



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 3 JULY 2012.

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Ordinary Council Meeting

3 July 2012

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall
- Cr David Morrell
- Cr Ian Osborne
- Cr Roger Seeney
- Cr Belinda Rowland
- Cr Alex Syme

STAFF:

- Mr Dale Stewart (Chief Executive Officer)
- Mr Garry Bird (Director of Finance & Administration)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Mr Rob Whooley (Director of Infrastructure Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Cr Dawn Pedro
- Mr Gregg Harwood (Director of Community & Regulatory Services)

ON LEAVE OF ABSENCE:

- Cr Kelli Gillies
- Cr John Sampson (Deputy Shire President)

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: 0

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Osborne	8.4.2	Impartiality	Cr Osborne is a club & committee member of the Denmark Dragon Boat Club and is a member & secretary of the Carmarthen Bush Fire Brigade.
Cr Seeney	8.4.2	Impartiality	Cr Seeney is the president of the Denmark Equestrian Club.
Cr Syme	8.4.2	Impartiality	Cr Syme is a member of the Denmark Environment Centre.
Cr Lewis	8.4.2	Impartiality	Cr Lewis is a member of the Denmark Environment Centre.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

3.1 2012 National Awards for Local Government

Cr Rowland presented Council with a 2012 National Award for Local Government for the Women in Local Government category which the CEO and herself had accepted at the recent Australian Local Government Assembly in Canberra.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Mrs Susan Pike – Cat Act 2011

Mrs Pike wrote to Council on the 29 May 2012 requesting that the following questions be submitted to Council and responded to.

“On 25 May 2012 the Minister for Local Government issued a media statement announcing funding for the Cat Act implementation.

In the light of the above I would be grateful if the Council would advise;

1. What if any action it has undertaken to ensure it will comply with the requirements of the Act?
2. Given the 1 November 2012 commencement of the implementation of phase 1 if no action has been taken, why this has not occurred?
3. In the light of the Shire’s unique environment and wildlife, what consideration has been given to Section 78 (3) of the Act which allows local government to make local laws on the matters listed? (This section is part of Phase 1 implementation)
4. Could you please advise what educational campaign is planned to inform the community of the requirements of the Act?”

The Shire President has provided the following written response:

Councillors and Council Staff are aware of the Cat Act 2011 and will be putting measures in place to ensure that Council is ready to enforce by November 2012 and November 2013, which are the critical enforcement dates. One of the difficulties that we have encountered, in preparing to implement the Act, is that information on how the Act will be administered is only just starting to be provided by the Department of Local Government who are the custodians of the Act. Indeed, there are currently no regulations in place as to the fees to be charged, the fines to be imposed etc..

In terms of the questions you have raised my specific responses are as follows:

Question 1: What if any action it has undertaken to ensure it will comply with the requirements of the Act?

Response: As previously stated Council staff have only just stated to receive the necessary information to enable them to prepare to enforce the Act. Notwithstanding this uncertainty they have placed a request in the 2012-2013 budget considerations for the construction of a cat pound. In addition, Council still awaits the regulations to be promulgated and the training of local government officers that is proposed to be provided by the Department.

Question 2: Given the 1 November 2012 commencement of the implementation of phase 1 if no action has been taken, why this has not occurred?

Response: I have asked Council staff to prepare a Councillor briefing session regarding the Act and implementation once sufficient information has been received from the Department of Local Government so that Council can consider the issue of Cat Local Laws. As indicated above, full details of the legislation are yet to be promulgated and the government has specifically allowed for a full year between 1 November 2012 and 1 November 2013 until all aspects of the legislation, including compulsory micro chipping and registration are required.

Question 3: In the light of the Shire's unique environment and wildlife, what consideration has been given to Section 78 (sic) (3) of the Act which allows local government to make local laws on the matters listed? (This section is part of Phase 1 implementation)

Response: While Council does have the power to make Local Laws pursuant to Section 79 of the Cat Act it is unlikely to do so until it has seen how well other cat local laws that have been around the state work and whether they are practical and legally enforceable. It would be unwise to develop legislation in isolation of the other 137 local government authorities within Western Australia and prematurely until such time as we have seen the regulations and how the legislation works in practice. Council, several years ago, resolved to delay consideration of adoption of cat local laws until such time that the new Cat Act was in place.

While I agree that stray and feral cats are a serious environmental concern it is also important that Council wait and get its Cat local laws right for two reasons. The first is that there is a history of Cat Local Laws being implemented and subsequently disallowed in Western Australia and the second is that overzealous or poorly conceived local laws will be a frustration to both cat owners, complainants and Local Government enforcement staff.

Question 4: Could you please advise what educational campaign is planned to inform the community of the requirements of the Act?

Response: It is expected that the State Government will, together with the Western Australian Local Government Association (WALGA) on behalf of the other 137 local governments in WA, undertake significant education campaign on the requirements of the new legislation in due course. This will no doubt be accompanied by our own local campaign through local media outlets.

Ms Pike requested that the Minutes include the following information which was included with her original letter, "Council will be aware that the Cat Act 2011 was assented to on 9 November 2011 with local governments being notified by Local Government Ministerial circular no 28-2011 of 24 November 2011 of the planned two phased implementation of the act."

The Shire President agreed that the words would be included in the Minutes.

4.2.1 Mr Cyril Edwards – Denmark Aquatic Centre Committee Inc.

Mr Edwards referred to a DVD that had been provided to all Councillors which contained copies of the pool models which the Denmark Aquatic Centre Committee (DACCI) had come up with and previously presented to Council. Mr Edwards sought feedback and any questions from Councillors in relation to the proposal. Mr Edwards stated that there had been some talk about a rate rise which would be required to fund the pool and said that he believed this to be incorrect. Mr Edwards said that he believed that there had been responses received from LEIWA and the Department of Sport & Recreation however DACCI had not seen those letters. Mr Edwards said that DACCI wanted to continue to work with Council and whenever difficulties arose, for whatever reason, DACCI were trying to present solutions.

Mr Edwards referred to a form which had recently been circulated within the community noting that DACCI had used the Shire of Denmark logo on the form as they believed that the logo belonged to the community however he understood that the form had then appeared to have been generated by Council.

