for implementation of this policy.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR MORRELL	SECONDED: CR PEDRO
<p>That Council Policy P040224 – Recognition of Service Policy, be amended to include a category for recognition of 25 years’ service so that it reads as follows;</p> <p><u>“Objective</u> <i>To recognise the length of service of employees.</i></p> <p><u>Policy</u> <i>Council will recognise employees with continuous service in accordance with the following;</i></p> <ul style="list-style-type: none"> a) <i>10 years of service – function with employees and a certificate of service.</i> b) <i>20 years of service – function with Councillors, employees and partners and an engraved memento to the value of \$500.</i> c) <i>25 years of service – inscription of employee’s name and date of 25 year achievement on the Council’s Employee 25 Year Service Honour Board and appropriate recognition given at a function with Councillors, employees and partners.</i> d) <i>30 years of service – Civic Reception with Councillors, employees and partners and an engraved memento to the value of \$1,000.</i> <p><u>Responsibility for Implementation</u> <i>The Chief Executive Officer and all Directors are responsible for implementation of this policy.”</i></p>	
CARRIED UNANIMOUSLY: 9/0	Res: 230714

9. COMMITTEE REPORTS & RECOMMENDATIONS
 Nil

10. MATTERS BEHIND CLOSED DOORS
 Nil

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

12. CLOSURE OF MEETING

5.35pm - There being no further business to discuss the Shire President, Cr Ross 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.)