

# Shire of Denmark Minutes



## ORDINARY (DECISION MAKING) MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK  
ON TUESDAY, 28 JUNE 2011.

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# Ordinary Council Meeting

28 June 2011

## DISCLAIMER

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

4.05pm – The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS PRESENT:

- Cr Ross Thornton (Shire President)
- Cr Ken Richardson-Newton (Deputy Shire President)
- Cr Phil Barnes
- Cr Kim Barrow
- Cr George Ebbett
- Cr Adrian Hinds
- Cr Robert Laing
- Cr Richard Phair
- Cr John Sampson
- Cr Alex Syme
- Cr John Wakka

STAFF:

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

APOLOGIES:

Cr Dawn Pedro

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 17

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Ms Annette Harbron	8.1.4	Impartiality & Proximity	Ms Harbron owns and intends to build on land which Town Planning Scheme Policy No. 2.5 applies to.
Cr Barrow	8.4.3	Impartiality	Cr Barrow is a member & the Chair of Denmark Tourism Inc.
Cr Barrow	9.3	Impartiality	Cr Barrow is a member of the Denmark RSL.
Cr Barrow	8.1.6	Proximity	Cr Barrow is the Lessor of an office in Strickland Street.
Cr Richardson-Newton	8.1.7	Financial	Cr Richardson-Newton is an owner and operator of Willowleigh Bed & Breakfast.

Cr Richardson-Newton	8.4.3	Impartiality	Cr Richardson-Newton is a member of Denmark Tourism Inc.
Cr Richardson-Newton	8.1.6	Impartiality	Cr Richardson-Newton is a member of the Denmark Bowling Club.
Cr Laing	9.3	Impartiality	Cr Laing's partner is the Chair of the Walpole & Districts Seniors Accommodation.
Cr Syme	9.2	Impartiality	Cr Syme is member of the Denmark Environment Centre Inc.
Cr Thornton	8.4.3	Impartiality	Cr Thornton represents Council on the Board of Denmark Tourism Inc.
Cr Thornton	8.1.6	Proximity	Cr Thornton owns property in Strickland Street.
Cr Sampson	9.2	Impartiality	Cr Sampson is a member of the Denmark Environment Centre Inc.
Cr Phair	9.5	Impartiality	Cr Phair is a member of the Peaceful Bay Volunteer Bush Fire Brigade.

### 3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

### 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, no later than 6.00pm.

#### Questions from the Public

##### 4.2.1 Mr Shane Smith – Poison Point

Mr Smith apologised for his manner at last week's meeting stating that he wanted Council to understand how important the issues, pertaining to proposed development at Poison Point, was to his family. Mr Smith tabled a book, for Councillors perusal, titled "A Family Called Smith & Their Continuing Story 1824 – 1940's" which outlined his family's heritage and connection to Denmark.

*The Shire President accepted the book for Councillors perusal and noted that an ancestor of Mr Smith's, Mr Joseph David Smith, had represented Council on the Albany Road Board before becoming a foundation member of the Denmark Road Board in 1911, where he continued to serve for 35 years.*

**4.2.2 Mrs Karen Anderson – Item 8.1.6 (Final Adoption of the Municipal Heritage Inventory)**

Mrs Anderson stated that at the previous meeting, Council had noted that the Municipal Heritage Inventory (MHI) and the Local Planning Strategy (LPS) however on page 25 of the Agenda it was noted that one of the reasons for removing the heritage listing was to avoid potential conflict with the LPS.

Mrs Anderson spoke as a resident of Mitchell Street and expressed concern with the possible commercial operations which could potentially be situated in very close proximity to their residence and requested Council to consider the sensitivity of the issue. Mrs Anderson stated that she would be putting in a submission to express her concerns.

**4.2.3 Mr Greg Clark – Item 8.1.5 (Request to Demolish Existing Development and Build New 'Holiday Cottage' and Outbuilding – Site 72 Third Avenue, Peaceful Bay)**

Mr Clark spoke as the applicant stating professional opinion had suggested that their holiday cottage was beyond repair. Mr Clark said that he and his wife enjoyed the atmosphere at Peaceful Bay and the intention was to replace the building with something which would be keeping with the character of the area. Mr Clark noted that he understood the difficulty of Council's decision, given the potential precedent, however he asked Council to support Cr Laing's recommendation.

**4.2.4 Mr Gareth Anderson – Item 8.1.6 (Final Adoption of the Municipal Heritage Inventory)**

Mr Anderson stated that he wanted to register his agreement with the comments made by his wife Mrs Karen Anderson, early on in the meeting.

**4.2.5 Mr Peter Robertson – Item 8.1.7 (Scheme Amendment Request - Revised Tourist Development Plan for Karri Mia Resort)**

Mr Robertson spoke as one of the proponents and a former Manager of the Karri Mia Resort. Mr Robertson stated that they believed that they had done everything they could to make Karri Mia viable however consistently and persistently it had concluded in a non viable project. Mr Robertson added that they were endeavouring to retain Karri Mia as an economic contributor to Denmark and requested Council grant permission to modify the use to enable the owners to put it into a form or a model which would then make it economically viable.

**4.2.6 Mr Sven Robertson – Item 8.1.7 (Scheme Amendment Request - Revised Tourist Development Plan for Karri Mia Resort)**

Mr Robertson spoke as one of the proponents and asked Council to keep the broader picture in mind and consider the prosperity of the town. Mr Robertson added that tourism was a commercial venture however understood that there was a need to have some middle ground which suited everyone involved.

**4.2.7 Mr Nick Ayton – Item 8.1.7 (Scheme Amendment Request - Revised Tourist Development Plan for Karri Mia Resort)**

Mr Ayton spoke as a Planning Consultant for the project stating that the applicant had lodged a Scheme Amendment Request two years ago and since then had been negotiating with Council, trying to come up with some

arrangements which would produce a viable tourist development for the site. Mr Ayton gave an overview of the process to date.

#### **4.2.8 Ms Cherie Clarke – Item 8.1.7 (Scheme Amendment Request - Revised Tourist Development Plan for Karri Mia Resort)**

Ms Clarke spoke on behalf of the owners of Celestine Retreat which was adjacent to Karri Mia stating that they would like to see Karri Mia continue to be a tourism site. Ms Clarke asked how Council proposed to make sure that the tourist blocks would be built on and how were there going to ensure that the people who buy the blocks actually create a tourist structure?

*The Director of Planning & Sustainability responded stating that the questions asked by Ms Clarke were concerns of Council's planning staff also and that Council would need to work with the applicant and perhaps impose provisions on the proposed amendment. Mrs Harbron added that the should Council support the principles of the Scheme Amendment tonight then Ms Clarke's questions would be considered at a later stage.*

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

Nil

### **4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

#### **4.4.1 Natural Earth Burials - Petition**

A petition, copied below, has been received in relation to Natural Earth Burial in Denmark and contains 15 signatures. The preamble to the Petition reads as follows;

*"We, the undersigned, write to request that an area of Denmark Cemetery be set aside for natural earth burials. It is our understanding that the Cemetery Advisory Board has already given some consideration to this matter but has deferred a decision until 2012 at the earliest. This may be too late for some of us and we ask that they bring the proposal forward, preferably to their next meeting."*

#### Officer Comment

Council considered its position in relation to Natural Earth Burial at its March 2010 meetings and on the 23 March 2011 resolved as follows;

- "That with respect to Natural Earth Burials within the Shire of Denmark Council;*
- 1. Defer consideration of the matter as there is not enough current demand to require a dedicated site;*
  - 2. Include a suitable question in the 2010 Community Needs & Customer Satisfaction Survey.*
  - 3. Subject to the consideration of the outcome of part 2;*
    - a) Request the Cemetery Advisory Committee to undertake a review in 2012 to determine whether the matter needs to be reconsidered;*
    - b) Request Council Officer's to record any requests for Natural Earth Burials and those statistics be presented & considered during the 2012 review process;*
    - c) Request Council Officer's to refer any requests for Natural Earth Burials to appropriate known Natural Earth Burial grounds within Western Australia; and*
    - d) Note that Council and the Community may need to consider the possibility that a suitable site for Natural Earth Burials could be required in the future following the review."*

A question relating to Natural Earth Burial was included in the 2011 Community Needs & Customer Satisfaction Survey and the responses are included in Attachment 8.4.2.

Given that Council would not have suspended Standing Orders at this point of the Agenda, pursuant to Item 6 on the Agenda, it is suggested that Council not deal with the Officer Recommendation until the second meeting of the month, to be held on the 28 June 2011, given that this first meeting of the month is intended principally as a discussion meeting only.

**OFFICER RECOMMENDATION**

**ITEM 4.4.1**

That the Petition in relation to Natural Earth Burial be referred to the Cemetery Advisory Committee at their next meeting to be held on the 6 July 2011, for consideration and recommendation to Council.

At the meeting held on the 21 June 2011, Council resolved as follows;

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

**ITEM 3.4.1**

MOVED: CR EBBETT

SECONDED: CR WAKKA

That the Petition in relation to Natural Earth Burial be referred to the Cemetery Advisory Committee at their next meeting to be held on the 6 July 2011, for consideration and recommendation to Council.

**DEFERRAL MOTION**

MOVED: CR LAING

SECONDED: CR SYME

That the motion be deferred until the next meeting.

CARRIED: 8/2

Res: 010611

**COUNCIL RESOLUTION & DEFERRED MOTION**

**ITEM 4.4.1**

MOVED: CR EBBETT

SECONDED: CR WAKKA

That the Petition in relation to Natural Earth Burial be referred to the Cemetery Advisory Committee at their next meeting to be held on the 6 July 2011, for consideration and recommendation to Council.

CARRIED: 11/0

Res: 060611

**4.4.2 Mr Graeme Robertson – Karri Mia Resort**

Mr Robertson introduced an environmental & planning Lawyer, Mr Tony van Merwyk who spoke on behalf of the owners.

**5. APPLICATIONS FOR LEAVE OF ABSENCE****5.1 Cr Thornton**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 5.1</b>
MOVED: CR SYME	SECONDED: CR RICHARDSON-NEWTON
That the Shire President, Cr Thornton, be granted Leave of Absence for the Ordinary Council meetings to be held on the 19 & 26 July 2011.	
CARRIED: 11/0	Res: 070611

**6. CONFIRMATION OF MINUTES****6.1 ORDINARY COUNCIL MEETING**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 6.1</b>
MOVED: CR WAKKA	SECONDED: CR SAMPSON
That the minutes of the Ordinary Meeting of Council held on the 21 June 2011 be confirmed as a true and correct record of the proceedings.	
CARRIED: 11/0	Res: 080611

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

Nil



**8. REPORTS OF OFFICERS**

Councillors are encouraged to identify those Agenda Items from Item 8 (Officer Reports) through to and inclusive of Item 9 (Committee Recommendations) that they would like to discuss, debate, amend, ask questions in relation to or make comment on during that meeting.

ITEM NO.	HEADING	Declarations of Interest Yes / No	Absolute Majority Yes / No
8.1.1	BIODIVERSITY SURVEYS (FLORA AND BIRDS) PROJECT FOR MOUNT HALLOWELL AND WILSON INLET FORESHORE RESERVES	No	No
8.1.2	REVEGETATION OF PRIORITY SITES ON WILSON INLET FORESHORE RESERVES PROJECT	No	No
8.1.3	EXTENSION OF QUARRAM NATURE RESERVE 33842 BOUNDARY TO THE LOW WATER MARK	No	No
8.1.4	POSITION STATEMENT ON "EARTHY COLOURS" REFERENCES IN TOWN PLANNING SCHEME NO. 3	Yes	No
8.1.5	REQUEST TO DEMOLISH EXISTING DEVELOPMENT AND BUILD NEW 'HOLIDAY COTTAGE' AND OUTBUILDING - SITE 72 THIRD AVENUE, PEACEFUL BAY	No	No
8.1.6	FINAL ADOPTION OF THE MUNICIPAL HERITAGE INVENTORY	No	No
8.1.7	SCHEME AMENDMENT REQUEST - REVISED TOURIST DEVELOPMENT PLAN FOR KARRI MIA RESORT	Yes	No
8.4.1	FINANCIAL STATEMENT FOR THE MONTH ENDING 31 MAY 2011	No	No
8.4.2	2011 SHIRE OF DENMARK COMMUNITY NEEDS AND CUSTOMER SATISFACTION SURVEY	No	No
8.4.3	DENMARK TOURISM (INC) - LEASE RENEWAL OPTION DENMARK VISITOR CENTRE AND RATES DISCOUNT REQUEST	Yes	Yes
8.4.4	DENMARK AIRSTRIP - LEASE OF PORTION OF RESERVE 41390	No	No
9.1	PATHS AND TRAILS ADVISORY COMMITTEE	No	Yes
9.2	2011/2012 CULTURAL DEVELOPMENT FUND COMMITTEE - RECOMMENDED GRANT FUNDING.	Yes	No
9.3	2011/2012 COMMUNITY FINANCIAL ASSISTANCE GRANT FUND APPLICATIONS	Yes	No
9.4	FIRE CONTROL OFFICERS 2011/2012	No	No
9.5	REQUEST FROM PEACEFUL BAY VOLUNTEER MARINE RESCUE SERVICE TO USE THE PEACEFUL BAY ISUZU 2.4 FIRE APPLIANCE TO TOW THE SEA RESCUE VESSEL "IRWIN"	Yes	No
9.6	FUNDING REQUEST SOMERSET HILL VOLUNTEER BUSHFIRE BRIGADE	No	No

If any of the above items are identified by Council they will be excluded from the following En-bloc recommendation.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8</b>
MOVED: CR SAMPSON	SECONDED: CR LAING
That the Officer Recommendations with respect to Items 8.1.1, 8.1.2, 8.1.3, 8.4.2, 8.4.4, 9.1, 9.4, 9.5 & 9.6 be adopted en bloc.	
CARRIED BY AN ABSOLUTE MAJORITY: 10/1	Res: 090611

## 8.1 Director of Planning & Sustainability

### 8.1.1 BIODIVERSITY SURVEYS (FLORA AND BIRDS) PROJECT FOR MOUNT HALLOWELL AND WILSON INLET FORESHORE RESERVES

<b>File Ref:</b>	GRT.B
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Mount Hollowell Reserve and Wilson Inlet Foreshore Reserves
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 June 2011
<b>Author:</b>	Yvette Caruso, Natural Resource Management Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.1 a) – Grant Application

#### Summary:

Council is requested to endorse the acceptance of grant funding from the State NRM Program community grant of \$19,560 (ex GST) to conduct biodiversity surveys (flora and birds) on Wilson Inlet Foreshore Reserves and Mount Hollowell Reserve and include an allocation of \$32,560 total project costs (grant income of \$19,560 and operational expenditure of \$13,000) in the 2011/2012 budget.

#### Background:

In December 2010 the Shire lodged a grant application (refer Attachment 8.1.1 a)) with the State NRM Program Community Grants for \$19,560 to assist with undertaking the biodiversity surveys (flora and birds) on Wilson Inlet Foreshore Reserves and Mount Hollowell Reserve. This project is a complementary one to existing surveys being conducted on these Shire Reserves for fungi and fauna the respective Council endorsed management plans.

#### Comment:

In June 2011 the Shire was advised that the grant application was successful, thus in accordance with Delegation D040223: Grants and Subsidies, Council is required to endorse the grant prior to acceptance. A condition of the grant funding is that Council is required to provide a financial contribution of \$13,000 - \$6,000 towards consultancy fees for the flora surveys and \$7,000 towards consultancy fees for the bird surveys.

The biodiversity surveys are to be conducted over a 12 month period to capture seasonal variability and maximise optimal conditions for survey of all species. Data will be provided as quarterly progress update reports and also as a final report with an inventory list, description and detail of methodology, species list, and corresponding GIS spatial co-ordinates, as well as a GIS shapefile of all species identified in survey work to be utilised for mapping purposes. The report and corresponding shapefile(s) will be referenced on a regular ongoing basis by the Shire when undertaking land management decisions for reserve management to ensure the continued protection of the biodiversity values identified from the surveys.

#### Consultation:

##### External Consultation

The development of the Wilson Inlet Foreshore Reserves and Mount Hollowell Reserve Management Plans involved extensive community consultation and public information forums during which there were no public concerns raised with regards to the recommendations for the biodiversity surveys to be undertaken on the aforementioned Shire reserves.

Following adoption of the aforementioned management plans, at the recommendation of the Wilson Inlet Management Advisory Group (WIMAG) in

February 2009, an operational plan was developed in May 2009 in collaboration with the Shire of Denmark and Department of Water. A priority recommendation for implementation included the undertaking of biodiversity surveys (fauna, flora, fungi and birds) for the reserves.

#### Internal Consultation

Director of Finance and Administration

#### **Statutory Obligations:**

There are no known statutory obligations.

#### **Policy Implications:**

As per Delegation D040223: Grants and Subsidies, Council is required to endorse this grant prior to acceptance.

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

Although the 2010/2011 budget included Council's monetary contribution of \$13,000 for this project (Account 1063862 – Wilson Inlet/Mount Hallowell Implementation Plans; NB: no grant income was accounted for), given the project will not commence prior to 30 June 2011, if Council endorses acceptance of the grant the total project costs will need to be included in the 2011/2012 budget as a carry-over for the expenditure and new grant income.

In addition to the monetary contribution, the Shire is providing \$4,320 of in-kind contributions associated with project management roles by Sustainability Services staff.

#### **Strategic Implications:**

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

#### **Sustainability Implications:**

##### ➤ **Environmental:**

The biodiversity surveys (flora and birds) will complement surveys on fauna and fungi that are currently being undertaken and scheduled for completion by end of June 2011. The survey work is commensurate with recommendations outlined within the Shire of Denmark endorsed *Mount Hallowell Reserve and Wilson Inlet Foreshore Reserves Management Plans (2008)*, and will contribute to further knowledge of biodiversity values within the Shire of Denmark and broader southern region.

##### ➤ **Economic:**

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

##### ➤ **Social:**

There will be social benefits to the broader community during conduction of the surveys through provision for engagement of community members such as Conservation and Land Management TAFE students to participate in the field surveys to further promote the involvement and build capacity within the community.

#### **Voting Requirements:**

Simple majority.

At the meeting held on the 21 June 2011;

- Cr Richardson-Newton queried the budget breakdown provided by the consultants.
- Cr Hinds & Cr Richardson-Newton both expressed concern that the Officer Recommendation read as though Council would be agreeing to include funds in

the 2011/12 Budget prior to even seeing a draft of the indicative Budget for that year.

- The Shire President asked whether there were any other Natural Resource Management projects which had been applied for.

In response to the questions raised by Councillors, the Director of Planning & Sustainability provides the following information:

- Project Break-Down

Project Details	Project Costs	Source of Funding
Flora Survey Work	Consultancy Fees - \$17,600 Shire In-kind Contributions - \$2,160 TAFE/Community In-kind Contribution - \$4,800	Shire - \$6,000 (cash) NRM - \$11,600 (cash) Shire - \$2,160 (in-kind) TAFE/Community - \$4,800 (in-kind)
Bird Survey Work	Consultancy Fees - \$14,960 Shire In-kind Contributions - \$2,160 TAFE/Community In-kind Contribution - \$1,920	Shire - \$7,000 (cash) NRM - \$7,960 (cash) Shire - \$2,160 (in-kind) TAFE/Community - \$1,920 (in-kind)
<b>TOTAL</b>	<b>\$43,600 (cash and in-kind contributions)</b>	<b>Shire - \$13,000 (cash)</b> <b>NRM - \$19,560 (cash)</b> <b>Shire - \$4,320 (in-kind)</b> <b>TAFE/Community - \$6,720 (in-kind)</b>

- Should Council wish to defer consideration of acceptance of the grant until adoption of the 2011/2012 budget in July 2011, this will not impact on the grant funding arrangements as there is no particular date as such to endorse the grant contract documents.
- Should Council wish to defer consideration of acceptance of the grant until adoption of the 2011/2012 budget in July 2011, this will not have any implications on the survey work from a seasonality perspective as the survey work is conducted to be over a 12-month period.
- There are no current NRM related grant applications pending.