4.2.2 Ms Christine Randall – Denmark Aquatic Centre Committee Inc.

Ms Randall, President of the DACCI, spoke of the importance of keeping the channels of communication open between Council, DACCI and the community in relation to the pool proposal. Ms Randall asked the following question, "It's been suggested to members of our committee from several different quarters that the time isn't right for a pool. When does Council see the time as being right?"

The Shire President agreed to take the question on notice and respond to Ms Randall in writing.

4.2.3 Ms Ceinwen Gearon – Denmark Aquatic Centre Committee Inc.

Ms Gearon, a member of the Denmark Aquatic Centre Committee, stated that she had used the Shire of Denmark logo of the submission form as she believed that the logo belonged to the community however she was aware now that this was not the case. Ms Gearon advised that she had dropped in a number of submissions from Denmark High School students and wished to note that the Denmark High School Head Boy had encouraged other students to put forth submissions as his own initiative.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR SEENEY	SECONDED: CR ROWLAND
That the minutes of the Ordinary Meeting of Council held on the 12 June 2012 be confirmed as a true and correct record of the proceedings.	
CARRIED: 9/0	Res: 010712

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

Nil

8. REPORTS OF OFFICERS**8.1 Director of Planning & Sustainability**

The Director of Planning & Sustainability advised that the applicant had requested that the item be withdrawn and deferred to 24 July 2012 Council meeting.

8.1.1 PROPOSED SINGLE DWELLING - NO. 537 (LOT 111) LIGHTS ROAD, DENMARK

File Ref:	A5066 (2012/84)
Applicant / Proponent:	WA Country Builders
Subject Land / Locality:	No. 537 (Lot 111) Lights Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	18 June 2012
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1 a) – Plans of Proposed Development 8.1.1 b) – Plans Associated with Planning Refusal 2012/20

Summary:

The applicant, on behalf of M Stadler, K Burton & A Watson, is seeking Planning Approval for a Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark.

After due assessment of the proposal, Planning Services consider that the proposal as presented is two dwellings and noting that 'Grouped Dwellings' are not a permissible landuse class on the subject property, it is recommended that the application for a Single Dwelling be refused.

Notwithstanding, Planning Services have also assessed the application in the context of being classified as a Single Dwelling and Ancillary Accommodation. In this regard Planning Services consider that the intent of Ancillary Accommodation is not achieved with this proposal due to the nature of occupancy and the scale of development and essentially one of the ancillary buildings will become a defacto single house, thus resulting in two dwellings on the property. Given that this would then have major potential to set a precedent for other proposals of this nature to effectively over-ride the density provisions provided for in TPS No. 3, it is recommended that the classification of Single Dwelling and Ancillary Accommodation not be applied to this development proposal.

Background:Current Planning Application 2012/84

An application for Planning Approval was lodged with Planning Services on 14 May 2012 for a Single Dwelling to be constructed on-site - refer Attachment 8.1.1 a).

Initial Enquiries With Planning Services on Development Potential

One of the owners made initial enquiries with Planning Services in June 2011 as to the ability to subdivide and/or build two houses on the subject property in order to provide the ability for the two families who own the property to reside on-site in the future.

Planning Services provided a response to the enquirer advising that based on the zoning of the property, being Special Rural (SR 3), that the relevant Town Planning Scheme No. 3 (TPS No. 3) provisions only provided for a single dwelling on-site and there was no further subdivision potential of the property.

Previous Planning Application 2012/20

An application for Planning Approval was lodged with Planning Services on 2 February 2012 for a Single Dwelling. After due consideration of the proposal, Planning Refusal was issued, under delegated authority, on the 16 March 2012 on the following grounds:

1. *The proposal as submitted is classified as a 'Grouped Dwelling' (refer Advice Note 1) and not a 'Single House', and in accordance with the Shire of Denmark's Town Planning Scheme No. 3 Appendix VI – Special Rural Zone provisions pertaining to Special Rural Area 3 'Grouped Dwelling' is a use class that is not permitted.*
2. *The proposal is inconsistent with the principles of orderly and proper planning of the locality.*

Advice to Applicant:

1. *This proposal has been classified as Two (2) x Grouped Dwellings on the basis that:*
 - a) *The description of the Proposed Development as provided on the 'Application for Planning Consent' form is '2 x houses (A) & (B) with Common Alfresco'.*
 - b) *The site plan has labeled the buildings as 'Proposed House A' and 'Proposed House B'.*
 - c) *As per the Residential Design Codes of Western Australia (November 2010), a dwelling is defined as "a building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family". From the information provided it is evident there are two family structures living on-site, with each family structure residing in separate buildings totally independent of each other.*
 - d) *Each building has facilities (being a kitchen, bathroom, laundry and sleeping area) that are necessary for each building to be classified as a Class 1 building in their own right in accordance with Section 2 Part 2.4 Functional Statement F2.4.3 Facilities of the National Construction Code 2011 Building Code of Australia Volume Two.*

Attached as Attachment 8.1.1 b) are the plans that accompanied the Planning Refusal decision notice.

Comment:

Since receiving Planning Refusal 2012/20 in March 2012, the applicant and one of the owners have had discussions with Planning Services to consider their options – being to apply for a review by the State Administrative Tribunal as per Part 14 of the *Planning and Development Act 2005* (noting that it was considered the only discretionary power pertained to whether the proposal was classified as a Grouped Dwelling) or to submit a redesigned development proposal based on one (1) large dwelling that made provision for one (1) kitchen and one (1) laundry only such that the function of the building was autonomous and could not function independently of each other.

After considering their options, a new proposal has been lodged with Planning Services for consideration. From reviewing the previously refused proposal and the current proposal the main modifications are as follows:

- The two 'habitable' components are now aligned rather than being offset, thus providing for an improved external appearance of one building;
- An increase in floor area of 18.5m²;
- An enclosed covered passageway joining the two 'habitable' components;
- The porch area associated with the western 'habitable' component being relocated to the northern elevation; and
- Renaming of rooms as per the following:
 - In the western 'habitable' component, the Home Theatre was previously referenced as Bed 2 – noting the layout is identical, including the provision of built-in-robos; notwithstanding the notation on the floorplan, Planning Services consider this still to have the function and appearance of a bedroom;