FORMER OFFICER RECOMMENDATION

ITEM 8.1.1

That with respect to the grant funding of \$19,560 (ex GST) from the State NRM Program to undertake biodiversity surveys (flora and birds) for the Wilson Inlet Foreshore Reserves and Mount Hallowell Reserve, Council:

1. Endorse acceptance of the grant and authorise the Director of Planning and Sustainability to execute the grant contract documents accordingly: and
2. Include an allocation of \$32,560 total project costs (grant income of \$19,560 and net expenditure of \$13,000) in the 2011/2012 budget.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.1

That with respect to the grant funding of \$19,560 (ex GST) from the State NRM Program to undertake biodiversity surveys (flora and birds) for the Wilson Inlet Foreshore Reserves and Mount Hallowell Reserve, Council:

1. Consider including an allocation of \$32,560 total project costs (grant income of \$19,560 and net expenditure of \$13,000) in the 2011/2012 budget; and
2. Subject to inclusion in the 2011/2012 Council Budget, accept the grant and authorise the Director of Planning and Sustainability to execute the grant contract documents accordingly.

CARRIED BY EN BLOC RESOLUTION: 090611

### 8.1.2 REVEGETATION OF PRIORITY SITES ON WILSON INLET FORESHORE RESERVES PROJECT

<b>File Ref:</b>	GRT.B
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Wilson Inlet Foreshore Reserves
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 June 2011
<b>Author:</b>	Yvette Caruso, Natural Resource Management Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	Attachment 8.1.2 – Grant Application

#### Summary:

Council is requested to endorse the acceptance of grant funding from the State NRM Program community grant of \$8,010 (ex GST) for the planting of local provenance plants on identified high priority sites on the Wilson Inlet Foreshore Reserves and include an allocation of \$8,210 total project costs (grant income of \$8,010 and operational expenditure of \$200) in the 2011/2012 budget.

#### Background:

In January 2011 the Shire lodged a grant application (refer Attachment 8.1.2) with the State NRM Program Community Grants for \$8,010 to assist with revegetation activities on high priority sites along the Wilson Inlet Foreshore Reserves.

The plants have been prepared through collection of local provenance seed and propagated in 2010/2011 as a result of funding provided by the Department of Environment and Conservation's Environmental Community Grants program.

The revegetation activities are consistent with Recommendation 2.3.9 from the *Wilson Inlet Foreshore Reserves Management Plan 2008* which states: "Determine priority areas for revegetation and develop and implement a Foreshore Reserves Revegetation works program".

#### Comment:

In June 2011 the Shire was advised that the grant application was successful, thus in accordance with Delegation D040223: Grants and Subsidies, Council is required to endorse the grant prior to acceptance. A condition of the grant funding is that Council is required to provide a financial contribution of \$200 towards site preparation prior to planting.

The Wilson Inlet foreshore vegetation provides valuable habitat and reduces nutrient and pollutants into the inlet by acting as a bio-filter. Revegetation activities on the Wilson Inlet foreshore reserves will assist in forming a natural vegetation buffer for the Wilson Inlet assisting with biofiltration as well as providing a valuable habitat for waterbirds and other fauna. Identified priority sites for revegetation include Prawn Rock Channel, Ocean Beach Rd bike path shoulders, Poddyshot (south) end of Campbell Rd, Yacht Club Reserve and the ruppia bund that is situated around the foreshore edge.

#### Consultation:

##### External Consultation

The development of the *Wilson Inlet Foreshore Reserves Management Plan 2008* involved extensive community consultation and public information forums during which there were no public concerns raised with regards to the development and implementation of a revegetation works program on the Wilson Inlet Foreshore Reserves.

Following adoption of the aforementioned management plan, at the recommendation of the Wilson Inlet Management Advisory Group (WIMAG) in February 2009, an operational plan was developed in May 2009 in collaboration with the Shire of Denmark and Department of Water. A priority recommendation for implementation included the development and implementation of revegetation activities along the Wilson Inlet foreshore. The Shire of Denmark in collaboration with the Department of Water, following field visits, in March 2010 developed a revegetation plan identifying high priority sites and relevant species for propagation and planting.

#### Internal Consultation

Director of Finance and Administration

#### **Statutory Obligations:**

There are no statutory obligations.

#### **Policy Implications:**

As per Delegation D040223: Grants and Subsidies, Council is required to endorse this grant prior to acceptance.

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

If Council endorses acceptance of the grant and noting that the project will not commence prior to 30 June 2011, the total project costs will need to be included in the 2011/2012 budget.

In addition to the monetary contribution, the Shire is providing \$2,160 of in-kind contributions associated with project management roles by Sustainability Services staff.

#### **Strategic Implications:**

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

#### **Sustainability Implications:**

##### ➤ **Environmental:**

The Wilson Inlet foreshore vegetation provides valuable habitat and reduces nutrient and pollutants into the inlet by acting as a bio-filter. By planting local provenance native plant species at tube-stock size this will enable native plants to outcompete the kikuyu and couch grass and other environmental weeds that occur along the Wilson Inlet foreshore.

##### ➤ **Economic:**

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

##### ➤ **Social:**

There will be social benefits through provision for engagement of community members such as Conservation and Land Management TAFE students to participate in the revegetation activities to further promote the involvement and build capacity within the community.

#### **Voting Requirements:**

Simple majority.

**FORMER OFFICER RECOMMENDATION**

ITEM 8.1.2

That with respect to the grant funding from State NRM Program of \$8,010 (ex GST) for the Revegetation of Priority Sites on Wilson Inlet Foreshore Reserves Project, Council:

1. Endorse acceptance of the grant and authorise the Director of Planning and Sustainability to execute the grant contract documents accordingly; and
2. Include an allocation of \$8,210 total project costs (grant income of \$8,010 and net expenditure of \$200) in the 2011/2012 budget.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.2

That with respect to the grant funding from State NRM Program of \$8,010 (ex GST) for the Revegetation of Priority Sites on Wilson Inlet Foreshore Reserves Project, Council:

1. Consider including an allocation of \$8,210 total project costs (grant income of \$8,010 and net expenditure of \$200) in the 2011/2012 budget; and
2. Subject to the inclusion in the 2011/2012 Council budget, accept the grant and authorise the Director of Planning and Sustainability to execute the grant contract documents accordingly.

**CARRIED BY EN BLOC RESOLUTION: 090611**

<b>8.1.3 EXTENSION OF QUARRAM NATURE RESERVE 33842 BOUNDARY TO THE LOW WATER MARK</b>
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<b>File Ref:</b>	ORG.8
<b>Applicant / Proponent:</b>	Department of Environment and Conservation
<b>Subject Land / Locality:</b>	Quarram Nature Reserve R33842
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 June 2011
<b>Author:</b>	Helen Heydenrych, Natural Resource Management Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning and Sustainability
<b>Attachments:</b>	8.1.3 – Plan Showing Extent of Reserves

**Summary:**

The Department of Environment and Conservation (DEC) is seeking Council support for the proposal to extend the foreshore boundary of Quarram Nature Reserve 33842 from the high water mark (HWM) to the low water mark (LWM).

Having regard to the adjoining Boat Harbour Reserve boundary being the LWM, Council's intentions to have Shire managed coastal reserves with boundaries that relate to the LWM and the existence of a Management Plan for the reserve addressing Council's previous concerns in relation to access and camping, it is recommended that the proposal be supported.

**Background:**

Quarram Nature Reserve 33842, a Class A reserve, is the subject of a Management Order to the National Parks and Nature Conservation Authority for the purpose of 'Conservation of Flora and Fauna'. Its foreshore boundary currently extends to the HWM.

Quarram Nature Reserve is located to the east and west of Boat Harbour Reserve 7723 (refer Attachment 8.1.3), which is the subject of a Management Order to the Shire of Denmark for the purpose of 'Recreation and Foreshore Protection'. Its foreshore boundary extends to the LWM.

In 1997 and again in 1998, the then Department of Conservation and Land Management (CALM) requested Council's support for the extension of the Quarram Nature Reserve boundary from the HWM to the LWM to enable more control by CALM over visitor activities occurring in the intertidal zone.

On both occasions (being July 1997 and May 1998), Council considered the issue and resolved to not support the request on the grounds that at that stage a management plan for Quarram Nature Reserve did not exist, and that any future management plan for the reserve required needed to clearly address Council's concerns that:

1. Access to the coast for fishing or other recreational pursuits which were compatible with the purpose of a nature reserve, was not going to be restricted; and
2. Camping at coastal sites in the reserve where no environmental damage was occurring, could continue to occur.

**Comment:**

DEC has recently written to the Shire requesting support to the proposal to extend the boundaries of Quarram Nature Reserve from the HWM to the LWM as this has been a long standing proposal for the reserve and will allow DEC to better protect the intertidal zones and their associated flora and fauna. Having the reserve boundary as the LWM will also allow for a more consistent and logical definition of management responsibilities.



Since 1998 DEC has completed and adopted the *2008 Walpole Wilderness and Adjacent Parks and Reserves Management Plan*, which includes Quarram Nature Reserve, and clearly identifies management actions which relate to the future vision and management for Quarram Nature Reserve. Council's previous stated concerns are identified and/or addressed in this management plan in that:

1. There is commitment in the plan to continue to allow access to coastal sites as long as the visitor activities do not compromise environmental condition or conservation purpose of the nature reserve; and
2. Quarram Nature Reserve is not identified as a potential future formal camping site, however it is acknowledged that remote camping sites which are unserviced and often only accessible by foot that currently exist in the 2008 Management Plan planning area, would continue to be permitted, providing they are not damaging the environmental values or in conflict with the management objectives of the site - which is totally reasonable given that Quarram Reserve is a high value conservation reserve.

It should be noted that in the recently adopted Shire of Denmark *Coastal Reserves Management Strategy and Action Plan 2010-2020* (CRMSAP) there is the following recommendation:

*“CT2: Review the discrepancies between the boundary of coastal reserves and Unallocated Crown Land along the beach areas and adjust Shire managed boundaries to the Low Water Mark across all Shire Reserves”.*

From this recommendation it is clear that the intention is to review boundary management issues and standardise management responsibility in partnership with all neighbouring management authorities, to the LWM, in order to more effectively manage recreational activities in the intertidal zone, as this is currently non-standard and varies from reserve to reserve.

Specifically in relation to Boat Harbour Reserve the reserve boundary currently extends to the LWM, and having regard to the recommendation from the CRMSAP it would be appropriate for the Shire to support the adjoining reserve (being Quarram Nature Reserve 33842) to have the same management boundaries to ensure continuous management of the foreshore intertidal zone along this section of coast.

**Consultation:**

The *2008 Walpole Wilderness and Adjacent Parks and Reserves Management Plan*, and the CRMSAP were the subject of extensive public and government agency consultation during the planning and document development periods.

**Statutory Obligations:**

Should the Shire support the boundary request, DEC will need to formally lodge a request with the Department of Regional Development and Lands for the reserve boundary to be amended accordingly.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

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

**Strategic Implications:**

The CRMSAP supports the boundary of Shire managed coastal reserves being to the LWM, thus it is appropriate that all coastal reserves, regardless of the managing body for such reserve, be to the LWM subject to coastal and beach access being provided and/or retained.

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

Management of the intertidal zone is historically problematic on the South Coast, with boundaries changing from HWM to LWM across reserve boundaries. This has led to degradation and neglect in some intertidal areas. Numerous coastal species feed and nest in these intertidal areas, and the application of consistent reserve boundary to the LWM for all relevant management authorities will assist with sustainable and sound environmental management in these intertidal areas.

➤ **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.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.3

That with respect to the proposal to extend the foreshore boundary of Quarram Nature Reserve 33842 from the high water mark to the low water mark, Council advise the Department of Environment and Conservation that it supports such proposal on the basis that:

1. The 2008 Walpole Wilderness and Adjacent Parks and Reserves Management Plan addresses Council's earlier concerns in relation to coastal access and camping;
2. The adjoining Boat Harbour Reserve boundary is the low water mark; and
3. Council is seeking to have all Shire managed coastal reserves with boundaries that relate to the low water mark, thus it is appropriate that all coastal reserves regardless of the management body have the same boundaries.

CARRIED BY EN BLOC RESOLUTION: 090611

*Prior to consideration of Item 8.1.4 through Presiding Person the Chief Executive Officer brought to the attention of the meeting the following disclosure(s) of interest:*

*The Director of Planning & Sustainability declares an impartiality & proximity interest as Town Planning Scheme Policy No. 2.5 applies to land that she owns and intends to build on. Mrs Harbron declares that she has considered this matter on its merits and will advise Council accordingly.*

<b>8.1.4 POSITION STATEMENT ON “EARTHY COLOURS” REFERENCES IN TOWN PLANNING SCHEME NO. 3</b>
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<b>File Ref:</b>	PLN.17
<b>Applicant / Proponent:</b>	Planning Services
<b>Subject Land / Locality:</b>	Various
<b>Disclosure of Officer Interest:</b>	The Director of Planning & Sustainability declares an impartiality and proximity interest as Town Planning Scheme Policy No. 2.5 applies to land that she owns and intends to build on.
<b>Date:</b>	12 May 2011
<b>Author:</b>	Duncan Ross, Senior Planning Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.4 – TPS No. 3 & Policy 2.5 Colour References

**Summary:**

Town Planning Scheme No. 3 (TPS No. 3) and Town Planning Scheme Policy No. 2.5: *Residential Areas* (Policy 2.5) currently contain numerous references to “earthy” colours as being appropriate building colours.

Having regard to the intent of the colour references, analysis of the various colours that have been implemented throughout Denmark, consideration of issues such as reflectivity and thermal efficiency, and more specifically providing the opportunity for the variety and eclectic mix that is Denmark, it is recommended that Council formulates a policy position in relation to colour interpretations to inform staff and the public as to what colours are appropriate where there are TPS No. 3 and/or Policy 2.5 colour provisions.

**Background:**

Within TPS No. 3 and/or Policy 2.5 there are a number of areas that are subject to “earthy” colour provisions (refer Attachment 8.1.4). In the majority of other development areas (eg. Monkey Rock Special Rural) there are references that buildings should be sympathetic in terms of design, materials and colours.

**Comment:**

Planning Services have undertaken a review of historical development approvals, current compliance issues and a physical audit of development forms throughout the Shire and it is evident that there either has been inconsistent interpretations by Planning Services staff as to what colours are appropriate and/or applicants have built developments that are not in accordance with their planning approval conditions.

It is for this reason that Planning Services staff consider it is appropriate that Council formulate a policy position in order to provide direction to the community and staff as to what colours are appropriate from a built form perspective.

In determining appropriate colours, due consideration has been given to a range of factors including:

- The intent of the colour references in TPS No. 3 and Policy 2.5;
- The variety of housing colours that currently exist in Denmark;
- Colour palettes;
- Reflectivity of materials and thermal efficiency; and

- That Denmark is all about variety and eclectic mixes, and it is appropriate that this should extend, where legally able to, to the choice of building colour.

As a result of the analysis and review process, Planning Services are of the opinion that the following colour interpretations be applied:

- any reference to “natural earth”, “subtle earth” or “natural hues” colour – all colour tones are appropriate;
- any reference to “vegetation” colour excluding the specific reference to “green vegetation” colour – all tones of green, brown, yellow, orange and red are appropriate; and
- any references to “earth brown” colour or “brown toning” – all tones of brown, including limestone and red/terracotta colours are appropriate; and
- the colorbond® colour of surfmist is not considered to be an “off-white” colour.

Once Council formulates a policy position in relation to acceptable colours, there is a need to “publish” this information, and it is recommended that this initially be via an Information Sheet that is readily available for the community and Planning Services staff.

**Consultation:**

Planning Services staff.

**Statutory Obligations:**

There are no statutory obligations as the provisions of TPS No. 3 are not seeking to be changed, simply clarified.

There are a number of instances whereby planning approval conditions have been imposed on developments requiring that certain colours be utilised in order to comply with the provisions of TPS No. 3 or Policy 2.5 and the interpretation of the assessing planner. Where this is the case and the colours are now consistent with the Council’s policy position in relation to acceptable colours, Planning Services staff will not be seeking to take any non-compliance action.

**Policy Implications:**

The recommendation is for Council to formulate a policy position to assist with interpretation of TPS No. 3 and Policy 2.5 colour provisions. Should Council adopt the officer’s recommendation, the policy manual will be updated accordingly.

In due course Planning Services may give consideration to preparing a Town Planning Scheme Policy in relation to colours.

**Budget / Financial Implications:**

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

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

At the meeting held on the 21 June 2011, Cr Barrow asked why the Monkey Rock or Kent River subdivision maps weren't included in the attachments as areas which required 'earthy colours' interpretations.

The Director of Planning & Sustainability responded stating that some areas do not have particular reference to colour under the Scheme and for that reason did not require interpretation.

**FORMER OFFICER RECOMMENDATION**

**ITEM 8.1.4**

That with respect to the "Earthy Colours" reference in Town Planning Scheme No. 3, Council:

1. Adopt a policy position whereby the following colour interpretations apply:
  - a) any reference to "natural earth", "subtle earth" or "natural hues" colour – all colour tones are appropriate;
  - b) any reference to "vegetation" colour excluding the specific reference to "green vegetation" colour – all tones of green, brown, yellow, orange and red are appropriate;
  - c) any references to "earth brown" colour or "brown toning" – all tones of brown, including limestone and red/terracotta colours are appropriate; and
  - d) surfmist is not considered to be an "off-white" colour.
2. Include the above in Council's Policy Manual.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.4

MOVED: CR EBBETT

SECONDED: CR SYME

That with respect to the “Earthy Colours” reference in Town Planning Scheme No. 3, Council:

1. Adopt a policy position whereby the following colour interpretations apply:
  - a) any reference to “natural earth”, “subtle earth”, “natural hues” OR “sympathetic” colour – all colour tones are appropriate;
  - b) any reference to “vegetation” colour excluding the specific reference to “green vegetation” colour – all tones of green, brown, yellow, orange and red are appropriate;
  - c) any references to “earth brown” colour or “brown toning” – all tones of brown, including limestone and red/terracotta colours are appropriate; and
  - d) surfmist is not considered to be an “off-white” colour.
2. Include the above in Council’s Policy Manual.

**AMENDMENT**

MOVED: CR BARROW

SECONDED: CR HINDS

That the words “,shades of blue,” be added after the word “orange” in part 1 b).

CARRIED: 8/3

Res: 100611

**AMENDED MOTION**

That with respect to the “Earthy Colours” reference in Town Planning Scheme No. 3, Council:

1. Adopt a policy position whereby the following colour interpretations apply:
  - a) any reference to “natural earth”, “subtle earth”, “natural hues” OR “sympathetic” colour – all colour tones are appropriate;
  - b) any reference to “vegetation” colour excluding the specific reference to “green vegetation” colour – all tones of green, brown, yellow, orange, shades of blue and red are appropriate;
  - c) any references to “earth brown” colour or “brown toning” – all tones of brown, including limestone and red/terracotta colours are appropriate; and
  - d) surfmist is not considered to be an “off-white” colour.
2. Include the above in Council’s Policy Manual.