- In the western 'habitable' component, the Mudroom was previously referenced as Laundry – noting the layout is identical, with the reference to the washing machine and dryer location having been removed; Planning Services consider this area is a laundry, noting that the addition of a washing machine and laundry can easily be accommodated for having regard to the space available and the fact that building and/or health approval would not be required if they were incorporated afterwards;
- In the western 'habitable' component, the Kitchenette was previously referenced as Kitchen – noting the layout is slightly modified including removal of the breakfast bar, however provides for all features that are traditionally provided for in a kitchen.
- In the eastern 'habitable' component, the Study was previously referenced as Bed 2 – noting the layout is identical, including the provision of built-in-robcs; notwithstanding the notation on the floorplan Planning Services consider this still to have the function and appearance of a bedroom;
- In the eastern 'habitable' component, the Home Office was previously referenced as Bed 2 – noting the layout is identical, including the provision of built-in-robcs; notwithstanding the notation on the floorplan Planning Services consider this still to have the function and appearance of a bedroom;
- In the eastern 'habitable' component, the Bar was previously referenced as Kitchen – noting the layout is identical, with the reference to oven and cooktop only having been removed; Planning Services consider that this area is a kitchen, noting that the addition of an oven and cooktop can easily be accommodated for having regard to the space available and the fact that building and/or health approvals would not be required if they were incorporated afterwards.

Having regard to the above, Planning Services consider that the current proposal is effectively still two dwellings and noting that 'Grouped Dwellings' are not a permissible landuse class on the subject property it is recommended that the application for a Single Dwelling be refused for similar reasons as provided for on Planning Refusal 2012/20.

Notwithstanding the above, should Council consider that the Mudroom & Bar rooms are not deemed to be a laundry and kitchen respectively, thus determining that the proposal is not two dwellings, it is considered that Council could consider classifying the proposal as a Single Dwelling and Ancillary Accommodation and not as a Single Dwelling.

In relation to the Ancillary Accommodation nature of the proposal, in the absence of a definition in TPS 3, the *Residential Design Codes of Western Australia (November 2010)* reference Ancillary Accommodation as being an ancillary dwelling that accommodates the needs of large or extended families to live in proximity with some autonomy without compromising the amenity of adjoining properties.

In this instance the proposal is to accommodate two (2) family structures on-site – being two brothers with their respective families presently consisting of four (4) adults and three (3) children. The issue that Council needs to satisfy itself with in the first instance to classify this proposal as Ancillary Accommodation is whether two brothers and their respective families are considered to be an extended family – noting that in some cultures this is the case whereas from an Australian planning sense it has generally been limited to an upward generation extension (i.e. accommodation for a grandparent(s)).

In relation to the actual design of the Ancillary Accommodation component, Clause 5.3.6 Ancillary Accommodation of TPS No. 3 states the following:

b) Where ancillary accommodation is not itself added to an existing building Council may request there be constructed between the added accommodation and the existing building, a fully covered connection.

c) The total area of ancillary accommodation shall not exceed 60 square metres, exclusive of any fully covered connection unless approved by Council.

The proposal does provide for a fully covered connection in the form of an enclosed passageway, thus complies with Clause 5.3.6 b) of TPS No. 3.

In relation to Clause 5.3.6 c) of TPS No.3, the eastern and western 'habitable' components (excluding the passageway, the alfresco and courtyard) are approximately 344m² and 297m² respectively thus regardless of which 'habitable' component is considered to be the Ancillary Accommodation dwelling (noting the referenced kitchen is in the western 'habitable' component and the referenced laundry in the eastern 'habitable' component) the area of such far exceeds the size provisions provided for in TPS No. 3.

In this regard the size provisions pertaining to an Ancillary Accommodation dwelling are consistent with the Acceptable Development Criteria of the *Residential Design Codes of Western Australia (November 2010)* – noting that this applies for the following reasons:

- In order to ensure that the dwelling does not become a defacto single house; and
- In acknowledgement that facilities such as laundries and a full kitchen are not necessary in the ancillary accommodation dwelling as the facilities in the main dwelling on-site are accessible by the occupants of the ancillary accommodation dwelling given the family relationship between the occupants.

From a Planning Services perspective it is considered that the intent of Ancillary Accommodation is not achieved with this proposal and it merely will become a defacto single house, thus resulting in two dwellings on this property. This has major potential to set a precedent for other proposals of this nature to effectively over-ride the density provisions provided for in TPS No. 3, thus it is recommended that the classification of Single Dwelling and Ancillary Accommodation not be applied to this development proposal.

Should Council consider that this Single Dwelling and Ancillary Accommodation proposal is appropriate and are considering approving the application; the following recommendation is provided for Council's reference:

That Council with respect to the development application for the Proposed Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark;

1. *Advises the applicant that the proposal as presented is not considered to be a Single Dwelling;*
2. *Notwithstanding Point 1, it is considered that the proposal is appropriate to be classified as a Single Dwelling and Ancillary Accommodation and consequently Council grants Planning Approval on this basis subject to the following:*

Conditions:

- a) *Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) dated 14 May 2012 including the following modifications:*
 - a. *The kitchen and laundry are to be provided within one 'habitable' component only and not split between the two 'habitable' components as is proposed, with the other 'habitable' component not to provide for the installation of an oven, cooktop, rangehood and washing machine. Details of the kitchen and laundry facilities within the one 'habitable' component are to be detailed on the plans for lodged for a Building Permit to the satisfaction of the Shire of Denmark (Planning/Building Services).*
 - b) *A Section 70A Notification under the Transfer of Land Act 1893 (as amended) must be prepared and subsequently registered against the Certificate of Title to the land the subject of the proposed development advising the owners, their heirs and successors in title that the occupier of the ancillary accommodation shall be a member of the family that resides in the main dwelling. The Section 70A Notification is to be registered on the Certificate of Title **prior** to the issuance of a*

- Building Permit. All costs associated with preparing and lodging the Section 70A Notification on the Certificate of Title shall be at the applicant's/owner's expense.*
- c) This approval to establish Ancillary Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land (either strata subdivision or fee simple (green title)) to create a separate title for the ancillary accommodation component.*
 - d) All buildings and development such as the approved effluent disposal system, retaining walls, water tanks, stone walls or any other form of revetment to contain building structures on the lot to be contained within the approved 3000m² building envelope.*
 - e) The vehicle crossover onto Lights Road is to be constructed, drained and sealed (asphalt, concrete or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).*
 - f) The driveway/accessway shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles.*
 - g) All stormwater and drainage runoff shall be connected to an approved effluent disposal system prior to the occupation of the dwelling to the satisfaction of the Shire of Denmark (Environmental Health Services).*
 - h) The approved development shall provide a potable water supply with a capacity of not less than 92,000 litres.*
 - i) The approved watertank shall provide an adequate permanent water supply of not less than 10,000 litres for bush fire fighting purposes, accessible by a FESA approved coupling for emergency purposes only.*
 - j) The tank (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the proposed dwelling.*
 - k) The dwelling to be constructed to Australian Standard AS3959 – Construction of Buildings in Bushfire Prone Areas (refer Advice Note c).*
 - l) Clearing outside of the approved building envelope shall only be associated with vehicle access arrangements to the development and in accordance with the requirements of Town Planning Scheme No. 3 (Special Rural 3 provisions) and Town Planning Scheme Policy No. 10: Parkland Clearing Outside Building Envelopes.*
 - m) The 'Strategic Fire Access Route' that traverses the site is to be constructed in accordance with the specifications contained within the Shire's Annual Fire Regulation Notice.*
 - n) Immediately prior to the occupation of the dwelling, the applicant 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 Consent.*

Advice Notes

- a) A building permit is required to be submitted and approved by the Shire of Denmark (Building Services) prior to any works commencing on-site.*
- b) The garage as shown on the approved plan(s) does not form part of this approval, thus an application for Planning Approval will need to be applied for when the garage is proposed to be built.*
- c) The building shall be required to be constructed to a BAL-29 rating to the satisfaction of the Shire of Denmark (Building Services).*

Consultation:

External Consultation:

Planning Services have undertaken discussions with the applicant and one of the owners regarding available options to develop the property.

Internal Consultation:

The proposal has been considered by the Shire's Development Co-ordination Unit.

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) specifies the pertinent development requirements for the site.

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

Policy Implications:

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

Budget / Financial Implications:

There are no known financial implications upon the Councils current Budget or Plan for the Future.

Should the applicant/owners apply to the State Administrative Tribunal for a Right of Review, the Shire of Denmark will need to cover its costs associated with such process – noting depending on the nature of the review expenses incurred could extend to legal representation costs.

Strategic Implications:

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

Sustainability Implications:➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.1

That Council with respect to the planning application for the Proposed Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark:

1. Refuse Planning Approval for the following reasons:
 - a) The proposal as submitted is classified as a 'Grouped Dwelling' and not a 'Single Dwelling' and in accordance with the Shire of Denmark's Town Planning Scheme No. 3 Appendix VI – Special Rural zone provisions pertaining to Special Rural Area 3, 'Grouped Dwelling' is a use class that is not permitted.
 - b) The proposal is inconsistent with the principles of orderly and proper planning of the locality.
2. Advise the applicant that in light of Point 1, the planning application has also been assessed to determine appropriateness of whether it can be classified as a 'Single Dwelling and Ancillary Accommodation', and after due consideration of the proposal it is considered that the proposal would not comply with the 'Ancillary Accommodation' requirements of Town Planning Scheme No. 3 having regard to the following:
 - a) The nature of the occupancy of the buildings;
 - b) The overall size of the 'ancillary accommodation component' of the

- development; and
- c) Approval to such a proposal would set an undesirable precedent that effectively over-rides relevant density provisions.
3. Notwithstanding Point 2, Council wishes to emphasise that it fully supports the provision of Ancillary Accommodation throughout the Shire of Denmark where the nature and scale of development proposed is appropriate and ancillary to the main dwelling on-site.

COUNCIL RESOLUTION	ITEM 8.1.1
MOVED: CR SEENEY	SECONDED: CR HINDS
That with respect to the planning application for the Proposed Single Dwelling at No. 537 (Lot 111) Lights Road, Denmark, Council adjourn consideration of this item at this meeting, at the request of the applicant and owners, until the meeting of the 24 July 2012.	
CARRIED: 8/1	Res: 020712

Cr Morrell requested that his vote against be recorded against the motion.

8.2 Director of Community & Regulatory Services
Nil

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 MAY 2012

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	19 June 2012
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	8.4.1 - Monthly Financial Report

Summary:

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

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

Background:

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

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

Comment:

Shire Trust Funds have been invested for 30 days with the National Bank, maturing 29 June 2012 at the quoted rate of 4.20%.

Reserve Funds have been invested for 30 days with the National Bank, maturing 29 June 2012 at the quoted rate of 4.60%.

Surplus municipal funds of \$759,398 have been placed with the National Bank for a term of 30 days, at the rate of 4.60%.

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2012 end of year position is estimated to be a small surplus of \$1,537.00 (Note 5).
- Operating revenue is higher and operating expenditure lower than that predicted for 31 May 2012 (Statement of Financial Activity).

- The 2011/12 Capital Works Program is 30.84% complete as at 31 May 2012 (Note 10). This percentage is low, although will be boosted considerably when the journal to reflect subdivision roads is completed (value \$2,985,955). Some major projects remain outstanding though and given the short time frame remaining in which to complete prior to the end of the financial year, it would appear these projects will need to be carried forward into the 2012/13 year. These projects include:
 - Morgan Richards Community Centre.
 - Plant purchases.
 - CBD Redevelopment.
- Rates Collection percentage of 96.77% is in keeping with historical collection rates (Note 6). Debt recovery processes have commenced against those ratepayers who have not yet paid or made alternative arrangements with Council.
- Various transfers to and from Reserve Funds have commenced to reflect expenditure of those projects funded from Reserve.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

Lime Quarry Operations 2011/12

The 2011/12 Municipal Budget contains provision for a net profit of \$15,450 to be returned from annual quarry operations. These profits are then reallocated to other unspecified activities in the annual Municipal Budget.

A total profit of \$48,081.04 will be derived from 2011/12 activity and it is recommended that the difference between budget and actual profit of \$32,631.84 be transferred to the Lime Quarry Rehabilitation Reserve.

CBD

An error in the preparation of the Municipal Budget has meant that the expenditure and income budget value of the CBD project has been overstated by \$80,000. The correct budget value should be \$420,000 not \$500,000.