*5.19pm – The Director of Finance & Administration left the meeting.*

*5.19pm – The Director of Infrastructure Services left the meeting.*

*5.20pm – The Director of Community & Regulatory Services left the meeting.*

*5.21pm – The Director of Finance & Administration returned to the meeting.*

*5.22pm – The Director of Infrastructure Services returned to the meeting.*

*5.23pm – The Director of Community & Regulatory Services returned to the meeting.*

THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED: 8/3

Res: 110611

### 8.1.5 REQUEST TO DEMOLISH EXISTING DEVELOPMENT AND BUILD NEW 'HOLIDAY COTTAGE' AND OUTBUILDING - SITE 72 THIRD AVENUE, PEACEFUL BAY

<b>File Ref:</b>	A1879
<b>Applicant / Proponent:</b>	Summit North West on behalf of G & G Clark (Lessees)
<b>Subject Land / Locality:</b>	Site 72 Third Avenue, Peaceful Bay
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 June 2011
<b>Author:</b>	Annette Harbron, Director of Planning and Sustainability
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.1.5 a) – Plans of Existing and Proposed Development 8.1.5 b) – Photos of Existing Development on Site 72 8.1.5 c) – Photos of Redevelopment Works on Site 91

#### Summary:

The lessees of Site 72 Third Avenue, Peaceful Bay are seeking Council support to the demolition of the existing 'holiday cottage' to facilitate building a new 'holiday cottage' on-site. As per the provisions of the lease and Shire of Denmark's Procedure *OP040239: Construction of New or Significant Alterations to Building Structures on Council Land*, owner approval of the proposed development is required to be obtained prior to formal assessment of a Planning Application.

Having regard to the lease provisions, the Peaceful Bay Heritage Precinct Conservation Plan and Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines it is recommended that Council not support the proposal.

#### Background:

An application for Planning Approval was lodged with Planning Services in April 2011 for the demolition of the existing 'holiday cottage' (approx. 98m<sup>2</sup>) and existing shed (9m<sup>2</sup>) to facilitate building a new 'holiday cottage' (approx. 143m<sup>2</sup>) and outbuilding/shed (approx. 42m<sup>2</sup>) – refer Attachment 8.1.5 a).

Upon receipt of the Planning Application, Planning Services advised the applicant (Summit North West) and the lessees (G & G Clark) that the Planning Application was deemed incomplete as the landowner (being the Shire of Denmark) had not signed the application form, and that as per the provisions of the lease pertaining to the site and the Shire of Denmark's Procedure *OP040239: Construction of New or Significant Alterations to Building Structures on Council Land*, owner approval of the proposed development is required to be obtained prior to formal assessment of a Planning Application. After discussions with the Chief Executive Officer and the Director of Finance and Administration it was determined that this proposal was to be referred to Council for their due consideration in its capacity/role as the landowner in the first instance.

#### Lessee's Request & Justification

The lessee's reasons and justification for the proposal to demolish the existing development on-site and rebuild a new 'holiday cottage' and outbuilding are as follows:

*"In June 2009, a builder looked at the existing development on-site with the idea of removing and repairing the white ant damage, roof rust, re-stumping of the house and levelling of the floor area. After the inspection the advice received was that the costs would be too great and it would be less expensive to rebuild completely.*

*In October 2009 we met with the Shire to discuss the proposal and view what the Council requirements were. After the meeting we determined it would be better*

*to wait until the new lease was signed before doing anything in relation to the building.*

*A range of options were investigated (i.e. transportable, site kit home etc) such that when the lease was signed we could progress the proposal further.*

*We have now reached a stage where our family have very young children and they wish to use the house more, but it's current conditions doesn't allow this with the roof leaking, floor, plumbing and electrical evens. Even with a new house we will be limited by the use of rain water.*

*It is not our intention ever to live there nor any of my immediate family. The new residence is purely designed to be a family holiday house. As for the proposed shed this is to house the boat and 4 wheel drive.*

*The existing house and the new house are of similar size and we hope to keep in with the surroundings and don't wish to lose the character of the area."*

It should be noted that Planning Services have tried to ascertain from the lessees which staff they may have liaised with in October 2009 regarding the proposal as there is no file note of the meeting. To date the lessees have not been able to provide such details other than a passing conversation with the Shire's building staff when they were doing inspections of the area in relation to water supply connection compliance.

**Comment:**

As referenced above, this proposal is being referred to Council for due consideration in the capacity/role as the landowner in the first instance. Should Council consent to the application as the landowner, the formal planning assessment process can then commence (i.e. full assessment against the relevant Town Planning Scheme and policy provisions that pertain to the proposal, including advertising and internal/external referrals) such that a determination on the planning application can be made (which the applicant will then have appeal rights). Should Council not consent to the application as the landowner, the Planning Application received to date is deemed incomplete and would be returned to the applicant, along with any monies paid associated with the application to date. There are no appeal rights to this process from a planning perspective however there may be the potential for some civil action from a lease perspective.

Lease Considerations

Clause 6.01 of the Lease for the site states

*"the Lessee shall not make or cause to be made any structural or other alteration or addition to the Demised Premises without first submitting to the Lessor full detailed drawings and specifications of the proposed works and first obtaining the Lessor's consent in writing"*.

Given the lessee's justification reasons for seeking demolition of the existing building on-site, Planning & Building Services staff undertook an inspection of the premises - refer Attachment 8.1.5 b). From this inspection it was evident that there were some issues associated with the current development on-site – namely:

- roof leaking which is causing dampness in the building;
- roof is bowing/sagging at the rear of the cottage
- some roof and external timbers are rotting;
- uneven internal floor;
- unevenness with verandah floor including floorboards lifting/moving; and
- the cottage is lined with blue asbestos.



Although it is acknowledged there are some issues with respect to the current state of the dwelling, it is also important to note that it appears there has been very little maintenance work undertaken on the premises by the lessees despite Clause 5.02 of the lease stating:

*“At its own expense the Lessee shall at all times during the Term and otherwise for so long as the Lessee remains in occupation of the Demised Premises maintain the Demised Premises and all improvements placed thereon by the Lessee in good, clean, habitable, substantial repair and condition to the reasonable satisfaction of the lessor (damage by fire, storm, tempest, earthquake and explosion excepted).”*

### Heritage Values Considerations

The Peaceful Bay Heritage Precinct pertains to the original leasehold subdivision of the settlement in Peaceful Bay – comprised of 163 houses constructed along First, Second, Third and Fourth Avenues. The Peaceful Bay Heritage Precinct is classified in Town Planning Scheme No. 3 (TPS No. 3) as a “Place of Heritage Value”. Strategic and policy documents that relate to the Peaceful Bay Heritage Precinct are the:

- Peaceful Bay Heritage Precinct Conservation Plan (PBHPCP); and
- Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines (Policy 35).

Site 72 Third Avenue is located within the Peaceful Bay Heritage Precinct, thus the following provisions are relevant for consideration of this proposal:

- The PBHPCP states that within a state context the entire Peaceful Bay Heritage Precinct is considered to be a zone of considerable significance. This category warrants inclusion on any register of heritage places with conservation highly recommended. As a result, the Peaceful Bay Heritage Precinct has been the subject of the Heritage Council of Western Australia’s consideration for State listing since 2004.
- The Peaceful Bay Heritage Precinct is listed in the 1999 Municipal Heritage Inventory (MHI) as Category ‘C’ – that is:
  - Retain and conserve if possible.
  - Endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme.
  - A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any major redevelopment.
  - Incentives to promote conservation should be considered.
- In the draft 2011 MHI, the Peaceful Bay Heritage Precinct level of significance has been recommended as ‘Exceptional’ – that is:
  - Essential to the heritage of the locality.
  - Rare or outstanding example.
  - The place should be retained and conserved unless there is not feasible and prudent alternative to doing otherwise.
  - Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan.
- Clause 4.5.1 of Policy 35 states “Most of the houses have been classified in the PBHPCP as having some cultural heritage significance, apart from No. 79, which is constructed of brick. There should be no demolition or removal of any of the original sections of buildings that are classified as having some cultural heritage significance”.
- Clause 4.5.2 of Policy 35 states “The buildings which are classified as having considerable or some heritage value should be conserved and maintained”.
- From a review of records, there have been numerous proposals supported for redevelopment of ‘holiday cottages’ ranging from small minor additions through to major renovations (refer Attachment 8.1.5 c)), however there is no record of the complete demolition of ‘holiday cottages’ in the Peaceful Bay Heritage Precinct area.

### Conclusion

At this stage Council is being asked to consider the proposal in its capacity/role as the landowner in order to facilitate the formal lodgement of a Planning Application. In determining a position in relation to this proposal, the following issues all need to be put into context:

- Not undertaking maintenance could be deemed a breach of the lease provisions, thus Council needs to consider at what point it is prepared to accept complete demolition as being an appropriate option as opposed to maintenance, repair and redevelopment proposals;
- Are cost factors associated with maintenance and repair a justifiable reason to support demolition as opposed to maintenance, repair and redevelopment proposals?;
- The precedence that may result and the associated impacts on the heritage values of Peaceful Bay, noting however that there is the potential to address heritage values through good building design;
- Did the Shire have a role to play to ensure that conditions of leases were being met prior to entering into new leases, particularly in the case of leases being re-entered into with former lessees?;
- Should the Shire have had a role to play from a maintenance inspection regime perspective such that holiday cottages were not run-down to the extent that demolition was considered the only option from the lessee's perspective; and
- The strategic value and importance of the Peaceful Bay Heritage Precinct Conservation Plan and Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines.

Having regard to the above, it is recommended that Council not support the proposal to demolish the existing 'holiday cottage' to facilitate building a new 'holiday cottage'.

### **Consultation:**

#### External Consultation

Informal consultation on the subject request was held with the Peaceful Bay Progress Association (via the Director of Community & Regulatory Services discussing the request at the Association's meeting held on 13 June 2011) and from this consultation the Association did not express any fundamental objection to the demolition component of the proposal.

#### Internal Consultation

- Chief Executive Officer
- Director of Finance and Administration
- Building Services

### **Statutory Obligations:**

The lease between the Shire of Denmark and G & G Clark commenced on 1 July 2010 for a period of 21 years. The lease clearly sets out the requirements of the lessor (the Shire of Denmark) and the lessee (G & G Clark) with respects to issues such as:

- Use of demised premises;
- Inspection, maintenance and repair of demised premises;
- Rental and other lessee charges and
- Alterations to demised premises.

Council is considering this application in its capacity/role as the landowner initially as this will determine whether the Planning Application process can commence.

Should Council consent to the proposal as the landowner, it should be noted that Council as the decision making authority could still refuse the Planning Application,

noting however that the applicant then has appeal rights as per the provisions of the *Planning and Development Act 2005*.

**Policy Implications:**

Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines applies to the development proposal for Site 72 Third Avenue. A Town Planning Scheme Policy does not bind the Council in respect of any application, but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

Should Council resolve to consent to the lodgement of the Planning Application as the landowner, a formal assessment of the proposal having regard to the relevant provisions of TPS No. 3 and Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines will need to be undertaken, including public advertising as per Clause 7.3 of TPS No. 3.

To date Planning Services have only undertaken a preliminary assessment of the plans having regard to Policy No. 35 and have identified the following issues that need further consideration:

- The use of custom orb cladding and aluminium windowframes as opposed to the preference for weatherboard (jarrah or similar) and timber window frames
- The dwelling does not have a good streetscape aspect with no front verandah or front door elements facing the street;
- The alfresco area to the side of the dwelling is not consistent with roof forms or streetscape in the area
- The proposal for a paved driveway and grano crossover is generally not supported; and
- The proposal entails removal of some mature peppermints which is generally not supported.

**Budget / Financial Implications:**

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

Should Council not consent to the Planning Application as the landowner, reimbursement of the Planning Application and Building Licence fees paid (being \$1536.50, noting this includes the BCITF and BRB fees) will need to be organised.

**Strategic Implications:**

The Peaceful Bay Heritage Precinct Conservation Plan states the entire Peaceful Bay Heritage Precinct is considered to be a zone of considerable significance, with the intention being to protect and enhance the unique special character of the Peaceful Bay original leasehold settlement as a relaxed, informal low key holiday location.

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

The applicant has indicated that the costs associated with maintenance and repair works on the existing 'holiday cottage' exceed the costs associated with demolishing and building a new 'holiday cottage'. This however should not be the sole reason for Council supporting the request to demolish the existing 'holiday cottage'.

➤ **Social:**

The heritage values of the Peaceful Bay Heritage Precinct are recognised by the community of the precinct and by the wider community.

**Voting Requirements:**

Simple majority.

**OFFICER RECOMMENDATION**

ITEM 8.1.5 a)

That Council with respect to the proposal for demolition of the existing 'holiday cottage' to facilitate building a new 'holiday cottage' on Site 72 Third Avenue, Peaceful Bay advise the applicant/lessees that:

1. Consent to the proposal, as required under Clause 6.01 of the lease between the Shire of Denmark and G & G Clark, is not granted on the basis that the demolition of 'holiday cottages' is not supported by the Peaceful Bay Heritage Precinct Conservation Plan and Town Planning Scheme No. 35 – Peaceful Bay Conservation Plan Development Guidelines;
2. Consent to the proposal by Council as the landowner, as required for the Application for Planning Consent, is not granted; and
3. Redevelopment of the existing 'holiday cottage' is supported, along with major additions/renovations, subject to due regard being given to Town Planning Scheme No. 35 – Peaceful Bay Conservation Plan Development Guidelines, thus consultation should occur with Planning Services staff to progress a proposal that will be supported.

**COUNCIL RESOLUTION & CR LAING'S RECOMMENDATION**

ITEM 8.1.5 a)

MOVED: CR LAING

SECONDED: CR PHAIR

That Council advise the lessee of site 72 Third Avenue Peaceful Bay that it is prepared to consider providing approval as the lessor/landowner in accordance with Clause 6.01 of the lease such that an Application for Planning Approval for demolition of the existing 'holiday cottage' to facilitate building a new 'holiday cottage' subject to the following provisions;

1. That the applicant demonstrate to Council's satisfaction that the building is in such a state that it is beyond its useful life and generally unfit for habitation and/or economical repair and;
2. That the applicant demonstrate to Council's satisfaction concept building plans and elevations of the proposed replacement building that are sympathetic to and conform to the principles of the Peaceful Bay Heritage Precinct Conservation Plan and Town Planning Scheme Policy No. 35 - Peaceful Bay Conservation Plan Development Guidelines (noting that the current submitted plans in the opinion of Council do not).

CARRIED: 11/0

Res: 120611

**REASONS FOR CHANGE**

The building is possibly beyond repair and Council was prepared to allow the applicant to demonstrate it to Council.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.5 b)

MOVED: CR LAING

SECONDED: CR SAMPSON

That with respect to the Peaceful Bay Leasehold Cottages, Council request the Chief Executive Officer to have prepared a report on the potential for conflicts or policy direction relating to the lease obligations of the lessor and / or lessee with respect to maintenance, criteria for supporting demolition, removal of improvements at the end of term (of the lease) and the Council's existing inspection regime, Peaceful Bay Conservation Plan and Town Planning Scheme Policy No. 35.

CARRIED: 11/0

Res: 130611

*Prior to consideration of Item 8.1.6 through Presiding Person the Chief Executive Officer brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Barrow declares an proximity interest on the basis that he is the Lessor of a property in Strickland Street .*

*5.32pm - Cr Barrow left the room and did not participate in discussion or vote on the matter.*

*Cr Thornton declares an proximity interest on the basis that he owns property in Strickland Street .*

*5.32pm - Cr Thornton left the room and did not participate in discussion or vote on the matter.*

*Cr Thornton requested the Deputy Shire President, Cr Richardson-Newton to assume the role of Chair.*

*Cr Richardson-Newton accepted and assumed the Chair as the Presiding Person.*

<b>8.1.6 FINAL ADOPTION OF THE MUNICIPAL HERITAGE INVENTORY</b>
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<b>File Ref:</b>	PLN8V5
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 June 2011
<b>Author:</b>	Cindy Simpson, Senior Planning Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	Attachment 8.1.6 a): Schedule of Submissions Attachment 8.1.6 b): Municipal Heritage Inventory (June 2011) Attachment 8.1.6 c): State Planning Policy 3.5 – Historic Heritage Conservation Attachment 8.1.6 d): Model Scheme Text Part 7 – Heritage Protection

**Summary:**

The draft Municipal Heritage Inventory (MHI) was on public exhibition and submissions were received. Based on these submissions received, the draft MHI has been amended. It is recommended that Council adopt the MHI as a final document and consider updating the Shire’s statutory and strategic environment as it relates to State Planning Policy 3.5: Historic Heritage Conservation.

**Background:**

At the Ordinary Decision Making Meeting of 22 February 2011, Council resolved to advertise the draft MHI for public comment for a minimum period of 35 days (Resolution Number 050211).

**Comment:**

*Outcomes of the Community Consultation Process*

The draft MHI was advertised in the Denmark Bulletin (17 March 2011 publication) and the Walpole Weekly (16 March 2011 publication) for a period of 35 days with the public advertising period closing on 21 April 2011.

All landowners whose properties are listed in both the 1999 MHI and under the 2011 review were notified of the public exhibition of the draft document, including those located within the Strickland and Mitchell Street Precincts. Attached to the letters was a copy of the relevant place record form and an information sheet by the Heritage Council which explains what a MHI is.

Seventeen submissions were received during the public exhibition period. Attachment 8.1.x a) provides details of each submission and changes to the draft MHI as recommended by the MHI Review Working Group.

Of the 17 submissions received, 10 submissions were either in support of the MHI or provided additional information and corrections to place record forms, 2 submissions objected to the Strickland Street Precinct and 5 submissions objected to the listing of their properties on the MHI.

In summary, based on the submissions received, the following major changes have resulted to the draft MHI, as recommended by the Working Group:

- The removal of the following two properties from the MHI and placed on the review list to allow for further research into the heritage significance thereof:
  - Nockolds Store, 6677 South Coast Highway, Nornalup; and
  - Thorn's Farm House, 298 Parry Beach Road, Parryville
- The following properties to which objections to listing were received from landowners, to remain on the MHI:
  - Nockolds Second Building, 32 South Coast Highway (exceptional significance)
  - Wilkies, 26 Riverside Drive, Nornalup (considerable significance)
  - Greenbelt Reserve # 36260 (Exceptional Significance)
  - Denmark Hotel, 30 Hollings Road, Denmark (considerable significance)
  - Mrs Smith Haberdashery Store, 6683 South Coast Highway, Nornalup (some/moderate significance)

The reason for this recommendation is that the MHI is a record of places which the community considers contributes to the Shire's heritage and that there is no statutory implication of listing a property on the MHI.

- Update of the Peaceful Bay place record form in accordance with the Peaceful Bay Heritage Precinct Conservation Plan (December 2003).
- Update the Parker House, Parker Hall and Tree Top Walk place record forms in accordance with the submissions received.
- Correction to the Mambray Park place record form and amendment of the level of significance from 'considerable significance' to 'some/moderate significance' in accordance with the submission received.