This correction was overlooked in the Six Month Budget Review.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

Policy P040222 relates as follows;

MATERIAL VARIANCES IN BUDGET AND ACTUAL EXPENDITURE

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

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

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

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Absolute Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR MARSHALL	SECONDED: CR MARSHALL
That with respect to Financial Statements for the month ending 31 May 2012, Council;	
1. Receive the Financial Report, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Make the following amendments to the 2011/12 Municipal Budget;	
a) Reduce expenditure on Job 51501 (CBD Redevelopment) from \$500,000 to \$420,000.	
b) Decrease income account 1220994 Royalties for Regions Income from \$660,000 to \$580,000.	
c) Increase income account 1121003 Sale of Lime Sand from \$90,000 to \$236,086.	
d) Increase expenditure account 1120102 Other Expenses – Lime Quarry from \$72,500 to \$178,896.	
e) Increase expenditure account 1121002 State Government Lime Sand Royalties from \$2,050 to \$9,108, and	
f) Increase Transfer to Lime Quarry Reserve account from \$0 to \$32,631.00.	
3. Endorse the Accounts for Payment as listed.	
CARRIED BY AN ABSOLUTE MAJORITY: 9/0	

Prior to consideration of Item 8.4.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosures of interest:

Cr Osborne is a club & committee member of the Denmark Dragon Boat Club and is a member & secretary of the Carmarthen Bush Fire Brigade, Cr Seeney is the president of the Denmark Equestrian Club, Cr Syme & Cr Lewis are members of the Denmark Environment Centre. As a consequence, there may be a perception that their impartiality on this matter may be affected. Cr Osborne, Cr Seeney, Cr Syme & Cr Lewis have declared that they will consider this matter on its merits and vote accordingly.

8.4.2 APPLICATIONS FOR FUNDING FROM 2012/13 COMMUNITY FINANCIAL ASSISTANCE GRANT FUND

File Ref:	PBR.10A
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	28 May 2012
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Garry Bird, Director of Finance & Administration
Attachments:	8.4.2 a) - CFAG Applications 8.4.2 b) – CFAG Guidelines

Summary:

Due to difficulties associated with scheduling a Meeting of the Community Financial Assistance Grants Committee, it was considered appropriate to refer consideration of the applications received to an Ordinary Meeting of Council.

In February 2012 Council invited submissions for the Community Financial Assistance Grants Program. Applications closed on the 27 April 2012, with fifteen applications having been received for the 2012/13 round.

The following table summarises the 15 applications received;

Applicant	Project Description	Total Amount of Project	Amount Requested
Peaceful Bay Sea Rescue Group Inc.	Locating a conduit/pipe under the road to the beach, fill and seal the breach across the road	Approx \$4,500.00	Approx \$4,500.00
Scotsdale Tennis Club Inc.	Demolish existing Building / Supply & Fit new Building with all fittings and Shire fees included	\$51,316.67	\$38,465.14
Denmark Community Resource Centre	Westlink Simulcast- Live Entertainment - Waive Hire Charges for Civic Centre	\$6,588.00	\$988.00
Denmark Lions Club Inc.	Garden Bag Round - Trailer	\$2,270.00	\$1,800.00
St John Ambulance Denmark Sub Centre	Provide the Denmark Community with 3 Heart Defibrillator Machines & 3 Wall Mounted Boxes	\$8,458.23	\$4,999.00
Denmark Dragon Boat Club Inc.	Upgrade - Synthetic Grass Matting & Shade Sail	\$5,772.00	\$4,522.00
Denmark Volunteer	Volunteer Fire & Rescue 50th	\$13,833.00	\$2,500.00

Fire & Rescue	Anniversary Dinner		
Denmark Equestrian Club Inc.	Upgrade - Reserve Entrance, Signage, Clear accumulated hazards and Re-sand the Arenas	\$6,700.00	\$4,900.00
Gumnut Corner Denmark Occassional Daycare	Replace Carpet, Purchase of larger fridge & storage facilities	\$5,000.00	\$4,600.00
Denmark Emergency Relief Anglicare	Assistance granted for those in need, Rent of room at Community Resource Centre 1/2 day per week	\$14,200.00	\$1,200.00
Denmark Primary School Kitchen Garden	Creation of Outdoor Classroom Shelter	\$5,811.00	\$4,981.00
Denmark Environment Centre Inc.	Comprehensive Environmental Library	\$3,125.00	\$1,000.00
Denmark Weed Action Group Inc.	The Removal of Eastern State Species(Wattles Paperbark and Eucalypt)from the area adjacent to the Old Post Office	\$2,800.00	\$1,500.00
Denmark Country Womens Association	Mesh Fencing to secure backyard	\$900.00	\$600.00
Denmark Surf Life Saving Club Inc.	Plans for Extension to Denmark SLSC	\$20,000.00	\$5,000.00
TOTAL		\$146,773.90	\$77,055.14

Due to difficulties associated with scheduling a Meeting of the Community Financial Assistance Grants Committee, it was considered appropriate to refer consideration of the applications received to an Ordinary Meeting of Council.

Background:

The guidelines that are distributed to potential applicants for funding from the Community Financial Assistance Grants Program are reproduced below to assist Councillors in assessing the applications received;

OBJECTIVES:

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

Comment:

In an effort to initiate debate on the funding applications and approved allocations, the Director of Finance and Administration has made a recommendation on what he has identified as preferred projects.

In some instances, the recommended allocation is less than the sum requested in an attempt to spread the funds as widely as possible and maximise the benefits to be obtained. An assessment of the project budgets for these applications would indicate that such reductions could be accommodated although this has not been clarified with the applicants at this stage as this could be seen as pre-empting the Committee's recommendations to Council.

Peaceful Bay Sea Rescue Group Inc. \$4,500.00

Locating a conduit/pipe under the road to the beach, fill and seal the breach across the road to install 3 phase power.

Project not on application form and does not detail any contribution from applicant however the project has significant merit in that it is the move towards a possible collaboration of emergency services now and into the future.

Recommended Funding \$2,750.00.

Scotsdale Tennis Club Inc. \$38,465.14

Demolish existing Building / Supply & Fit new Building with all fittings and Shire fees included.

Fund Guidelines require this application to be separated from CFAG pool and referred to Council for specific consideration. Possible Community Sporting and Recreational Facilities fund (CSRFF) or Lotterywest funding application.

Council has recently supplied an in principle 1/3 contribution for another project at the Tingledale Tennis Club through Lotterywest. This application is still pending.

Recommended Funding \$0.00 (from CFAG pool).

Denmark Community Resource Centre \$988.00

Westlink Simulcast- Live Entertainment - Waive Hire Charges for Civic Centre.