#### *Additional Officer Modification Required*

- The Mitchell Street Precinct as it relates to the north-east boundary along Mitchell Street to the north-west of Brazier Street is shown along the back boundary. It is recommended that this boundary be changed to reflect the front portions of the lots only for the following reasons:
  - The heritage value of the precinct is associated with the streetscape value; and
  - The Draft Local Planning Strategy (2011) shows the rear portions of the blocks with a designation of future commercial which is potentially in conflict with the Heritage Precinct.

Other changes that have occurred to the MHI relate to minor additional information received and/or correction to information and address details.

The final MHI document (refer Attachment 8.1.x b) therefore consists of:

- An updated Thematic Framework which is a historical overview of the Shire's history as it relates to Aboriginal and European history.
- 60 places recognised in the 1999 MHI with an additional 63 under the review process with a total of 123 places.

- A representation of natural, Aboriginal and European heritage contained within the place record forms.
- 3 precincts recognised in the 1999 MHI (being Federal Street, Parry Beach Settlement and Original Peaceful Bay Settlement) with an additional 2 (being Strickland Street and Mitchell Street) under the review process with a total of 5 precincts.
- Of the total of 123 places, 49 fall within the category of “exception significance”, 65 within the category of “considerable significance” and 9 within the category of “some/moderate significance”.

With regards to the category references referred to above, the Heritage Council of Western Australia in their publication *Criteria for Assessment of Local Heritage Places and Areas (2007)* provides directive on the grading the levels of significance for places which meets the assessment criteria for heritage listing, being as follows:

- **Exceptional Significance:** Essential to the heritage of the locality. Rare or outstanding example. The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).
- **Considerable Significance:** Very important to the heritage of the locality. High degree of integrity/authenticity. Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.
- **Some/Moderate Significance:** Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item. Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.
- **Little Significance:** Does not fulfil the criteria for entry in the local Heritage List. Photographically record prior to major development or demolition. Recognise and interpret the site if possible.

#### *Updates of the MHI*

The *Heritage of Western Australia Act 1990* proposes that the MHI be ‘updated’ annually and ‘reviewed’ five-yearly.

It is reasonable to consider that the ‘update’ includes checking that information is still valid and noting demolitions, additions and alterations and any other changes and to include new places. Under the Act it is required that the MHI be compiled with ‘proper public consultation’ and for ad hoc listing of individual places this would usually include the involvement of the property owner and input from the nominator and history group to compile the record. A full public exhibition period is not required. There is therefore no anticipated budget implication under an update.

A five-yearly ‘review’ however, includes consideration of the thematic history, whether the MHI properly reflects the ‘story’ of the local area and whether there have been any changes in the way heritage is understood in the local area. This process should include wider community consultation and input. Under a review, there is likely to be a budget implication.

The MHI is not and should not be a static document and regular update is therefore required to ensure heritage conservation within the Shire. It is therefore appropriate that Planning Services update the MHI as and when required (this may be annually to

two yearly). This will also mean that when Council consider that a review of the MHI is required, this would be a more manageable process due to the regular updates which has occurred.

#### *Acquittal of Grant from the Heritage Council of WA*

The MHI was completed with a \$10,000 grant received from the Heritage Council of WA under their Local Government Heritage Assistance Program. The grant agreement stipulates, amongst other things, as part of the project definition and/or anticipated activities that:

- The Shire is to provide recommendations on a process and policies for creating a heritage list under the Town Planning Scheme.
- The Shire is to provide outline recommendations on necessary scheme amendments and/or additional policies that would assist the Council in appropriate management of places of cultural heritage significance within the Shire.

Delivery of a report to the Shire containing recommendations on adoption of a heritage list and amendment of the Town Planning Scheme is one of the prerequisites for payment of all moneys granted by the Heritage Council. Special conditions of the grant further require that the project will be completed and funding claimed before the end of the 2010/2011 financial year. Any exception to this is to be agreed in advance with the Office of Heritage.

The aim is to acquit the grant in full and therefore the report provides recommendations to the future amendment of TPS No. 3 and the preparation of a Local Planning Policy on Heritage as provided for under State Planning Policy 3.5 Historic Heritage Conservation.

#### *State Planning Policy 3.5 Historic Heritage Conservation (SPP)*

The SPP (refer Attachment 8.1.x c) provides a framework of heritage planning as it relates to both the statutory environment and policy measures. The following are relevant to the Shire within its current statutory and policy environment:

- i) Statutory Measures - Protection of Heritage Places under the Town Planning Scheme

The SSP on Historic Heritage Conservation recommends the following relevant to current process:

- That a heritage list established pursuant to the local planning scheme should be compiled having regard to the places identified in the inventory. A local government may elect to include all of those places in its heritage list, or may include a small sub-set of places. The standard procedures for the compilation of a heritage list are set out in the Model Scheme Text (MST) – refer Attachment 8.1.x d).
- The inclusion or exclusion of places from a heritage list should be based on their degree of historic heritage significance, supported by the finding in the inventory, irrespective of whether they are privately or publicly owned.

There are two options for this to occur – an amendment to Council's current TPS No. 3 or under the review process of TPS No.3.

In light of the fact that Council has not yet resolved to review TPS No.3 (under Regulation 4 of the Town Planning Regulation 1967) and the known lengthy timeframe associated with the gazettal of such a review, it is recommended an



amendment TPS No. 3 occurs which effectively introduces the MST heritage provisions in lieu of Part VII – Places of Heritage Value.

ii) Policy Measures – Preparation of Local Planning Policy on Heritage

SPP 3.5 recommends the preparation of a Local Planning Policy (LPP). A heritage LPP can achieve the following:

- Complement/provide further guidance on the development control principles set out in SPP 3.5.
- Establish Council's position in relation to heritage development matters to enable consistent decision making.
- Assist proponents, property owners and the community understand how decisions are likely to be reached with improved certainty for property owners.

The SPP further sets out a role for Local Government in the implementation thereof through support for:

- Ensuring that heritage provisions in local planning schemes are consistent with the Model Scheme Text.
- Ensuring that heritage places and areas are carefully identified consistent with the common standards provided by the Heritage Council
- Ensuring that due regard is given to heritage significance in development assessment, planning schemes and planning strategies.
- Adopting local planning policies affecting places entered in heritage lists.

It is recommended that Council with respect to the recommendations contained in the State Planning Policy 3.5 – Historic Heritage Conservation resolve to request staff to prepare further report(s) to Council in relation to:

- Amendment of Town Planning Scheme No. 3 as it relates to the Model Scheme Text, Part 7 – Heritage Protection;
- Heritage List as per the Model Scheme Text provisions in relation to Heritage Protection, using the Municipal Heritage Inventory level of significance categories of "Exceptional" and "Considerable" as a guide in the first instance.
- Draft Local Planning Policy on Heritage.

*Ongoing role of the MHI Review Working Group*

The Working Group, at its meeting of 4 May 2011 resolved to continue its role under renewed terms of reference to assist in the following:

- Ongoing update of the MHI as and when required;
- The proposed Scheme amendment as it relates to heritage and the preparation of a Heritage List; and
- The proposed Local Planning Policy on Heritage.

The Director of Planning & Sustainability has considered that the projects referenced do not require a Working Group as such to undertake this work. Once the projects progress should it be considered necessary the Working Group can be reformed and a new terms of reference established accordingly.

**Consultation:**

Consultation undertaken on the draft Municipal Heritage Inventory is described under the 'Comments' section of this report.

**Statutory Obligations:**

Under the *Heritage of Australia Act 1990* there are no statutory implications of a MHI other than a requirement for a copy of the list to be sent to the Heritage Council for its recording.

It is recommended that TPS 3 be amended to introduce the MST heritage provisions in lieu of Part VII – Places of Heritage Value and a Heritage List be prepared as per the Model Scheme Text provisions in relation to Heritage Protection, using the Municipal Heritage Inventory level of significance categories of “Exceptional” and “Considerable” as a guide in the first instance.

**Policy Implications:**

The Municipal Heritage Inventory should be supported with a Local Planning Policy on Heritage to provide information and certainty to property owners on how Council’s position in relation to heritage development matters and to enable consistent decision making.

**Budget / Financial Implications:**

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

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

The MHI recognise places of natural heritage value which has been identified by the community as having heritage and cultural value for today’s and future generations.

➤ **Economic:**

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

➤ **Social:**

The MHI provides a list of places which the community believes is of cultural heritage significance. This significance may be the aesthetic, historic, scientific or social significance a place may have for present and future generations.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.6 a)

That Council with respect to the Municipal Heritage Inventory (June 2011):

1. Note the submissions received;
2. Adopt it as the final Municipal Heritage Inventory of the Shire of Denmark, thereby superseding the 1999 Municipal Heritage Inventory subject to the Mitchell Street Precinct Place Record Form boundary being amended to reflect the front portion of the blocks north-east of Brazier Street;
3. Advise submitters of Council’s resolution;
4. Forward a copy of the final Municipal Heritage Inventory to the Heritage Council of Western Australia and the Denmark Historical Society for their records; and
5. Acknowledge the work undertaken by the Municipal Heritage Inventory Working Group in the review and process.

*5.34pm – The Director of Community & Regulatory Services left the meeting.*

*5.35pm – The Director of Community & Regulatory Services returned to the meeting.*

**COUNCIL RESOLUTION**

ITEM 8.1.6 a)

MOVED: CR RICHARDSON-NEWTON

SECONDED: CR BARNES

That Council with respect to the Municipal Heritage Inventory (June 2011):

1. Note the submissions received;
2. Adopt it as the final Municipal Heritage Inventory of the Shire of Denmark, thereby superseding the 1999 Municipal Heritage Inventory;
3. Advise submitters of Council's resolution;
4. Forward a copy of the final Municipal Heritage Inventory to the Heritage Council of Western Australia and the Denmark Historical Society for their records; and
5. Acknowledge the work undertaken by the Municipal Heritage Inventory Working Group in the review and process.

**AMENDMENT**

MOVED: CR PHAIR

SECONDED: CR HINDS

At the conclusion of part 2, add the words "subject to removing reference to the two properties known as "Wilkie's" and "Mrs Smiths Haberdashery Store" and a complete photographic record of the buildings being supplied to the satisfaction of the Director of Planning & Sustainability for possible inclusion in a subsequent review of the MHI".

LOST: 3/6

Res: 140611

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 6/3

Res: 150611

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.6 b)

MOVED: CR SYME

SECONDED: CR RICHARDSON-NEWTON

That Council with respect to the recommendations contained in State Planning Policy 3.5 – Historic Heritage Conservation request the CEO to have prepared report(s) to Council in relation to:

1. Amending the Town Planning Scheme No. 3 having regard to the Model Scheme Text Part 7 – Heritage Protection provisions;
2. Preparation of a Heritage List and/or Heritage Areas as per the Model Scheme Text provisions in relation to Heritage Protection, using the Municipal Heritage Inventory level of significance categories of "Exceptional" and "Considerable" as a guide in the first instance.
3. Preparation of a Draft Local Planning Policy on Heritage.

CARRIED: 9/0

Res: 160611

**COUNCIL RESOLUTION**

ITEM 8.1.6 c)

MOVED: CR SYME

SECONDED: CR RICHARDSON-NEWTON

That Council with respect to the Municipal Heritage Inventory Review Working Group resolve that:

1. The Working Group have a continuing role of assisting Council and administration in the following areas:
  - Ongoing update of the MHI as and when required;
  - Continuing work and research on places referred to the Review List;
  - The proposed Scheme amendment as it relates to heritage and the preparation of a heritage List;
  - The proposed Local Planning Policy on Heritage.
2. It reviews the Working Groups Terms of Reference to reflect its changed role.

CARRIED: 6/3

Res: 170611

*Cr Hinds requested that the rules relating to how recommendations are placed in the Agenda be tabled for Councillors information. The CEO advised that he would provide the requested information to Councillors.*

6.13pm – The Shire President & Cr Barrow returned to the meeting. Cr Thornton resumed the Chair as the Presiding Person.

**6.13pm - Public Question Time**

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

Prior to consideration of Item 8.1.7 through Presiding Person the Chief Executive Officer brought to the attention of the meeting the following disclosure(s) of interest:

Cr Richardson-Newton declares a financial interest on the basis that he owns & operates the Willowleigh Bed & Breakfast .

6.15pm – Cr Richardson-Newton left the meeting and did not debate or vote on the matter.

**8.1.7 SCHEME AMENDMENT REQUEST - REVISED TOURIST DEVELOPMENT PLAN FOR KARRI MIA RESORT**

<b>File Ref:</b>	TPS3 A131; A3922
<b>Applicant / Proponent:</b>	Ayton Baesjou Planning on behalf of Bennett Range Pastoral Co. P/L.
<b>Subject Land / Locality:</b>	No. 421 (Lot 84) Mt Shadforth Road, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 June 2011
<b>Author:</b>	Duncan Ross, Senior Planning Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.7 a) Existing Tourist Development Plan and TPS No. 3 Provisions 8.1.7 b) Proposed Revised Tourist Development Plan

**Summary:**

The applicant has lodged a Scheme Amendment Request (SAR) to Town Planning Scheme No. 3 (TPS No. 3) to amend the development plan associated with the Karri Mia Resort.

Prior to considering the SAR in detail, Planning Services are seeking Council’s position on the broader principles of the proposal, namely the extent of permanent residential development on-site and the subdivision arrangements.

**Background:**

Amendment 109 to TPS No. 3, which was gazetted on 9 February 2010, amongst other things amended the development provisions as they pertained to Lots 83, 84 & 85 Mt Shadforth Road by inserting a provision whereby permanent accommodation could be considered subject to the proportion of permanent residential units relative to the total number of established and operating accommodation units excluding caravans and motel units on the site being equal to or less than 20 percent. The 20 percent provision was a modification to the Amendment documentation by the Minister for Planning as Council only supported the provision of a total of 14 permanent accommodation chalets on-site when the considered Amendment 109.

Since the gazettal of Amendment 109, the applicant has submitted two SAR proposals for the site on the fundamental premise that the current tourist zoning is unviable. These proposals have not progressed to a point where they have been formally considered by Council as they have had little support from Planning Services and the Department of Planning (DoP).

The two SAR proposals were:

- TPS A120 – Tourist rezoning to Tourist/Special Residential; and
- TPS A127 – Tourist rezoning to Active Lifestyle Village (over 55's).

Whilst the above SAR's have not been supported, the following subdivision approvals have been granted by the Western Australian Planning Commission (WAPC):

- A 3 lot green title subdivision was approved on 21 July 2006 (WAPC Ref: 130781), thereby creating lots associated with each of the separate tourist entities of Karri Mia Resort, Chimes Resort and the Observatory Restaurant; and
- A 93 lot survey strata subdivision was approved subject to a number of conditions on 7 March 2008 (WAPC Ref: 807-06). To date the subdivision approval has not been enacted on as one of the conditions required the developer to construct the chalets in accordance with a staging plan over a period of 6 years. This approval remains valid until 7 March 2012.

**Comment:**

The SAR proposal seeks to amend the existing approved Tourist Development Plan (TDP) and TPS No. 3 provisions (refer Attachment 8.1.7 a)) to provide for 34 green title lots as per the following:

- 1 x tourist lot for the development of a Tourist Market and Craft Village Precinct;
- 1 x tourist lot to accommodate Caravan Park and Motel Unit (existing and proposed) facilities;
- 5 x lots dedicated solely for residential use;
- 25 x lots dedicated for a mixture of tourist/residential uses – possible uses referenced as single dwelling and potential for between 1 – 4 chalets
- 2 x existing tourist lots (Chimes Spa Retreat and Southern End Restaurant and Function Centre) (NB: these two lots currently exist however are shown on the proposed revised TDP as these lots remain subject to the same TPS No. 3 provisions. No changes are proposed to these two existing ventures and any scheme provisions will need to address this accordingly).

Attached as Attachment 8.1.7 b) is the proposed revised TDP and the applicant's justification documentation. It should be noted that the applicant's justification documentation has been provided to put the proposal into context only at this stage.

Planning Services and the DoP have a number of fundamental issues with the proposed revised TDP, mainly relating to the extent of permanent residential development and the subdivision arrangements. Given the issues referenced are fundamental to the overall proposal and then directly correlate to the detailed development issues, it is appropriate that Council provide some direction at this point in time on the development form that they consider is appropriate for the site such that the detailed development issues can be progressed further with the applicant once the fundamental development principles for the site have been determined.

➤ **Extent of Permanent Residential Development**

In terms of the extent of permanent residential development, the proposed revised TDP proposes a Tourist/Residential Precinct "B" of 21 lots, with:

- 5 lots being designated for permanent residential purposes only; and
- 16 lots being designated for permanent residential purposes with the option of developing between 1 and 4 tourist chalets at the discretion of the owner.

From reviewing the proposed TDP and discussions with the applicant/owner, it is evident that from a worst-case scenario perspective there potentially could be 21 permanent residential lots should owner's not wish to pursue the option of developing chalet accommodation on the lots. Although it is acknowledged that this is a worst-case scenario, this is what Council needs to take into account in determining how much permanent residential development should be allowed on-site.

Overall the actual ratio of permanent residential development/short stay development between the current TDP and the proposed revised TDP is as follows:

TABLE 1 – COMPARISON OF CURRENT AND PROPOSED DEVELOPMENT PLANS		
	Existing Tourist Development Plan	Proposed Tourist Development Plan
Number of Freehold Lots	3	34
Permanent Residential*	18	31
Short Stay Tourist Units/Chalets (excluding caravans and motel units as per current Scheme provisions)	72	60**
% of buildings for Permanent Residential	20%	34%
% of Short Stay Tourist Units/Chalets	80%	66%

\*Includes manager’s residences and buildings intended to be used for permanent residential use.

\*\*Best-case scenario should all chalets/tourist units identified in Precinct “A” and “B” are built

In determining an appropriate level of permanent residential development on a tourism site of this nature, it is appropriate to consider the outcomes and/or recommendations from the Tourism Taskforce Planning Report and the associated WAPC Planning Bulletin 83: Tourism.

Tourism Planning Taskforce Report

The Tourism Planning Taskforce Report was established in September 2002 to address the increasing practice of using tourist zoned land for residential development and the effect of strata schemes on tourism developments. Concerns related to the ongoing operation of strata titled tourist development and the potential conflict between short stay tourism and permanent residents.