Hire fees would be considered and ongoing cost to the CRC in terms of providing this service and as such is not recommended. Cost should be recovered from attendees to events and not necessarily provided free of charge.

Recommended Funding \$0.00.

Denmark Lions Club Inc. \$1,800.00

Garden Bag Round – Trailer.

Total cost ex GST is \$2,063. Worthwhile community project and would assist Lions in maintaining cemetery on Council's behalf (under contract).

Recommended Funding \$1,000.00.

St John Ambulance Denmark Sub Centre \$4,999.00

Provide the Denmark Community with 3 Heart Defibrillator Machines & 3 Wall Mounted Boxes.

Excellent project with significant cash contribution from applicant. Further clarification required from applicant regarding location of equipment and training required. Maintenance costs to be met by applicant.

Recommended Funding \$5,000.00.

Denmark Dragon Boat Club Inc. \$4,522.00

Upgrade - Synthetic Grass Matting & Shade Sail.

Small applicant contribution. Could be completed as part of riverside clubs project. Other funding also possible i.e. Lotterywest, Healthways, etc. Club to fund 50% from either own or other sources.

Recommended Funding \$2,900.00.

Denmark Volunteer Fire & Rescue	\$2,500.00
Volunteer Fire & Rescue 50th Anniversary Dinner.	
Important one off event to recognise contribution of Denmark VFRS to local community safety.	
Recommended Funding \$2,500.00.	
Denmark Equestrian Club Inc.	\$4,900.00
Upgrade - Reserve Entrance, Signage, Clear accumulated hazards and Re-sand the Arenas.	
Some works would be considered maintenance of club facilities. Fund 50% of entry statement.	
Recommended Funding \$1,900.00.	
Gumnut Corner Denmark Occasional Daycare	\$5,000.00
Replace Carpet, Purchase of larger fridge & storage facilities.	
Small applicant contribution. Fund 50% on basis applicant raises remaining funds from own or other sources.	
Recommended Funding \$2,700.00.	
Denmark Emergency Relief Anglicare	\$1,200.00
Assistance granted for those in need, Rent of room at Community Resource Centre 1/2 day per week.	
Should be funded from grant funds received. Possible in-kind use of Council facility.	
Recommended Funding \$0.00 or in-kind assistance at Council venue.	
Denmark Primary School Kitchen Garden	\$4,981.00
Creation of Outdoor Classroom Shelter.	
Small applicant contribution. Fund not recommended on the basis that it is infrastructure of State Government land.	
Recommended Funding \$0.00.	
Denmark Environment Centre Inc.	\$1,000.00
Comprehensive Environmental Library.	
Fund purchase of books and media only.	
Recommended Funding \$900.00	
Denmark Weed Action Group Inc.	\$1,500.00
The Removal of Eastern State Species (Wattles Paperbark and Eucalypt) from the area adjacent to the Old Post Office (Council land).	
Good community project across two organisations. Fund equipment and mulching contractor.	
Recommended Funding \$1,500.00.	
Denmark Country Woman's Association	\$600.00
Mesh Fencing to secure backyard.	

Small contribution requested.

Recommended Funding \$600.00.

Denmark Surf Life Saving Club Inc. \$5,000.00

Plans for Extension to Denmark SLSC

Important strategic project, Council has previously agreed to consider funding one third. The request \$5,000 would be in addition to that contribution. Not supported. One third request to be referred to Council as per Resolution.

Recommended Funding \$0.00.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Council Policy P040125 relates;

“COMMUNITY FINANCIAL ASSISTANCE PROGRAM

Objectives

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

Policy

That the Council at least annually advertise its intention to consider applications for financial assistance from community groups within the shire based on application forms and guidelines endorsed the Council's Community Financial Assistance Grants Committee.

Recommendations arising from such applications are to be made by this Committee to Council no later than May of each year for consideration by Council in the following financial year budget.

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

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

Responsible Officer

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

Budget / Financial Implications:

Council has budgeted \$21,650 in the 2011/12 Municipal Budget for the Community Financial Assistance Grants (GL1410112).

It is considered unlikely that this allocation will change significantly in the short term.

The draft 2012/13 Municipal Budget includes the sum of \$21,652.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

Some of the projects seeking funding, if successful, would result in environmental benefits.

➤ **Economic:**

Some of the projects seeking funding, if successful, would result in economic benefits.

➤ **Social:**

Some of the projects seeking funding, if successful, would result in social benefits

Voting:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR SYME	SECONDED: CR MORRELL
That with respect to the 2012/13 Community Financial Assistance Grants, Council approve the following projects (totalling \$21,750) for funding from the 2012/13 funding program;	
Denmark Lions Club Inc. (Garden Bag Round – Trailer)	\$1,000.00
St John Ambulance Denmark Sub Centre (provide Denmark Community with 3 Heart Defibrillator Machines & 3 Wall Mounted Boxes)	\$5,000.00
Denmark Dragon Boat Club Inc.	\$2,900.00
(Upgrade – Synthetic Grass Matting & Shade Sail)	
Denmark Volunteer Fire & Rescue	\$2,500.00
(Volunteer Fire & Rescue 50 th Anniversary Dinner)	
Denmark Equestrian Club Inc.	\$1,900.00
(Upgrade – Reserve Entrance, Signage, Clear accumulated Hazards and re-sand the Arenas)	
Gumnut Corner Denmark Occasional Daycare	\$2,700.00
(Replace carpet, purchase of larger fridge & storage facilities)	
Peaceful Bay Sea Rescue Group	\$2,750.00
(Assistance with 3 phase power)	
Denmark Environment Centre Inc.....	\$900.00
(Comprehensive Environmental Library)	
Denmark Weed Action Group Inc.	\$1,500.00
(The removal of Eastern State Species (Wattles, Paperbark and Eucalypt) from the area adjacent to the old post office)	
Denmark Country Women’s Association.....	\$600.00
(Mesh fencing to secure backyard)	
AMENDMENT	
MOVED: CR OSBORNE	SECONDED: CR MARSHALL

That a contribution to the Denmark Environment Centre Inc. be deleted and the total amount be adjusted accordingly.

CARRIED: 6/3

Res: 030712

Cr Lewis requested that her vote against be recorded.

AMENDMENT

MOVED: CR LEWIS

SECONDER: CR SYME

That the contribution towards the Denmark Dragon Boat Club Inc. be deleted and the total amount be adjusted accordingly.

THE MOVER WITHDREW THE AMENDMENT WITH THE APPROVAL OF THE SECONDER.

AMENDMENT

MOVED: CR LEWIS

SECONDED: CR OSBORNE

That a contribution towards the Denmark Primary School Kitchen Garden of \$900.00 be included and the total be adjusted accordingly.

5.12pm – *Cr Morrell left the room.*

5.13pm – *Cr Morrell returned to the room.*

CARRIED: 5/4

Res: 040712

AMENDED MOTION

That with respect to the 2012/13 Community Financial Assistance Grants, Council approve the following projects (totalling \$21,750) for funding from the 2012/13 funding program;

Denmark Lions Club Inc.	\$1,000.00
(Garden Bag Round – Trailer)	
St John Ambulance Denmark Sub Centre	\$5,000.00
(provide Denmark Community with 3 Heart Defibrillator Machines & 3 Wall Mounted Boxes)	
Denmark Dragon Boat Club Inc.	\$2,900.00
(Upgrade – Synthetic Grass Matting & Shade Sail)	
Denmark Volunteer Fire & Rescue	\$2,500.00
(Volunteer Fire & Rescue 50 th Anniversary Dinner)	
Denmark Equestrian Club Inc.	\$1,900.00
(Upgrade – Reserve Entrance, Signage, Clear accumulated Hazards and re-sand the Arenas)	
Gumnut Corner Denmark Occasional Daycare	\$2,700.00
(Replace carpet, purchase of larger fridge & storage facilities)	
Peaceful Bay Sea Rescue Group	\$2,750.00
(Assistance with 3 phase power)	
Denmark Primary School Kitchen Garden.	\$900.00
(Creation of Outdoor Classroom Shelter)	
Denmark Weed Action Group Inc.	\$1,500.00
(The removal of Eastern State Species (Wattles, Paperbark and Eucalypt) from the area adjacent to the old post office)	
Denmark Country Women’s Association.....	\$600.00
(Mesh fencing to secure backyard)	

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION AND WAS PUT AND CARRIED BY AN ABSOLUTE MAJORITY: 9/0

Res: 050712

8.5 Chief Executive Officer

8.5.1 OLD DENMARK HOSPITAL – LOTTERYWEST GRANT & ESTABLISHMENT OF WORKING GROUP

File Ref:	A3048
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Old Hospital Site – Reserves 18587 & 45623
Disclosure of Officer Interest:	Nil
Date:	20 June 2012
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.1 – Adaptive Reuse Study (April 2011)

Summary:

This report recommends that Council accept a grant from Lotterywest of \$670,000 and re-form a Working Group to oversee the old hospital adaptive reuse project.

Background:

Council has previously adopted a Conservation Plan and Adaptive Reuse Study for the former Denmark Hospital.

At its meeting held on the 27 April 2011, Council resolved as follows (Resolution No. 280411) and a copy of the report is attached;

“That with respect to the Denmark Hospital (fmr) on Reserve 18587 & the Frail Aged Lodge (fmr) on Reserve 45623 Council;

1. *Adopt the Adaptive Reuse Study and the principles contained therein with the exception that two of the stand alone sheds are to remain on site for the foreseeable future for storage purposes;*
2. *Authorise the Chief Executive Officer to negotiate “peppercorn” Leases of the two sheds that would remain on site with Denmark Arts Inc. and the Denmark Chamber of Commerce Inc., with the Leases to be referred to Council for final approval and based on Council’s standard community group lease and with a maximum term of 5 years whereupon at the conclusion of that term, both the Council and proposed lessees, of all of the buildings on site, will be in a better position to determine their level of intrusiveness as compared to their function performance;*
3. *Approve the name of the former Denmark Hospital and former Frail Aged Lodge as being the “Morgan Richards Community Centre”;*
4. *Grant permission to the Peaceful Bay RSL to select one of the sheds, of their choice, and relocate it, at their cost, to a suitable site at Peaceful Bay to the satisfaction of the Chief Executive Officer in conjunction with the Peaceful Bay Progress Association Inc. The shed and perimeter lands to be subject of a lease and a separate report to Council for determination;*
5. *Renew the Lease between the Shire of Denmark and the Denmark Arts Council Inc. for the former Infant Health Clinic on portion of Lot 41 (Reserve No. 26026), for a period of two years from the 1 January 2011 to the 1 January 2013, or if a lesser period, until the organisation re-locates to the former Frail Aged Lodge on Reserve No. 45623;*
6. *Total expenditure, including detailed drawings, professional fees etc.. to be limited to \$1,100,000 (inclusive of GST) on the renovation and refurbishment of the old Hospital and former Frail Aged Lodge. Tenders for the project to be submitted to Council prior to commencement of any works. Council’s contribution to the project being limited to a maximum of \$300,000 (plus GST) with the balance of funding being via grant applications;*
7. *Authorise the Chief Executive Officer to negotiate a 5 year Lease with the Denmark Over 50’s Association Inc. for use of the former Nurses Quarters, with the Lease to be referred to Council for final approval and based on Council’s standard community group lease;*

8. *Confirm the intent, as outlined in the Adaptive Reuse Study, is to lease the former Frail Aged Lodge Building to Denmark Arts and the former Hospital to Denmark Community Resource Centre with both based on Council's standard community group lease. The premise off these proposed leases will be on the basis that with exception of the potential for initial seed establishment funding support, the buildings will be let to the lessees on the basis that they derive any and all revenue in exchange for being responsible for all building maintenance with the exception of structural repairs;*
9. *All leases with community groups to commence only once the project has been approved and completed. Interim, short term Memorandums of Understanding until completion; and*
10. *Thank the Working Group for their work and advise all community groups that have expressed an interest in the buildings of the outcomes of this resolution."*

Comment:

Lotterywest advised on the 28 May 2012 that the funding application had been successful and on the 29 June 2012 Lotterywest, through the Hon. Robyn McSweeney MLC, will be formally presenting the approved grant to Council for \$670,000 (ex GST). These funds will be used towards the refurbishment of the old hospital.

A Working Group was established in July 2009 to oversee the development of a Conservation Plan and an Adaptive Reuse Study. Following the conclusion of these objectives the Working Group was disbanded in May 2011.