In regards to providing for residential accommodation on tourist sites, the relevant Tourism Planning Taskforce Report key considerations are as follows:

- *The taskforce has identified that there is the potential to provide the flexibility for residential use of a proportion of units in the development of some sites zoned and required to be retained primarily for tourism purposes.*
- *This is restricted to non-strategic sites and where the site is in a suitable location and planning context to accommodate residential use, i.e. the site would provide adequate access to residential services and amenities, creates a sustainable residential environment and does not result in excessive servicing or infrastructure costs.*
- *The taskforce seeks to allow for redevelopment of a tourism facility and to establish principles to ensure any detrimental impacts on the tourism experience are minimised.*
- *This framework does not prevent proponents seeking to rezone however, it does establish clearly that this will be considered only where the local planning strategy or scheme amendment process demonstrates that the site as a whole, or a specific part of a site, has no significant ongoing or future tourism function or value.*
- *In determining an application for a residential component, the tourism benefit and broad planning context of that site will need to be given high regard.*
- *In a number of areas across the State, the introduction of residential use into sites that may be isolated, have high rural or landscape values, are unserviced or seasonally inaccessible, or outside the broad settlement strategy for the area, would be inappropriate.*
- *The approval of residential use in an existing development where there is no demonstrated tourism benefit would be inappropriate.*

*Non-strategic Tourism Sites: Where a site is identified as a non-strategic tourism site a specified portion of the proposed tourism development or redevelopment of a site, being between zero and 25 per cent inclusive, may be permitted without imposition of a residential occupancy restriction subject to the site being located to provide adequate access to residential services and amenities, within an appropriate planning context and zoned appropriately.*

- *The maximum percentage of residential units/development on the site shall comply with the following at all stages of the development:*
  - i) *The proportion of residential units relative to the total number of accommodation units on the site shall be equal to or less than the approved percentage.*
  - ii) *The site area occupied by the residential units, and any areas designated for the specific use of the occupiers of those units, relative to the area occupied by the short-stay development shall be equal to or less than the approved percentage.*
  - iii) *That any individual residential unit and as a whole any residential component of such a development shall be of a design and scale that it clearly is subsidiary to the tourism component of the development such that the tourism component remains dominant in all aspects.*
- *The determination of the appropriate residential percentage between zero and 25 per cent inclusive can be determined on a site-specific or local government area basis.*

The Tourism Planning Taskforce Report acknowledges viability is an issue for some tourism ventures and states in this regard:

*The difficulty for the development industry in achieving development viability on some tourism sites is evident in their long vacancy period, with proposals based on a mix of residential/tourism use, or residential-only developments being pursued.*

The applicant states the viability of the site based on current market factors, the current TDP and TPS No. 3 provisions is low, given the competition large scale holiday accommodation providers such as this face from holiday homes within existing residential areas. Figures provided by the applicant show a marked decrease in profitability and the facility operated at a loss for several years prior to closure. Whilst viability of tourism ventures is not a land use planning issue, it is understood that without some redevelopment/alternative ownership arrangement the Karri Mia resort site may not re-open.

In this regard the parameters for development have been clearly stipulated in the Tourism Planning Taskforce Report – that is for non-strategic tourism sites no more than 25% of the site can be made available for residential use subject to certain requirements being met.

*Planning Bulletin No. 83: Tourism*

Planning Bulletin No. 83: Tourism sets out the interim policy position of the WAPC to implement the recommendations of the Tourism Planning Taskforce Report. The interim policy is intended to guide decision-making by the WAPC and local government on subdivision, development and scheme amendment proposals for tourism purposes in the short term while detailed planning mechanisms are being established, including the preparation of a State Planning Policy.

Key outcomes of the proposal relevant to this application include:

- The introduction of length of stay provisions and use restrictions on tourist accommodation in tourism zones.

- The use of special control areas to introduce specific requirements in respect of strategic tourism sites or locations.

Sites identified as non-strategic have an important tourism function, which is to be retained as the predominant use. To assist tourism and facilitate the development or redevelopment of sites, up to 25 per cent of the units and developable land area may be used for residential purposes (no occupancy restriction on length of stay).

Where a site is identified as a non-strategic tourism site in a Western Australian Planning Commission (WAPC) endorsed local planning strategy or local tourism planning strategy or an amendment report, or the strategic sites committee has assessed it as such, the WAPC will generally only support the amendment if permanent residential development (no occupancy restriction) is limited to a maximum of 25 per cent of the area.

Where a local planning strategy, local tourism planning strategy or amendment report demonstrates that a site is no longer required in whole or part for tourism development because of a lack of demonstrated tourism demand or sustainable tourism function, and this is supported by the WAPC in consultation with Tourism WA, then the WAPC may support the amendment subject to all other relevant planning considerations.

The DoP have considered the proposed revised TDP and advised that the proposal is inconsistent with the WAPC's interim policy for tourism outlined in Planning Bulletin 83 in that the proposed development does not facilitate an integrated tourism facility.

Having regard to the above provisions and the fact that Council debated this issue at length as part of Amendment 109 only a few years ago, it is considered that the maximum allowable percentage of residential development on-site of 20% is appropriate to ensure that tourism remains the predominant use on-site and permanent residential development is an ancillary component.

In terms of how the percentage is calculated, the current TPS No. 3 provisions state that caravans and motel units are excluded from the 'established and operating accommodation units' calculation. From a Planning Services perspective it is considered that the motel units, as long as they are established and operating, should be able to be incorporated into the ratio calculations as they are an appropriate short-stay/tourism development form.

#### ➤ Subdivision Arrangements

The proposed revised TDP is on the basis of a freehold subdivision and not strata titling (which is supported by the current TPS No. 3 provisions subject to a number of parameters/provisions to ensure appropriate management provisions are in place). The applicant is seeking freehold subdivision in order to allow individual owners to specifically purchase, develop and manage their lots as they see fit.

Planning Bulletin 83 states:

*"In assessing a subdivision application for land zoned for tourism purposes, the WAPC among other matters will have regard to whether the proposed lots will:*

- *facilitate the development of a sustainable tourism facility;*
- *provide for current and future tourism demand; and*
- *accommodate the necessary services, management and support facilities without compromising the character, development flexibility or tourism amenity of the site.*



*At a minimum, in considering any application for the strata subdivision of tourism developments, the WAPC and/or local government will require:*

- *a valid development approval issued by the local government which demonstrates that the development is designed as an integrated tourism facility;*
- *a construction and staging program which demonstrates that common facilities and viable management arrangements are provided for each stage; and*
- *inclusion of a management statement for the strata scheme to provide for integrated common management of the units for a minimum period of 25 years as a tourism facility”.*

From a Planning Services perspective, freehold subdivision does not allow for an integrated tourist facility to be maintained, the development outcomes are uncertain, management is left to individuals and there is no requirement for dwellings and/or chalets to be made available for tourist use, and is contrary to the provisions of the Tourism Planning Taskforce Report, Planning Bulletin 83 and the purpose and intent of the ‘Tourist zone’.

Both Planning Services and the Department of Planning consider that supporting a freehold subdivision of the site in the form proposed is essentially supporting a de facto special residential subdivision. Some permanent residential development is appropriate to be considered for the site however it needs to integrate and act to support tourist land uses on the site, and it is considered that a freehold subdivision in the size and form proposed will not achieve this aim.

Notwithstanding the above, it should be noted that support is given for tourist precinct lots of a size that allows tourism uses to be run as viable stand-alone commercial entities is supported by Planning Services and the Department of Planning.

**Conclusion:**

The proposal is not consistent with the objectives or intent of the ‘Tourist’ zone, and whilst redevelopment of the site is supported to some extent, fundamental development criteria needs to be established to ensure an appropriate development form is provided on this locally recognised strategic tourist site.

The development form as currently proposed in the proposed revised TDP, namely the extent of permanent residential development and the proposal for freehold subdivision, essentially moulds the development form to that of a defacto residential subdivision and this is not the intent of this locally recognised strategic tourist site.

Notwithstanding the above, the following aspects of the proposal that are supported

- the use of appropriately sized and located precincts that will allow for independent, sustainable and more viable tourism enterprises to establish and operate;
- Redevelopment of the land fronting Mt Shadforth Road, acknowledging this is an important local tourist route, for tourism related purposes;
- The flatter, more easily developed land with the best views being designated for tourism uses (holiday accommodation/chalets) consistent with the expectations of the Tourism Planning Taskforce Report; and
- Subdivision and retention of the existing tourist development facilities (i.e. the existing motel units and the Caravan Park) on development sites that are more manageable likely to be more viable.

**Consultation:**

The applicant has met several times with the Department of Planning representatives and Planning Services, with a Briefing Session held on-site in February 2011 with the applicants, Councillors, staff and Department of Planning representatives.

**Statutory Obligations:**

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under this Act.
- *Town Planning Regulations* – sets out the procedure for amending a Town Planning Scheme.
- *Town Planning Scheme No. 3* – the subject land is zoned “Tourist”.

The Shire’s Town Planning Scheme No. 3 states the intent of the tourist zone is for “*tourist accommodation and associated services*”. The proposed revised TDP is inconsistent with the intent of the tourist zone under TPS No. 3.

**Policy Implications:**

WAPC Planning Bulletin 83 is relevant to this application – refer ‘Comments’ section of report.

**Budget / Financial Implications:**

There are no relevant budget or financial implications at this time.

**Strategic Implications:**

The site is designated in the Shire’s Draft Local Planning Strategy as ‘Tourist’ in recognition of it being a locally recognised strategic tourist site.

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

There are no environmental considerations relating to the report or officer recommendation at this stage given the purpose of this report is to seek Council direction on the fundamental principles pertaining to future development of the site.

➤ **Economic:**

The applicant has advised that the tourism product currently provided for on the site and via current TPS No. 3 provisions is unviable. This is a commercial matter first and foremost and is not a land use planning matter.

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

At the meeting held on the 21 June 2011, Cr Barrow asked what percentage of permanent occupancy was required with the Waterfront Development.

The Director of Planning & Sustainability has reviewed the provisions that relate to the permanent residential percentages associated with the Waterfront Development and advises the following:

- The original proposal for the Waterfront Development was seeking approval for 16 apartments to be utilised for permanent accommodation, thus resulting in approximately 35% of the total units on-site being utilised for permanent accommodation.
- In considering Scheme Amendment 108 for final adoption, Council supported the Scheme provision referencing that a maximum of 20% of the total units on-site or 10 units in total being utilised for permanent accommodation to ensure consistency with other developments (i.e. Rivermouth Caravan Park, Ocean Beach Caravan Park and Karri Mia Resort).
- After consideration of Scheme Amendment 108 by the Western Australian Planning Commission and the Hon. Minister for Planning, the Scheme provision

was amended to “Council will not support the conversion of any further tourist units (above the approved 10 units on the site) for permanent accommodation”.

**OFFICER RECOMMENDATION**

ITEM 8.1.7

That with respect to the proposal to modify the Tourist Development Plan for Karri Mia Resort, Council is only prepared to consider a Scheme Amendment Request if the following key principles are provided for:

1. The maximum proportion of permanent residential development on the site relative to the total number of accommodation units on-site (excluding caravan sites) being equal to or less than 20% at all stages of the development;
2. Freehold subdivision of Lot 84 will only be supported in line with the creation of development precincts, whereby freehold lots are created that are appropriately located and sized for a suitable tourism product to be developed with the exception of a permanent residential precinct; and
3. Subdivision of development forms within any development precinct (including the permanent residential precinct) will only be supported where strata titling is proposed.

**COUNCIL RESOLUTION & CR WAKKA’S RECOMMENDATION**

ITEM 8.1.7

MOVED: CR WAKKA

SECONDED: CR BARROW

That with respect to the proposal to modify the Tourist Development Plan for Karri Mia Resort, Council is prepared to consider a Scheme Amendment Request based on the principles provided for in the proposed revised Tourist Development Plan (i.e. extent of permanent residential development and freehold subdivision).

**AMENDMENT**

MOVED: CR THORNTON

SECONDED: CR SAMPSON

That the following words be added; “With regards to any formal request to amend Town Planning Scheme No. 3 to accommodate a revised Tourist Development Plan for Karri Mia Resort, Council advises the applicant/owner of the following;

1. The proposed revised Tourist Development Plan has not been the subject of formal assessment by Planning Services and/or Council to date in terms of detailed development issues (i.e. location of development, design) or the appropriateness of the proposed Scheme provisions. In due course Planning Services will provide officer comment on the proposal in order to facilitate the proposal progressing accordingly; and
2. Notwithstanding any other issues raised by Planning Services staff, Council will require the incorporation of a Scheme provision that effectively requires permanent residential development on any allotment designated for permanent residential and short stay accommodation cannot proceed without at least one short stay accommodation building having been constructed on such allotment ensuring a maximum of 20% of permanent residential at any one time (i.e. Development of short stay accommodation chalets is not optional).”

CARRIED: 9/1

Res: 180611

**AMENDMENT**

MOVED: CR BARROW

SECONDED: CR WAKKA

That the figure of “a maximum of 20%”, in part 2 be replaced with “up to 25%”.

6.44pm – The Chief Executive Officer left the meeting.

6.47pm – The Chief Executive Officer returned to the meeting.

CARRIED: 6/4

Res: 190611

Cr Syme requested that all Councillors’ votes on the above amendment be recorded.

FOR: Cr Barrow, Cr Laing, Cr Richardson-Newton, Cr Barnes, Cr Hinds, Cr Phair & Cr Wakka.

AGAINST: Cr Sampson, Cr Thornton, Cr Syme & Cr Ebbett

**AMENDED MOTION**

That with respect to the proposal to modify the Tourist Development Plan for Karri Mia Resort, Council advise that;

1. It is prepared to consider a Scheme Amendment Request based on the principles provided for in the proposed revised Tourist Development Plan (i.e. extent of permanent residential development and freehold subdivision).
2. With regards to any formal request to amend Town Planning Scheme No. 3 to accommodate a revised Tourist Development Plan for Karri Mia Resort, Council advises the applicant/owner of the following;
  - a. The proposed revised Tourist Development Plan has not been the subject of formal assessment by Planning Services and/or Council to date in terms of detailed development issues (i.e. location of development, design) or the appropriateness of the proposed Scheme provisions. In due course Planning Services will provide officer comment on the proposal in order to facilitate the proposal progressing accordingly; and
  - b. Notwithstanding any other issues raised by Planning Services staff, Council will require the incorporation of a Scheme provision that effectively requires permanent residential development on any allotment designated for permanent residential and short stay accommodation cannot proceed without at least one short stay accommodation building having been constructed on such allotment ensuring up to 25% of permanent residential at any one time (i.e. Development of short stay accommodation chalets is not optional).

THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS  
PUT AND CARRIED: 10/0 Res: 200611

**8.2 Director of Community & Regulatory Services**

Nil

**8.3 Director of Infrastructure Services**

Nil

*7.00pm – Cr Richardson-Newton returned to the meeting.*

*7.00pm – Cr Laing left the meeting.*

## 8.4 Director of Finance & Administration

### 8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 MAY 2011

<b>File Ref:</b>	FIN.11
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 June 2011
<b>Author:</b>	Garry Bird, Director of Finance and Administration
<b>Authorising Officer:</b>	Garry Bird, Director of Finance And Administration
<b>Attachments:</b>	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 thirty days with the National Bank, maturing 26 June 2011 at the quoted rate of 5.00%

Reserve Funds have been invested with Members Equity Bank, placed in an on call cash account at the rate of 5.60%.

There are no surplus municipal funds available for investment.

#### Key Financial Indicators at a Glance

The following comments and/or statements are provided to provide a brief summary and/or assist in the interpretation and understanding of the attached Financial Statement.

- Based on financial commitments made since the adoption of the Budget, and amendments made to the original budget at the February 2011 Council Meeting, the 30 June 2011 end of year position is estimated to be a deficit of \$15,492 (Note 5).

- Operating income is slightly higher than that predicted for 31 May 2011, and expenditure is less than estimated (Statement of Financial Activity).
- The 2010/11 Capital Works Program is proceeding well, with 66.39% of expenditure completed. Two large projects, Kwoorabup Community Park and the acquisition of Reserve 27101 are outstanding and total \$995,196 of the outstanding expenditure of \$1,920,725 or 51.82% (Statement of Financial Activity). As part of 2011/12 Municipal Budget preparations a number of projects have been identified as requiring to be “carried over” from the 2010/11 Budget.
- Rates Collection percentage of 96.91% is in keeping with historical collection rates (Note 6). The small number of outstanding debtors remaining have been provided with a final warning and are soon to be referred to debt collection.
- Various transfers to and from Reserve Funds have been made, with several transactions still outstanding, pending works yet to be completed (Note 9).
- Salaries and Wages expenditure is proceeding as per budget estimates (not reported in Financial Statement)

**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;

P040222      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:**

Other than the matters identified in the Budget vs Actual Variance Report, income and expenditure is proceeding as per budget forecasts and the end of year position should be as per that projected in the revised 2010/11 Municipal Budget end of year position, assuming all projects proceed and are completed in this timeframe.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple Majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.4.1</b>
<b>MOVED: CR SAMPSON</b>	<b>SECONDED: CR WAKKA</b>
That with respect to Financial Statements for the month ending 31 May 2011, Council;	
<ol style="list-style-type: none"> <li>1. Receive the financial report, incorporating the Statement of Financial Activity, Adopted Budget Amendments and Variations Report and other supporting documentation.</li> <li>2. Endorse the Accounts for Payment as listed.</li> </ol>	
<b>CARRIED: 10/0</b>	<b>Res: 210611</b>

<b>8.4.2 2011 SHIRE OF DENMARK COMMUNITY NEEDS AND CUSTOMER SATISFACTION SURVEY</b>
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<b>File Ref:</b>	INFO.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	12 June 2011
<b>Author:</b>	Garry Bird, Director of Finance and Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	Attachment 8.4.2 – 2011 Community Needs and Customer Satisfaction Survey Report Attachment 8.4.2 A - Community Needs and Customer Satisfaction Survey Results Attachment 8.4.2 B - 2011 Community needs and Customer Satisfaction Survey

**Summary:**

The 2011 Community Needs and Customer Satisfaction Survey Report was presented to the May 2011 Ordinary Meetings of Council for adoption, where after consideration it was resolved as follows;

*“That with respect to the 2011 Shire of Denmark Community Needs and Customer Satisfaction Survey, Council;*

1. *Defer the adoption of the attached 2011 Shire of Denmark Community Needs and Customer Satisfaction Report, including the recommendations and comments contained therein until the June 2011 meeting.*
2. *Defer the promotion of the availability of the Survey Report in local media and other means for the information of ratepayers and residents of the Shire, until the June 2011 meeting, and*
3. *Draw & announce that the winners of the following incentive prizes offered to increase the response rate to the Survey;*
  - a. *Survey Submitted Online*
    - i. *Green Pool Restaurant \$100 – Winner No. 2 – A Adams.*
    - ii. *Southern End Restaurant \$100 – Winner No. 511 – G Neville.*
    - iii. *Pepper and Salt Restaurant \$100 – Winner No. 111 – C Burden.*
  - b. *Survey Submitted In person or Mail*
  - c. *Forrest Hill Winery Double Wine Pack (value \$48.00) – Winner No. 285, R Goodwin.’*

In accordance with the above Resolution, the adoption of the Survey report is presented for further consideration by Council.

**Background:**

At the 25 January 2011 Ordinary Meeting of Council, the 2011 Shire of Denmark Community Needs and Customer Satisfaction Survey was endorsed by Council for distribution as per the following Resolution;

*“That Council with respect the 2011 Community Needs & Customer Satisfaction Survey;*

1. *Authorise distribution of the 2011 Community Needs & Customer Satisfaction Survey subject to endorsement of the above amendments and any others that may be identified at the Meeting;*
2. *Endorse the Community Consultation Plan as presented.”*

In accordance with this Resolution, the Survey was forwarded to 1000 randomly selected electors in early February 2011, with surveys to be returned by 28 February 2011.



To ensure the security of the Survey, all were individually numbered and sent with pre paid envelopes to return the Survey to Council or a secure login password for those respondents who chose to complete the Survey online.

In summary, the number of Surveys returned was as follows;

- Total number returned 479 (47.90%)
- Entered by Shire Staff 281 (58.66%)
- Submitted Online 198 (41.33%)
- Returned to sender 21 (by the addressee as they did not feel knowledgeable enough to contribute or not at that address)

The attached document “Shire of Denmark 2011 Community Needs and Customer Satisfaction Report” contains certain recommendations and comments regarding the questions contained within the Survey and issues arising.

This is the second survey undertaken by Council since the biennial survey was reintroduced in 2008, with an earlier survey having stopped in 2004. The 2008 Survey had a response rate of 36.80%.

**Comment:**

The process of collating the results of the Survey, including individual comments made by respondents, has been a daunting and time consuming task. This has been compounded by the Public Holidays and Annual Leave taken by staff during this period.

I would like to acknowledge the efforts of Mrs Charmaine Shelley who coordinated the collation of the survey results with the assistance of all staff particularly Ms Freya Arvidson. This process has required the staff to dedicate approximately 150 hours to complete this task. In addition two casual staff were employed for approximately 20 hours to provide further assistance in the compilation of the survey.

The response rate of 47.90% for the survey is considered to be an excellent response from a statistical perspective, although it is acknowledged that there are certain limitations to the results of the survey, predominantly relating to the demographics of property owners and residents within the Shire.

This can be seen from the following graph which summarises the age of respondents to the Survey;

<b>&lt;19</b>	<b>20-29</b>	<b>30-49</b>	<b>50+</b>
0.06%	3.4%	19.2%	76.8%

That said the information that has been derived from the sample will be extremely useful in guiding strategic and operational priorities of the Council and gauging opinion on many relevant issues.

A comparison of Results with the 2008 Survey has also been provided to assist identify long term trends in service delivery.

**Consultation:**

A draft survey was distributed to Elected Members and staff, with comment and amendments invited, prior to the presentation of a revised final draft to the January 2011 Ordinary Meetings of Council.

All those selected to form the survey sample were mailed a copy of the adopted survey, with a pre paid return envelope to encourage participation and return of the completed survey.

Controls on the distributed surveys were implemented to prevent manipulation of the survey process and the integrity of the responses received.

**Statutory Obligations:**

Local Government Act 1995.

**Policy Implications:**

Policy P040301 relates as follows;

**BIENNIAL COMMUNITY NEEDS & CUSTOMER SATISFACTION SURVEY**

1. In November of every even numbered year, Council is to conduct an in house prepared Community Needs & Customer Satisfaction survey.
2. The Survey is to be sent to 1000 randomly selected electors of the Shire, drawn from the most recent Shire of Denmark consolidated Electoral Roll.

**Budget / Financial Implications:**

There are no budget or financial implications arising from the Survey, with costs incurred being provided for out of normal operating expenditure on salaries and office expenses.

**Strategic Implications:**

The results of the 2011 Survey will be used to guide current and future strategic initiatives of Council and to provide ongoing reference on community views on strategic matters.

**Sustainability Implications:**

➤ **Environmental:**

There are several environmental implications arising from the analysis of the survey which are discussed in greater detail in the attached Report.

➤ **Economic:**

There are several economic implications arising from the analysis of the survey which are discussed in greater detail in the attached Report.

➤ **Social:**

There are several social implications relating to the report which are discussed in greater detail in the attached Report.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.4.2</b>
<p>That with respect to the 2011 Shire of Denmark Community Needs and Customer Satisfaction Survey;</p> <ol style="list-style-type: none"> <li>1. Receive the attached 2011 Shire of Denmark Community Needs and Customer Satisfaction Report and adopt the recommendations contained therein; and</li> <li>2. Promote the availability of these results widely in local media and other means for the information of ratepayers and residents of the Shire.</li> </ol> <p>CARRIED EN BLOC BY RESOLUTION: 090611</p>	

Prior to consideration of Item 8.4.3 through Presiding Person the Chief Executive Officer brought to the attention of the meeting the following disclosure(s) of interest:

Cr Richardson-Newton is a member of the Denmark Tourism Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Richardson-Newton declares that he will consider this matter on its merits and vote accordingly.

Cr Barrow is a member and Chair of the Denmark Tourism Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Barrow declares that he will consider this matter on its merits and vote accordingly.

<b>8.4.3 DENMARK TOURISM (INC) – LEASE RENEWAL OPTION DENMARK VISITOR CENTRE AND RATES DISCOUNT REQUEST</b>
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<b>File Ref:</b>	A3167
<b>Applicant / Proponent:</b>	Denmark Tourism Inc.
<b>Subject Land / Locality:</b>	Lot 3000 South Coast Highway, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	12 June 2011
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	Attachment 1 – Denmark Tourism Inc Correspondence

**Summary:**

Correspondence has been received from Denmark Tourism Inc (DTI) seeking approval from Council in relation to the two following matters;

- Exercising the option to renew the existing lease of the Denmark Visitor Centre (Reserve 48198) for a further five year term, as per the provisions of the lease, effective 30 April 2012.
- An unspecified discount on the annual rates assessment for the property, payable under the terms of the lease, to reflect the non-rateable portion of the facility used by Denmark Woodturners Inc (DWI), under a separate sub-lease arrangement.

Council approval is required for both requests.

**Background:**

At the April 2011 Ordinary Meetings of Council, a request from DTI was considered by Council to allow new sub-lease arrangements for certain section of the Visitor Centre, as per the following Resolution;

*“That Council agree to the proposed sub-leases at the Denmark Visitor Centre, subject to the following conditions;*

1. *Full details of the proposed sub-leases be submitted to the Shire for approval by the Shire President and Chief Executive Officer prior to signing by representatives of Denmark Tourism Inc, such details to include lessee, term, a service agreement, lease/rental income and a copy of the sub-lease document.*
2. *An independent valuation be obtained to establish the market value of the proposed sub-lease areas and that this valuation be the basis by which final lease fees are negotiated with the sub-lessees.”*

In order to give the sub-lessee’s security over their tenure, DTI have requested the lease renewal option be brought forward from April 2012, which is when the lease is currently due to expire. This issue is proving an impediment to the sub-lease arrangement being finalised, with the sub-lessee waiting for Council to determine the lease renewal option, prior to signing their acceptance of the sub-lease.

In regards to the rates discount request, DTI have argued that the rates payable reflect the whole building, of which DWI have occupation of approximately 64m<sup>2</sup>. The terms of the sub-lease arrangement between DTI and DWI are silent as to whether the sub-lessee is responsible for rates payments.

Further the requirement for DTI to pay rates on the Visitor Centre was negotiated after the sub-lease had been entered into, placing DTI at a disadvantage in trying to recoup a fair share of rates payable from DWI.

The total rates payable by DTI for the Visitor Centre was \$3,565.20 in 2010/11, which was based on a total gross rental valuation of \$40,000.

**Comment:**

Given Council has previously resolved to support the new sub-lease arrangement; it is recommended that the request from DTI to exercise the lease option, effective 30 April 2012, be approved.

As the amount of rates discount requested by DTI has not been specified, the following estimate has been prepared to calculate what any fair and reasonable discount should be;

- Total Floor Area – Denmark Visitor Centre 540m<sup>2</sup> (approx)
- Denmark Woodturners Floor Area 64m<sup>2</sup> (approx)

Based on the floor space used, DWI could be expected to contribute \$392.18 in rates or alternatively DTI have their rates payable reduced by a similar amount.

Given DWI occupy a prime site that is commercial in nature, it is the Officers view that the site should be considered rateable and that DTI should attempt to negotiate an amendment to the sub-lease with DWI to recover outgoings such as rates, rubbish collection and other services a landlord would normally expect to recover from a tenant.

Regardless, it is the Officers view that the rates should not be discounted by Council as given the annual contribution paid to DTI each year to operate the Visitor Centre, Council is effectively paying this cost.

In other words, if Council was to consider a discount to the rates charged, it should likewise reduce the operating grant it provides.

**Statutory Obligations:**

Local Government Act 1995.

**Policy Implications:**

There are no Policy implications.

**Budget / Financial Implications:**

There are no financial implications relating to the lease renewal option request, with all known costs associated with the lease and visitor servicing agreement arrangements currently contained within the Municipal Budget.

If Council was to approve the rates discount request and based on the above estimate of any discount that may be applicable, this would represent income foregone from the Municipal Budget.

**Strategic Implications:**

Tourism and visitor servicing are important strategic issues for the Shire of Denmark, given the importance of tourism to the local economy.

**Sustainability Implications:**

➤ **Environmental:**

There are no environmental implications arising from the requests from DTI or the Officers Recommendation.

➤ **Economic:**

Tourism is generally considered to be the main economic driver for the Shire of Denmark and the Lease and Service Agreement between the Shire of Denmark and DTI underpin these activities within the Shire.

➤ **Social:**

There are no social implications arising from request received from DTI or the Officers Recommendation, although they may be impact on the Denmark Woodturners if DTI choose to seek an amendment to their sub-lease arrangement.

**Voting Requirements:**

If Council was inclined towards a rebate or discount on the rates it would need to do so by an absolute majority decision.

7.00pm – Cr Ebbett left the meeting.

7.02pm – Cr Ebbett returned to the meeting.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.4.3</b>
<b>MOVED: CR RICHARDSON-NEWTON</b>	<b>SECONDED: CR WAKKA</b>
That with respect to the request from Denmark Tourism Inc for a renewal of the lease arrangement for the Denmark Visitor Centre and a discount on rates payable for this facility, Council	
<ol style="list-style-type: none"> <li>1. Approve the request for a further five year term of the lease, effective 30 April 2012, as per the terms and conditions of the lease;</li> <li>2. Refuse the request to discount rates payable on the basis that this cost is effectively funded by Council in the annual operating grant paid to Denmark Tourism Inc.</li> <li>3. Recommend Denmark Tourism Inc attempt to renegotiate the terms of their sub-lease arrangement with Denmark Woodturners Inc to recover a fair and reasonable portion of the rates cost.</li> </ol>	
<b>AMENDMENT</b>	
<b>MOVED: CR HINDS</b>	
That part 3 be deleted.	
<b>LAPSED FOR WANT OF A SECONDER</b>	
<b>THE ORIGINAL MOTION WAS THEN PUT AND CARRIED: 10/0</b>	<b>Res: 220611</b>

7.03pm – Cr Laing returned to the meeting.

7.03pm – Cr Wakka left the meeting.

**8.4.4 DENMARK AIRSTRIP – LEASE OF PORTION OF RESERVE 41390**

<b>File Ref:</b>	INFO.2
<b>Applicant / Proponent:</b>	Stuart Graham
<b>Subject Land / Locality:</b>	Shire of Denmark – Reserve 41390
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 June 2011
<b>Author:</b>	Garry Bird, Director of Finance and Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	No

**Summary:**

A proposal has been received from a private developer to lease and develop portion of Reserve 41390 in accordance with the Denmark Airfield Land Use Strategy (DAS) adopted by Council at its meeting of 21 December 2010 (Res 081210).

The DAS has identified the following areas as having potential for leasehold development for various uses, although no timeframe has been established for when and if this development should take place.

The development proposal received identifies the land to the east of the existing adjoining freehold lots on Paxillus Way as being the preferred site.

Figure 1.1 (below) shows the proposed location of the development in accordance with the Conceptual Land Use Strategy as detailed in the DAS. The proposed location is generally consistent with the intentions of the strategy however proposes to locate residential accommodation partly within the area likely to be affected by the proposed Light Industrial Area’s (LIA) buffer.

*Fig 1.1: Conceptual Land Use Strategy.*

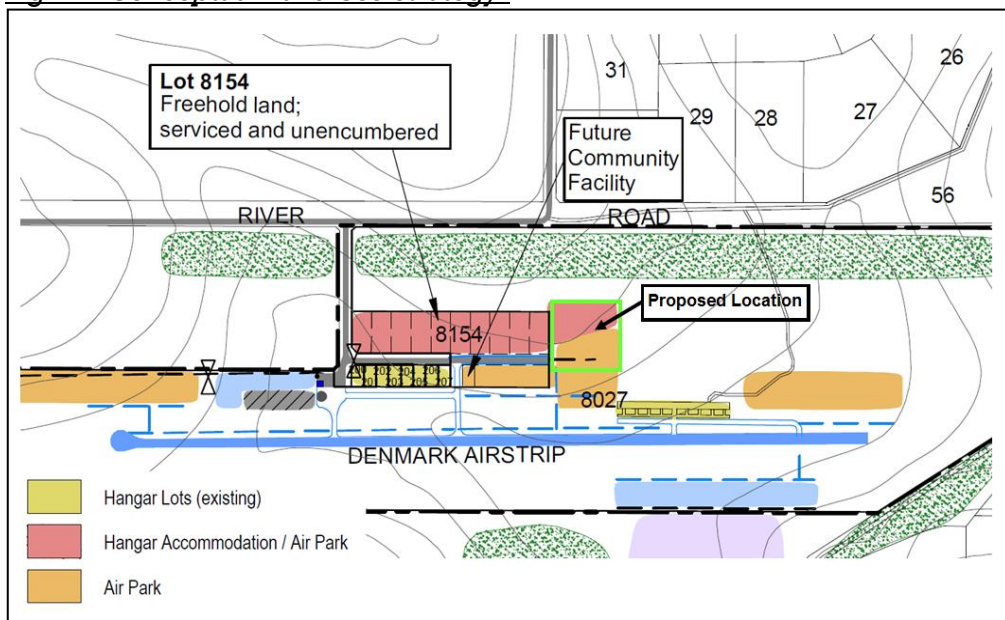
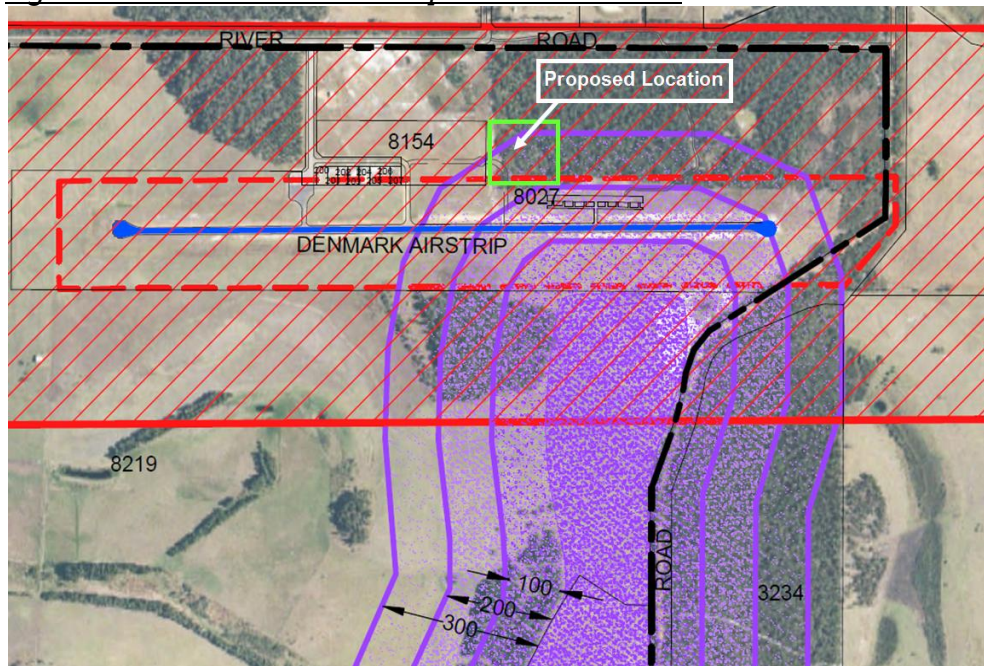


Figure 1.2 (below) clearly shows that the proposed development will be located within the 300m land use buffer from the proposed Light Industrial Area (LIA) recommended by the Environmental Protection Agency’s *Guidance for the Assessment of Environmental Factors – June 2005*. This buffer is a recommended separation distance and can be reduced depending on the type and location of future LIA land uses. It is stated in the report of 21 December 2010 that:

*‘The LIA would need to be designed to accommodate those industries that require reduced separation distances along its northern boundary’.*

Council will, if supportive of this location, need to accept that the LIA will be affected by the provision of any residential component to the development.

**Fig 1.2: Recommended Buffer Separation Distances.**



Prior to considering the proposal in detail, it is considered appropriate to refer the matter to Council for consideration.

**Background:**

The Denmark Airfield Land Use Strategy was presented to Council at the December 2010 Meetings, where after due consideration it was resolved as follows:

*“That Council note the submissions and adopt both the amended Town Planning Scheme Policy No. 25.1 ‘Denmark Airfield and Airpark’ and the modified ‘Denmark Airfield Land Use Strategy’ subject to the following changes:*

- 1. Endorse the recommendations/modifications as detailed in the attached Schedule of Submissions.*
- 2. Remove reference on the Conceptual Land Use Strategy Map to Hangar Accommodation/Airpark (future stage) on leasehold land within 300m of the proposed Light Industrial Area until such time as the Light Industrial Area land uses are identified and/or established and appropriate buffer distances can be determined.*
- 3. Modify the Conceptual Land Use Strategy Map as follows:*
  - 2.1 Remove any reference of Hangar Accommodation/Airpark where it is shown on land vested in the Minister for Education;*
  - 2.2 Remove reference to any proposed staging of Hangar Accommodation/Airpark developments.*
- 4. Modify the Land Use Buffers Map to accurately reflect the land sought to be acquired for Light Industrial Area purposes and alter relevant buffers accordingly.*
- 5. Support hangar accommodation on the freehold lots accessed via Paxillus Way and shown on the Conceptual Land Use Strategy Map as Hangar Accommodation/Airpark subject to a Traffic Management Plan being prepared and that use of the public road is suitable for both vehicles and aircraft movement and complies with all relevant standards and legislation to the satisfaction of the Council’s Director of Infrastructure Services.*
- 6. Format the strategy document into the Council strategy document template.*



7. *Subject to amending the Local Planning Policy 25.1, clause 4.9 to read as follows; "Should the development of hangar lots fronting Paxillus Way require aircraft movement via this access, the proponent shall demonstrate that this can be legally and safely accommodated to the satisfaction of the Council's Director of Infrastructure Services".*

Council has previously approved leases, as per the following Resolution at the Denmark Airstrip, developing nine lots for private aircraft hangars, which have all been fully leased. Note these leases did not provide for any residential or commercial use.

*"That Council;*

1. *Agree to the following terms and conditions for the proposed lease of land for the development of hangar space for private recreational activities at the Denmark Airstrip, in addition to the standard provisions contained within other Council lease documents;*
  - a) *Leased land is to be rated by the Shire of Denmark.*
  - b) *The term of the lease is to be for ten (10) years with an option for a further ten (10) year term.*
  - c) *The lease fee is to be calculated on \$1.00 per m<sup>2</sup> (per annum) of land leased.*
  - d) *The sizes of the lots to be leased are to be approximately 225m<sup>2</sup> (15x15).*
  - e) *Lease review to be undertaken after the first ten year term and every five years thereafter.*
  - f) *Lease only to be assigned by lessee with the explicit approval by Council.*
  - g) *Minor maintenance works to be undertaken by the individual lessee's (including mowing, painting of markers) with such works to be formalised in a subsequent maintenance agreement.*
  - h) *The lease to explicitly prohibit commercial activities.*
  - i) *The lease to provide for private hangar use only and specifically prohibit onsite accommodation.*
2. *That any lease be subject to the completion of all necessary land arrangements and the obtaining of Regional Airport Development Scheme Grants for the development of the second stage of this project.*
3. *Authorise an amendment to the 2008/09 Municipal Budget to provide an allocation of \$5,000 to Account 1420312 for the purpose of undertaking a survey of the site and to obtain a valuation of the land to be leased on a per lot basis, such expenditure to be funded from the adopted budgeted surplus of \$42,818 for the 2008/09 financial year."*

**Comment:**

Prior to formally resolving to dispose of the site, Council will be required to seek a power to lease on the Management Order for the Reserve, as per the provisions of the Land Administration Act 1997.