Now that funds are available for the project it is recommended that a new Working Group be formed with the following membership and objectives;

Membership

- Two Councillors (suggest Cr Sampson, as the Councillor representative on the former Old Hospital Buildings Working Group, and Cr Thornton, as Shire President and a former owner of a building company);
- Chief Executive Officer
- Denmark Community Resource Centre representative;
- Denmark Arts representative; and
- Denmark Over 50s Association representative.

Objectives

- To source and appoint a suitably qualified Architect to advise the Working Group and to assist with the project, in a professional capacity; and
- To oversee the efficient and effective administration of the grant, and other relevant project funds for the construction and refurbishment of the old hospital buildings (on Reserves 18587 & 45623) in accordance with the principles of the adopted Adaptive Reuse Study (dated April 2011).

Sunset Clause

- The Working Group will cease to exist following completion of the refurbishment project, acquittal of the relevant grants and facilitation of a celebratory opening function.

Consultation:

Significant community consultation occurred during the development of the Adaptive Reuse Study.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Delegation D040123 relates and is as follows;

“The Chief Executive Officer is delegated authority to make submissions for grants and/or subsidies from State and Commonwealth Governments without prior approval of Council. In exercising this delegated authority the following conditions shall be observed:

1. *The grant/subsidy shall not be accepted without Council’s endorsement.*
2. *The undertaking is to be in accordance with Council’s established strategic objectives.”*

The former Denmark Hospital is recorded in the Council’s Municipal Heritage Inventory (MHI) as a place of Exceptional Significance and is covered by an overriding Conservation Plan.

Budget / Financial Implications:

Should Council accept the \$670,000 grant from Lotterywest then the funds will be included in the 2012/13 Municipal Budget as income and expenditure for the Morgan Richards Community Centre Adaptive Reuse Project.

Total project cost \$1,256,953 summarised as follows;

	<u>Budget</u>
Council contribution towards the buildings	\$306,953 (plus GST)
Council contribution towards car parking and landscaping	\$110,000 (plus GST)
Regional Development and Lands Contribution	\$155,000 (plus GST)
Denmark Arts (Inc.) cash contribution	\$5,000 (plus GST)
Denmark Over 50’s (Inc.) contribution (agreed)	\$5,000 (plus GST)
Denmark Community Resource Centre (Inc.) contribution (agreed)	\$5,000 (plus GST)
Lotterywest contribution (53%)	\$670,000 (plus GST)
 Total (\$1,388,148 inclusive of GST)	 \$1,256,953 (plus GST)

Strategic Implications:

With the completion of the redevelopment of Strickland Street (stages 1 & 2), the refurbishment of the former Denmark Hospital presents as an important community hub at the northern end of the CBD precinct which will have the function of drawing pedestrian activity to and from this facility, via adjacent CBD businesses.

Sustainability Implications:

➤ **Environmental:**

The refurbishment project covers the built form only, with funding allowing for the safe removal and disposal of significant sections of asbestos. The Conservation Plan that guides the redevelopment also takes into account the environmental considerations of the site including the trees contained therein.

A copy of the Conservation Plan is available on Council’s website at <http://www.denmark.wa.gov.au/documents/forms/governance/formerdenmarkhospital>

➤ **Economic:**

The presence of a refurbished community centre within the heart of the Denmark townsite CBD will provide a vibrant community hub that in turn will provide greater opportunity for business activity and development in reactivating the northern end of Strickland Street following the departure of the Denmark Health Service from that location.

➤ **Social:**

The refurbished facility to be known as the Morgan Richards Community Centre will provide a valuable resource and facility for several large, vibrant and active community groups as well as serve the infrequent and ad-hoc needs of many other groups for many years to come.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to the old Denmark Hospital (Morgan Richards Community Centre (on Reserves 18587 & 45623) Council;

1. Accept the grant from Lotterywest of \$670,000 (ex GST) for the refurbishment of the former Denmark Hospital; and
2. Establish a Working Group called the Morgan Richards Community Centre Refurbishment Working Group with the following membership and objectives;

Membership

- Two Councillors;
- Chief Executive Officer
- Denmark Community Resource Centre representative;
- Denmark Arts representative;
- Denmark Over 50s Association representative; and
- Architect (to be appointed in a professional capacity by the Working Group).

Objectives

- To source and appoint a suitably qualified Architect to advise the Working Group and to assist with the project, in a professional capacity; and
- To oversee the efficient and effective administration of the grant, and other relevant project funds for the construction and refurbishment of the old hospital buildings (on Reserves 18587 & 45623) in accordance with the principles of the adopted Adaptive Reuse Study (dated April 2011).

Sunset Clause

The Working Group will cease to exist following completion of the refurbishment project, acquittal of the relevant grants and facilitation of a celebratory opening function.

3. Appoint Cr Thornton and Cr Sampson to the Morgan Richards Community Centre Working Group.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.5.1

MOVED: CR MORRELL

SECONDED: CR SEENEY

That with respect to the Morgan Richards Community Centre (former Denmark Hospital) on Reserves 18587 & 45623) Council;

1. Accept the grant from Lotterywest of \$670,000 (ex GST) for the refurbishment of the Morgan Richards Community Centre; and
2. Establish a Working Group called the Morgan Richards Community Centre Refurbishment Working Group with the following membership and objectives;

Membership

- Two Councillors;
- Chief Executive Officer
- Denmark Community Resource Centre representative;
- Denmark Arts representative;
- Denmark Over 50s Association representative; and

Objectives

- To source and appoint a suitably qualified Architect to advise the Working Group and to assist with the project, in a professional capacity; and
- To oversee the efficient and effective administration of the grant, and other relevant project funds for the construction and refurbishment of the Morgan Richards Community Centre (on Reserves 18587 & 45623) in accordance with the principles of the adopted Adaptive Reuse Study (dated April 2011).

Sunset Clause

The Working Group will cease to exist following completion of the refurbishment project, acquittal of the relevant grants and facilitation of a celebratory opening function.

3. Appoint Cr Thornton and Cr Sampson to the Morgan Richards Community Centre Working Group.

CARRIED: 9/0

Res: 060712

Cr Morrell congratulated the Director of Infrastructure Services for his efforts in ensuring that the works at the northern end of Strickland Street had been undertaken so promptly. Cr Morrell requested Mr Whooley to also pass on his congratulations to the Infrastructure Staff.

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

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

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

Signed: _____

Dale Stewart – Chief Executive Officer

Date: 4 July 2012

These minutes were confirmed at the meeting of the _____

Signed: _____

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