The preferred site for the development, as advised in the proposal received, is currently vegetated, the environmental qualities of which are unknown at this point in time.

The proposal to develop residential aircraft hangar accommodation at an airstrip would be the first in Western Australia, although it is understood that similar proposals are currently being negotiated with the Shires of Augusta Margaret River and Dandaragan and there are similar facilities in the eastern states.

Assuming Council is prepared to enter into negotiations to develop or lease the identified site, the provisions of the Local Government Act 1995 would need to be adhered to in regards to the disposal of this land asset. These provisions provide for several methods to dispose of land including public auction, public tender and private treaty sale (subject to advertising requirements).



Given the commercial nature of the development and the fact there may be more than one potential investor, it is recommended that Council elect to use the public tender method of disposition as it is considered to be the most accountable whilst still allowing Council to retain some flexibility in the process (i.e. allowing Council to choose the most acceptable tender, not necessarily the highest price).

Assuming Council accepts this recommendation, it is further recommended that Council elect to seek Expressions of Interest from potential developers prior to formally commencing the public tender process. This would allow further research to be undertaken to determine the value of the proposed site and any environmental implications that may be identified in the clearing of the vegetated site.

In regards to the proposal received no detailed assessment has been undertaken at this stage, pending Council's consideration of this item, although it is noted that the area requested is larger than the residential component of the identified site (in the Denmark Airport Strategy).

In addition to the site identified in the proposal, the DAS contains other sites that are considered to be suitable for further leasehold development and whilst not recommending that the development of these sites be undertaken in the short term, it is recommended that the necessary power to lease be obtained from the Minister for Lands, to expedite any future development that may take place.

It should be noted that Council could determine to develop the leased areas, although given the inherent risk in such property ventures it is recommended that disposing of the site to a commercial developer would be the most prudent outcome for Council.

**Consultation:**

Preliminary discussions with the interested developer have been held.  
Chief Executive Officer  
Director of Planning and Sustainability.

**Statutory Obligations:**

Local Government Act 1995.  
Land Act 1933  
Planning and Development Act 2005

**Policy Implications:**

The Shire of Denmark Town Planning Policy No 25.1 Denmark Airfield and Airpark would apply to this proposed development which sets out objectives and development guidelines for the "airport subdivision" and contains guidelines relating to development approvals, building design and materials, lighting, communication devices, requirements of other statutory authorities, cleaning, maintenance and repair, carparking, fire safety and use of the hangar area.

**Budget / Financial Implications:**

The leasing of the land identified in the Denmark Airfield Strategy has the potential to generate revenue for Council from municipal rates, lease fees and any upfront payments that may be negotiated, the exact amount of which is unknown at this stage and dependent of valuations yet to be obtained.

It is recommended expenditure be incurred to obtain a valuation for the site and to undertake a survey to assist in the disposition process, the net cost of which is estimated to be approximately \$750 to Council (for the valuation, with the survey costs to be reimbursed by the chosen developer, assuming Council chooses to proceed with the disposition).

Advertising costs associated with the proposal are estimated to be between \$2,500 and \$5,000 depending on the scale of advertising to be undertaken.

**Strategic Implications:**

The leasing of the identified land would be considered a strategic investment by Council and would have the potential to facilitate further improvements to the airstrip facility.

**Sustainability Implications:**

➤ **Environmental:**

The area identified for residential and commercial leases at the airstrip is currently vegetated and it is recommended that a detailed environmental analysis of the site be undertaken by any successful tenderer, at their expense, as a condition of the lease arrangement.

➤ **Economic:**

The development of residential hangar facilities at the airstrip would generate additional revenue for the Shire.

The resulting building development and potential for tourism related benefits associated with the proposal would result in positive economic implications.

➤ **Social:**

The development of the identified site/s are likely to increase usage of the Denmark airstrip and possibly impact on the amenity of neighbouring residences and farms.

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.4.4

That with respect to the indentified leasehold area's contained in the Denmark Airfield Land Use Strategy, Council;

1. Write to the Minister for Lands seeking power to lease provisions over the entire Reserve (excluding landing strip and associated infrastructure) or if this proves unacceptable to seek power to lease over the identified leasehold areas only (as indicated in the Denmark Airfield Strategy).
2. Seek Expressions of Interest, in accordance with the provisions of the Local Government Act 1995, for potential investors to develop the identified residential lease area.
3. Inform prospective investors that it will be a requirement to undertake a detailed Environmental Assessment Report on the site, prior to the commencement of development.
4. Obtain a market valuation to assist in the determination of the value of the site.
5. If Council ultimately determines to proceed with the disposition of the site, undertake a survey of the identified residential lease area, the costs of which are to be recouped from the chosen developer;
6. Advise the proponent of the above process to secure the land and that Council will not be formally addressing any planning issues in the submission, including environmental assessments, until such time as any lease arrangements and the successful lessee has been determined.

CARRIED BY EN BLOC RESOLUTION: 090611

**8.5 Chief Executive Officer**

Nil

## 9. COMMITTEE REPORTS & RECOMMENDATIONS

### 9.1 PATHS AND TRAILS ADVISORY COMMITTEE – APPOINTMENT OF COMMUNITY MEMBER

<b>File Ref:</b>	ORG.29
<b>Applicant / Proponent:</b>	Paths and Trails Advisory Committee – Community Member Nomination
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	24 May 2011
<b>Author:</b>	Sharon Bracknell, Engineering Administration Officer
<b>Authorising Officer:</b>	Rob Whooley, Director of Infrastructure Services
<b>Attachments:</b>	Yes

#### Summary:

This item recommends that Council approve the nomination of Mr Roger Seeney for representation as a Community Member on the Paths and Trails Advisory Committee (PATAC).

#### Background:

The Committee were notified on the 22<sup>nd</sup> January 2011 of the resignation of Mr Mark Boynton who was the then nominated community member on the Paths and Trails Advisory Committee. Subsequently the vacancy was advertised in the Denmark Bulletin on the 3<sup>rd</sup> March 2011 and the nomination by Mr Seeney was received on the 13<sup>th</sup> May 2011.

#### Comment:

The nomination from Mr Seeney was the only nomination received and was discussed by PATAC at its meeting on the 16<sup>th</sup> May 2011. The Committee unanimously approved the nomination and is now recommending that Council also approve the nomination.

#### Consultation:

Paths and Trails Advisory Committee.

#### Statutory Obligations:

There are no statutory obligations.

#### Policy Implications:

There are no policy implications.

#### Budget / Financial Implications:

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

#### Strategic Implications:

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

FORMER OFFICER RECOMMENDATION

ITEM 9.1

That Council accept the nomination from Mr Roger Seeney, as a representative for the community on the Paths and Trails Advisory Committee.

At the meeting held on the 21 June 2011, Cr Syme asked whether the Officer's Recommendation should request Council to appoint Mr Seeney rather than accept his nomination,

The CEO agreed and provides the following Officer Recommendation.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 9.1

That Council appoint Mr Roger Seeney as a representative for the community on the Paths and Trails Advisory Committee.

CARRIED BY AN ABSOLUTE MAJORITY BLOC RESOLUTION: 090611

Prior to consideration of Item 9.2 through Presiding Person the Chief Executive Officer brought to the attention of the meeting the following disclosure(s) of interest:

Cr Syme & Cr Sampson are members of the Denmark Environment Centre Inc. and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Syme & Cr Sampson declare that they will consider this matter on its merits and vote accordingly.

**9.2 2011/2012 CULTURAL DEVELOPMENT FUND COMMITTEE -  
RECOMMENDED GRANT FUNDING**

**File Ref:** PBR.12  
**Applicant / Proponent:** Not Applicable  
**Subject Land / Locality:** Not Applicable  
**Disclosure of Officer Interest:** Nil  
**Date:** 16 June 2008  
**Author:** Garry Bird, Director of Finance & Administration  
**Authorising Officer:** Garry Bird, Director of Finance & Administration  
**Attachments:** Nil

**Summary:**

In April 2011 Council invited submissions for the Cultural Development Fund. Applications closed on the 14 May 2011 with seven applications having been received for the 2011/12 funding round.

GROUP/ORGANISATION	PROJECT	FUNDING REQUESTED	PROJECT COST
Art South WA	2011 Southern Art & Craft Trail	\$2,500	\$40,858
Golden Hill Steiner School	Drama and music classes	\$1,500	\$1,500
Denmark Contact Improvisation JAM	Contact Improvisation 'Jamming' workshops	\$2,000	\$2,730
Peter Wilson Auspiced by Denmark Arts Council (Inc.)	Circus Skills Workshop	\$1,680	\$3,480
Green Skills Inc	Art/Photographic Exhibition and Cultural performances/concerts	\$2,000	\$13,040
Green Skills Inc	Nature Writing Retreat weekend	\$2,000	\$20,560
Niah Kartijin Coolingars: listen, Learn Children Inc	Seasonal Change Celebrations - 3 events over year to celebrate change of seasons	\$2,000	\$4,040
Denmark Community Collective Inc	"Redeckulous" - Recycled skateboard exhibition fundraiser	\$2,000	\$4,450
<b>TOTAL</b>		<b>\$15,680</b>	<b>\$90,658</b>

**Background:**

The guidelines that are distributed to potential applicants for funding from the Cultural Development Fund are reproduced below to assist Elected Members in assessing the applications received;

**“Aims of the Cultural Development Fund**

The aims of the Shire of Denmark Cultural Development Fund are:

- To extend the range of cultural activities in the Shire
- To provide opportunities for community groups to interact with professional artists.
- To assist groups and individuals in the community to become involved in cultural activities.

**Conditions and Requirements**

- The proposed project must take place within the period 1 October and 30 June.
- 50% of the grant will be paid on approval of the project and the balance following successful acquittal of the project.
- Prior approval must be sought for any substantial change of proposal.
- Project and financial reports must be submitted to the Shire within one month from the completion of the project on the acquittal form provided.
- Acknowledgement that "This project is assisted by the Shire of Denmark" must be made in all publicity associated with the project. Use of the Shire of Denmark logo is encouraged.

**Assessment Criteria**

- Achievable objectives and outcomes.
- Project outcomes of artistic merit and cultural development.
- Applications will only be considered from groups and individuals from within the Shire of Denmark.
- Complete budgetary details of the project to be provided.
- Level of financial contribution by the applicant.

**What is not Funded**

- Ongoing expenditure in the form of operating or administrative costs.
- Applications that are insular or of self-interest.
- Applications that benefit personal business aspirations.
- Applications for projects outside the Shire of Denmark.”

**Comment:**

Nil.

**Consultation:**

Nil.

**Statutory Obligations:**

There are statutory obligations as detailed in the Charter, regarding establishing a Council Committee.

Further the Local Government Act provides for a strict budget process in terms of committing future expenditure. The proposed method of allocating these funds satisfies these requirements.

**Policy Implications:**

Council Policy P110702 Cultural Development Fund states as follows;

1. An annual allocation of funds be made towards community arts through the Cultural Development Fund.
2. The Cultural Development Fund Committee to recommend to Council on the allocation of funds.
3. Any money undistributed during the year from the Cultural Development Fund be automatically added to the principal annual funding allowance.

**Budget / Financial Implications:**

It is noted that the Council increased the annual allocation available for distribution to \$10,700, effective 1<sup>st</sup> July 2010, and it is recommended the Committee proceed on the basis that a similar allocation will be available in 2011/12, although this matter is yet to be formally considered by Council.

**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:**

The local tourism industry is a significant employer and events that are supported by the Cultural Development Fund are contributing to the strength of this industry and providing an economic return to the wider community.

➤ **Social:**

The Cultural Development Fund Committee contributes to the social fabric of the Denmark community by contributing financial support to events that enhances participation in cultural activities.

**Voting Requirements:**

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.2

That the Cultural Development Fund Committee recommend to Council the following allocations totalling \$10,200, in order of priority, for projects which requested funding from the 2011/12 round of funding;

- |  |         |
|--|---------|
| 1. P Wilson (Denmark Arts Inc)<br><i>Circus Skills Workshop</i>                                | \$1,700 |
| 2. Art South WA Inc<br><i>2011 Southern Art &amp; Craft Trail</i>                              | \$2,000 |
| 3. Greenskills Inc<br><i>Art/Photographic Exhibition &amp; Performances</i>                    | \$2,000 |
| 4. Denmark Community Collective Inc<br><i>"Redeckulous" Recycled Skateboard Exhibition</i>     | \$1,500 |
| 5. Niah Kartijin Coolingars: Listen Learn Children Inc<br><i>Seasonal Change Celebrations.</i> | \$1,500 |
| 6. Denmark Contact Improvisation<br><i>Contact improvisation workshops.</i>                    | \$1,500 |

7.05pm – Cr Wakka & Cr Laing returned to the meeting.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>		ITEM 9.2
MOVED: CR RICHARDSON-NEWTON		SECONDED: CR LAING
That Council approve the following allocations totalling \$10,200, in order of priority, for projects which requested funding from the 2011/12 round of funding and include the amount in the 2011/12 Municipal Budget;		
1.	P Wilson (Denmark Arts Inc) <i>Circus Skills Workshop</i>	\$1,700
2.	Art South WA Inc <i>2011 Southern Art &amp; Craft Trail</i>	\$2,000
3.	Greenskills Inc <i>Art/Photographic Exhibition &amp; Performances</i>	\$2,000
4.	Denmark Community Collective Inc <i>"Redeckulous" Recycled Skateboard Exhibition</i>	\$1,500
5.	Niah Kartijin Coolingars: Listen Learn Children Inc <i>Seasonal Change Celebrations.</i>	\$1,500
6.	Denmark Contact Improvisation <i>Contact improvisation workshops.</i>	\$1,500
CARRIED: 11/0		Res: 230611

7.07pm – Cr Hinds left the meeting.



*Prior to consideration of Item 9.3 through Presiding Person the Chief Executive Officer brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Barrow is a member of the Denmark RSL and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Barrow declares that he will consider this matter on its merits and vote accordingly.*

*Cr Laing’s partner is the Chair of the Walpole & Districts Seniors Accommodation and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Barrow declares that he will consider this matter on its merits and vote accordingly.*

<b>9.3</b>	<b>2011/2012 COMMUNITY FINANCIAL ASSISTANCE GRANT FUND APPLICATIONS</b>
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<b>File Ref:</b>	PBR 12
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	31 May 2011
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Garry Bird, Director of Finance & Administration
<b>Attachments:</b>	Nil

**Summary:**

In April 2011 Council invited submissions for funding from the Community Financial Assistance Grant Fund. Applications closed on the 14 May 2011 with sixteen applications having been received for the 2011/12 funding round.

**Background:**

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

**“Aims of the Community Financial Assistance Grant”**

The aims of the Shire of Denmark Community Financial Assistance are:

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.

**Conditions and Requirements**

- The proposed project must take place within the period 1 October and 30 June.
- 50% of the grant will be paid on approval of the project and the balance following successful acquittal of the project.
- Prior approval must be sought for any substantial change of proposal.
- Project and financial reports must be submitted to the Shire within one month from the completion of the project on the acquittal form provided.
- Acknowledgement that "This project is assisted by the Shire of Denmark" must be made in all publicity associated with the project. Use of the Shire of Denmark logo is encouraged.

**Assessment Criteria**

- Achievable objectives and outcomes.
- Project outcomes of artistic merit and cultural development.
- Applications will only be considered from groups and individuals from within the Shire of Denmark.
- Complete budgetary details of the project to be provided.
- Level of financial contribution by the applicant.

**What is not Funded**

- Ongoing expenditure in the form of operating or administrative costs.
- Applications that are insular or of self-interest.
- Applications that benefit personal business aspirations.
- Applications for projects outside the Shire of Denmark.”

**Comment:**

The following table summarises the applications;

ORGANISATION	PROJECT	FUNDING REQUESTED	PROJECT COST
Walpole & Districts Seniors Accommodation Inc	The Jarrah Glen Lifestyle Village	\$700.00	\$813.00
Walpole-Nornalup & Districts Community Development Group Inc	Community Development/ Opportunity Workshop	\$1,000.00	\$1,962.00
Walpole Family Centre Inc.	Conference Registration Fee & Professional Development Books	\$1,530.00	\$1,530.00
Denmark Historical Society Inc	Purchase of A3 colour scanner and document feeder.	\$7,499.00	\$7,499.00
Denmark Primary School. Kitchen garden subcommittee of P & C	Improvements to school garden to be used as a tool for educating the children at DPS.	\$7,020.00	\$9,107.00
Denmark Primary School P & C	Equipment for operating Fetes and Stalls at markets.	\$1,650.00	\$3,300.00
Denmark Pistol Club Inc	Installation of Solar 240V power to club room	\$5,000.00	\$8,615.00
Denmark Junior Soccer	Purchase Full Size Goals	\$3,400.00	\$5,406.00
Denmark Airport Association	Purchase of Ride-on Mower & Trailer to maintain airstrip.	\$3,298.00	\$3,298.00
BTH Ladies Club Inc.	Publish a book to celebrate 50 years together	\$1,250.00	\$1,518.00
Denmark RSL Sub-Branch	Building improvements/ maintenance Doors, Fencing & Reposition Gun and erect a cover over Gun.	\$9,523.61	\$14,608.61
Denmark Weed Action Group	Lap Top Computer	\$700.00	\$700.00
Australian Red Cross Society	Reverse Cycle Air Con Unit	\$4,000.00	\$4,000.00

Denmark Environment Centre Inc.	Waterproof Camera	\$599.00	\$599.00
Denmark Country Women's Association Inc	Toilet Block repairs	\$6,000.00	\$9,701.54
1st Denmark Scouts	Construct shed to store caravan and trailer	\$15,476.00	\$16,976.00
<b>TOTAL</b>		<b>\$68,645.61</b>	<b>\$89,633.15</b>

**Consultation:**

Nil.

**Statutory Obligations:**

There are statutory obligations as detailed in the Charter, regarding establishing a Council Committee.

Further the Local Government Act provides for a strict budget process in terms of committing future expenditure. The proposed method of allocating these funds satisfies these requirements.

**Budget / Financial Implications:**

The 2009/2010 Municipal Budget provides for an allocation of \$20,000.00 for the Community Financial Assistance Grants Program. It is noted from the minutes of the May 2009 Meeting that the Committee has recommended this allocation be increased to \$22,500.00.

In order to assist the Committee determine the amount available to be allocated, it was recommended that the Committee assume that the \$22,500 is available and prioritise projects so that Council can select a project not to be funded (if requested funds not forthcoming) based on the recommendations from the Committee.

**Policy Implications:**

Council Policy P040125 Community Financial Assistance Grant states as follows;

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.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

Some of the projects recommended for funding are for local environmental organisations and would provide indirect environmental benefits.

➤ **Economic:**

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

➤ **Social:**

The Community Financial Assistance Grants contributes to the social wellbeing of the Denmark community by assisting local organisation with improvements to their facilities and services to members.

**COMMITTEE RECOMMENDATION**

ITEM 9.3

It is recommended to Council that with respect to the 2011/12 Community Financial Assistance Grants approve the following allocations, totalling \$21,650 for projects which requested funding from the 2010/11 Community Financial Assistance Grants as follows;

a) Denmark Primary School P&C <i>Purchase of equipment for kitchen van</i>	\$1,650
b) Denmark Historical Society Inc <i>50% contribution to A3 colour scanner</i>	\$3,750
c) Denmark Junior Soccer Club <i>Purchase full sized soccer goals</i>	\$2,500
d) Denmark Airport Association <i>Purchase 2<sup>nd</sup> hand mower to maintain airstrip</i>	\$1,500
e) Denmark CWA Inc <i>Contribution to toilet block repairs</i>	\$4,000
f) Walpole & Districts Seniors Accommodation Inc <i>Advertising – new lifestyle village</i>	\$700
g) Denmark Primary School P&C <i>Tank and reticulation – school vegetable garden</i>	\$4,300
h) BTH Ladies Club Inc <i>Contribution – History Book</i>	\$1,250
i) Denmark RSL Inc <i>Doors and Verandah RSL Hall</i>	\$2,000

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 9.3

MOVED: CR RICHARDSON-NEWTON

SECONDED: CR WAKKA

That with respect to the 2011/12 Community Financial Assistance Grants, approve the following allocations, totalling \$21,650, for projects which requested funding from the 2010/11 Community Financial Assistance Grants as follows, and include the amount in the 2011/12 Municipal Budget;

a) Denmark Primary School P&C <i>Purchase of equipment for kitchen van</i>	\$1,650
b) Denmark Historical Society Inc <i>50% contribution to A3 colour scanner</i>	\$3,750
c) Denmark Junior Soccer Club <i>Purchase full sized soccer goals</i>	\$2,500
d) Denmark Airport Association <i>Purchase 2<sup>nd</sup> hand mower to maintain airstrip</i>	\$1,500
e) Denmark CWA Inc <i>Contribution to toilet block repairs</i>	\$4,000
f) Walpole & Districts Seniors Accommodation Inc <i>Advertising – new lifestyle village</i>	\$700
g) Denmark Primary School P&C <i>Tank and reticulation – school vegetable garden</i>	\$4,300
h) BTH Ladies Club Inc <i>Contribution – History Book</i>	\$1,250
i) Denmark RSL Inc <i>Doors and Verandah RSL Hall</i>	\$2,000

CARRIED: 10/0

Res: 240611

**9.4 FIRE CONTROL OFFICERS 2011/2012**

<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	All land within the Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 June 2011
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	No

**Summary:**

Denmark Volunteer Bush Fire Brigades and the Bush Fire Advisory Committee (BFAC) have submitted their minutes of Annual General Meetings outlining their recommendations for Fire Control Officers for 2011/2012. This item seeks Council endorsement of the appointment of these officers.

**Background:**

The following persons have been recommended for appointment as Bush Fire Control Officers for 2011/2012 at the Bush Fire Advisory Committee, held on the 2<sup>nd</sup> June 2011.

Denmark Shire recommended and BFAC approved Bush Fire Control Officers

CESM	Nathan Hall
Senior Ranger	Dick Dimmock
Ranger	Stuart Dyson

BFAC nominated and approved Bush Fire Control Officers

Chief Bush Fire Control Officer	Graeme Thallon
Deputy Chief Bush Fire Control Officer	Wayne Kranendonk
Fire Weather Officer	Adrian Kranendonk

Bush Fire Brigade nominated and BFAC approved Bush Fire Control Officers

Carmarthen	Don Nekel
Denmark East	Chris Hoare
Harewood	Graeme Thallon
Hazelvale	Alex Williams
Kordabup	Bruce Pringle
Mehniup	David Guthrie
Mt Lindesay	Malcolm Hick
Nornalup	Jean-Marc Merat
Ocean Beach	Joe Baker
Owingup	Samantha Blythe
Parryville	Kevin Hard
Peaceful Bay	Alec Cull
Scotsdale	Sid Marshall
Shadforth	Wayne Kranendonk
Somerset Hill	Roger Seeney
Tingledale	Brian Vigus
Town	Don Atkinson
William Bay	Joan Merrifield
V.F.R.S.	Gary Stanway

**Comment:**

All of the recommended brigade officers have carried out senior/management roles in their respective brigades and have completed the relevant training, being the FESA Fire Control Officers Course.

**Consultation:**

In April 2011 each Bush Fire Brigade was requested to submit a nomination for the position of Fire Control Officer to the 2 June 2011 Bush Fire Advisory Committee Meeting.

The nominees for the senior Fire Control Officer positions were elected by the Bush Fire Advisory Committee Meeting at its 2 June 2011 Annual General Meeting.

**Statutory Obligations:**

There are statutory obligations as detailed under section 38(1) of the Bush Fires Act 1954, regarding the appointment of Fire Control Officers.

Section 38(1) states that; "A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act,"

**Policy Implications:**

There are policy implications in relation to Policy P050107 Brigade numbers and advisory committee structure.

**Budget / Financial Implications:**

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

**Strategic Implications:**

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

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

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

**➤ Economic:**

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

**➤ Social:**

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

**Voting Requirements:**

Simple majority.

FORMER COMMITTEE & OFFICER RECOMMENDATION

ITEM 9.4

That Council appoint the following persons as Fire Control Officers for 2011/2012, as recommended by the Bush Fire Advisory Committee at its 2 June 2011 Annual General Meeting.

Denmark Shire recommended and BFAC approved Bush Fire Control Officers

CESM	Nathan Hall
Senior Ranger	Dick Dimmock
Ranger	Stuart Dyson

BFAC nominated and approved Bush Fire Control Officers

Chief Bush Fire Control Officer	Graeme Thallon
Deputy Chief Bush Fire Control Officer	Wayne Kranendonk
Fire Weather Officer	Adrian Kranendonk

Bush Fire Brigade nominated and BFAC approved Bush Fire Control Officers

Carmarthen	Don Nekel
Denmark East	Richard Ryde
Harewood	Graeme Thallon
Hazelvale	Alex Williams
Kordabup	Bruce Pringle
Mehniup	David Guthrie
Mt Lindesay	Malcolm Hick
Nornalup	Jean-Marc Merat
Ocean Beach	Joe Baker
Owingup	Samantha Blythe
Parryville	Kevin Hard
Peaceful Bay	Alec Cull
Scotsdale	Sid Marshall
Shadforth	Wayne Kranendonk
Somerset Hill	Roger Seeney
Tingledale	Brian Vigus
Town	Don Atkinson
William Bay	Joan Merrifield
V.F.R.S.	Gary Stanway

At the meeting held on the 21 June 2011, the Director of Community & Regulatory Services advised that since the writing of the report, Richard Ryde had been replaced with Chris Hoare and provides the following Officer Recommendation which reflects the change.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 9.4

That Council appoint the following persons as Fire Control Officers for 2011/2012, as recommended by the Bush Fire Advisory Committee at its 2 June 2011 Annual General Meeting.

Denmark Shire recommended and BFAC approved Bush Fire Control Officers

CESM	Nathan Hall
Senior Ranger	Dick Dimmock
Ranger	Stuart Dyson

BFAC nominated and approved Bush Fire Control Officers

Chief Bush Fire Control Officer	Graeme Thallon
Deputy Chief Bush Fire Control Officer	Wayne Kranendonk
Fire Weather Officer	Adrian Kranendonk

Bush Fire Brigade nominated and BFAC approved Bush Fire Control Officers

Carmarthen	Don Nekel
Denmark East	Chris Hoare
Harewood	Graeme Thallon
Hazelvale	Alex Williams
Kordabup	Bruce Pringle
Mehniup	David Guthrie
Mt Lindesay	Malcolm Hick
Nornalup	Jean-Marc Merat
Ocean Beach	Joe Baker
Owingup	Samantha Blythe
Parryville	Kevin Hard
Peaceful Bay	Alec Cull
Scotsdale	Sid Marshall
Shadforth	Wayne Kranendonk
Somerset Hill	Roger Seeney
Tingledale	Brian Vigus
Town	Don Atkinson
William Bay	Joan Merrifield
V.F.R.S.	Gary Stanway

CARRIED BY EN BLOC RESOLUTION: 090611



*Prior to consideration of Item 9.5 through Presiding Person the Chief Executive Officer brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Phair is a member of the Peaceful Bay Volunteer Bush Fire Brigade and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Phair declares that they will consider this matter on its merits and vote accordingly.*

<b>9.5</b>	<b>PEACEFUL BAY VOLUNTEER MARINE RESCUE SERVICE – USE OF THE PEACEFUL BAY FIRE APPLIANCE TO TOW THE SEA RESCUE VESSEL</b>
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<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Peaceful Bay Volunteer Marine Rescue
<b>Subject Land / Locality:</b>	All Shire of Denmark Bush Fire Brigades
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 June 2011
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community and Regulatory Services
<b>Attachments:</b>	No

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**Summary:**

This report discusses a request from the Peaceful Bay Volunteer Marine Rescue Service (VMRS) to use the Peaceful Bay Isuzu 2.4 fire appliance to transport the sea rescue vessel “Irwin” in emergency or training situations and recommends that Council grant this permission via an Memorandum of Understanding (MOU) that sets out conditions of use and ensures the unit’s availability for fire fighting operations. The request was subsequently referred to the Council’s Bush Fire Advisory Committee who have recommended supporting the request, subject to a number of conditions.

**Background:**

Currently the Peaceful Bay VMRS does not have a suitable vehicle to tow the 8.5 metre, 5 tonne Niad rescue vessel “Irwin”. After several alternative options proved to be unsuitable the Peaceful Bay Isuzu 2.4 fire appliance was identified by local volunteers who are members of both the Peaceful Bay Sea Rescue and the Bush Fire as the most practical solution to this dilemma.

The Peaceful Bay VMRS have stated that they want to make it absolutely clear that the Isuzu 2.4 fire appliance will always be prioritised for its primary role as a fire appliance. It is the Peaceful Bay VMRS intention to limit the towing within their working area, between Albany and Windy Harbour.

The Peaceful Bay VMRS are willing to meet any costs and conditions imposed by the Shire and Peaceful Bay Bush Fire Brigade in outfitting the Isuzu 2.4 fire appliance and any running costs when it is towing, or being used for the purpose of towing, the “Irwin” sea rescue vessel.

**Comment:**

The sea rescue vessel “Irwin” is owned by the Fire & Emergency Services Authority (FESA) and the Peaceful Bay Isuzu 2.4 fire appliance is owned by the Shire of Denmark and would normally be in operational demand in opposite climatic conditions. There is however, the possibility that they both could be required during high fire risk weather and the MOU conditions would seek to address that possibility and the general usage of the fire appliance;

1. The Isuzu 2.4 fire appliance must be driven by a member of the Peaceful Bay Bush Fire Brigade with a minimum MR license.

2. The driver of the vehicle is responsible for all aspects relating to and preparation of the tow and is subject to all conditions set out by the Department of Main Roads.
3. The towing permit is kept within the fire appliance.
4. Approval must be obtained from the following personnel prior to each tow;
  - a. Peaceful Bay Fire Control Officer
  - b. Chief Bush Fire Control Officer and / or Community Emergency Services Manager.
5. Tingle Dale and Nornalup Bush Fire Brigades are to be contacted to allow them to arrange adequate coverage for the Peaceful Bay Bush fire gazetted area.
6. The Peaceful Bay Isuzu 2.4 fire appliance is only to be used to transport the sea rescue vessel "Irwin" in emergency or training or maintenance situations within the operating boundaries of Albany and Windy Harbour.
7. In the event that the Peaceful Bay Isuzu 2.4 fire appliance has been used to transport the sea rescue vessel "Irwin" and a major fire incident occurs the fire appliance will be required to return to Denmark, even if the vessel "Irwin" has not returned to port.

In considering point 7, Councillors should note that in the unlikely event that the Peaceful Bay Isuzu 2.4 fire appliance is required, while the sea rescue vessel "Irwin" is at sea, Council's Incident Controller would utilise either a medium weight Council truck or a local bobcat operator to retrieve the vessel.

The reason why the Peaceful Bay Isuzu 2.4 fire appliance is being considered in preference to these vehicles is that it is local and more importantly it has a long wheel base, a winch and low range off road capability that make it ideal for retrieving heavy vessels from the water.

**Consultation:**

In making the recommendation to allow the Peaceful Bay VMRS to use the Peaceful Bay Isuzu 2.4 fire appliance to transport the sea rescue vessel "Irwin" in emergency or training situations, the Community Emergency Services Manager has consulted with the Chief Bush Fire Control Officer, the Director of Community and Regulatory Services and the Peaceful Bay Bush Fire Brigade.

**Statutory Obligations:**

There are no known statutory obligations relating to the report or officer recommendation.

**Policy Implications:**

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

**Budget / Financial Implications:**

The Peaceful Bay VMRS will be required to meet any costs and conditions imposed by the Shire and Peaceful Bay Bush Fire Brigade in outfitting and the running of the Isuzu 2.4 fire appliance, associated in the towing the "Irwin" sea rescue vessel for emergency or training situations.

**Strategic Implications:**

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

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

**COMMITTEE RECOMMENDATION**

ITEM 9.5

That the Bush Fire Advisory Committee recommends to Council that a Memorandum of Understanding be drawn up between the Peaceful Bay Volunteer Marine Rescue Service and the Shire allowing the Peaceful Bay Isuzu 2.4 fire appliance to transport the sea rescue vessel "Irwin" in emergency or training situations.

The reason for the revised recommendation is that it provides clearer direction for Council staff in drafting the MOU and reference point in the future if the need to review the MOU arises.

At the meeting held on the 21 June 2011, Cr Barnes asked for the operating boundaries to be clarified.

The Director of Community & Regulatory Services advises that the boundaries would be between the City of Albany municipal boundary and Windy Harbour, the clarification has been made in the Officer Recommendation.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 9.5

That Council authorise the Director of Community & Regulatory Services to prepare a Memorandum of Understanding between the Peaceful Bay Volunteer Marine Rescue Service and the Shire of Denmark, allowing an appropriate fire appliance (currently the Peaceful Bay Isuzu 2.4) to transport the sea rescue vessel "Irwin" in emergency or training situations that includes the following conditions;

1. The fire appliance must be driven by a member of the Peaceful Bay Bush Fire Brigade with a minimum MR license.
2. The driver of the vehicle is responsible for all aspects relating to and preparation of the tow and is subject to all conditions set out by the Department of Main Roads.
3. The towing permit is kept within the fire appliance.
4. Approval must be obtained from the following personnel prior to each tow;
  - a. Peaceful Bay Fire Control Officer and
  - b. Chief Bush Fire Control Officer and / or Community Emergency Services Manager.
5. Tingledale and Nornalup Bush Fire Brigades are to be contacted to allow them to arrange adequate coverage for the Peaceful Bay Bush fire gazetted area.
6. The approved fire appliance is only to be used to transport the sea rescue vessel "Irwin" in emergency or training or maintenance situations within the operating boundaries of the City of Albany municipal boundary to the east and Windy Harbour to the west.
7. In the event that the Peaceful Bay Isuzu 2.4 fire appliance has been used to transport the sea rescue vessel "Irwin" and a major fire incident occurs the fire appliance will be required to return to Denmark, even if the vessel "Irwin" has not returned to port.

**CARRIED BY EN BLOC RESOLUTION: 090611**

**9.6 FUNDING REQUEST SOMERSET HILL VOLUNTEER BUSHFIRE BRIGADE**

<b>File Ref:</b>	FIRE1, A3889
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Somerset Hill Volunteer Bushfire Brigade Shed,
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	12 June 2011
<b>Author:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	No

**Summary:**

This report considers a request from Somerset Hill Bush Fire Brigade for \$2,700.00 to complete the ablution area of their Fire Station and recommends that Council approve the request, by reallocating surplus funds from the Reserves Fire Management & Prevention budget allocation, which has not been fully utilised due to the early onset of wet weather.

**Background:**

At its 2 June 2011 committee meeting the Bush Fire Advisory Committee (BFAC) made the following recommendation to Council;

*“That the Bush Fire Advisory Committee recommends to Council to support funding of \$2,700.00 to the Somerset Hill Bush Fire Brigade to complete the ablution area of the Fire Station.”*

**Comment:**

Mr Roger Seeney, Fire Control Officer of the Somerset Hill Bush Fire Brigade advised BFAC that they were currently in the process of completing the kitchen area and ablution area at the Somerset Hill Fire Station.

The Brigade has already spent over \$11,000.00 of their own funds together with an additional \$4,000.00 grant from Western Power on the project. In addition to this, brigade members have donated their time to carry out much of the actual installation work.

The reason why they have fallen short on funds to complete the ablution area is due to higher than expected costs of construction to enable the ablution area to be accessible for persons with disabilities. Council’s Disability Action & Inclusion Plan (adopted by Council 27 February 2007) states that ‘People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority’.

The brigade initially anticipated that their funds would be sufficient to complete the project and therefore they missed the opportunity to apply for a Community Financial Assistance Grant, when they were open this year. In addition, they have also realised that many of the grants that would normally be available to them as a brigade cannot be accessed because the project has already commenced.

The \$2,700 will enable the Somerset Hill Brigade to complete their shed to a standard that is sufficient for them to hold brigade meetings and training events at the venue.

If the Somerset Hill Bush Fire Brigade Shed was being built today, it would go into the FESA ‘risk to resource’ competitive process with other brigades throughout Western Australia and if successful would be fully funded via ESL (Emergency Services Levy) insurance contributions and be built to current FESA standards which includes a kitchen and a toilet (with disabled access).

The Somerset Hill Bush Fire Brigade Shed was built prior to the commencement of this program being constructed in 2003 as minimalistic 7.4m x 9m colourbond shed with approval being sought for the ablutions in 2006. Under these scenarios, the ESL 'risk to resource' actively discriminates against brigades like Somerset Hill in that it will almost always give preference to building an entire new shed from scratch for a brigade that has no shed at all.

In terms of need, there is a clear case that Somerset Hill Brigade needs these facilities. It is an active brigade that is very much the social hub of its community, regularly holding training and social events for as many as sixty – eighty people. The brigade also has members with disabilities and encourages them to actively participate in the life of the brigade.

The main argument against approving this proposal is that it may set a precedent for other brigades such as Scotsdale/Mount Shadforth who also do not have a toilet (estimated cost \$5,000) as well as other community groups that are looking to upgrade basic buildings. Such arguments however are easily countered by the fact that Somerset Hill are seeking a \$2,700 contribution to an \$18,000 plus project meaning that the Shire contribution ratio is likely to be in the region of 10% when the cost of volunteer labour is added onto the project.

The other argument against contributing to the project is it is good stewardship of community funds to avoid contributing to projects that have the potential to be funded by other agencies. This however, is countered by the practical reality that the immediate benefit that can be obtained for the Somerset Hill community by investing a relatively small amount outweighs the opportunity cost that is lost by having those funds for another project.

**Consultation:**

The proposal was discussed at the 2 June 2011 Bush Fire Advisory Committee meeting and the officer recommendation reflects that Committee's recommendation.

**Statutory Obligations:**

Specific Council approval is required for unbudgeted expenditure under the Local Government Act 1995.

**Policy Implications:**

There are no policy implications associated with the report or the recommendation.

**Budget / Financial Implications:**

Council budget allocation for Reserves Fire Management & Prevention 1510102 is largely unused due to the early onset of winter rains and it is proposed to allocate \$2,700 from this account.

**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 implications relating to the report or the officer recommendation.

➤ **Economic:**

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

➤ **Social:**

The Somerset Hill Bush Fire Brigade is an important focal point for the Somerset Hill community. Assisting them with the completion of their shed will enhance that capacity.

**Voting Requirements:**

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.6

That the Bush Fire Advisory Committee recommends to Council to support funding of \$2,700.00 to the Somerset Hill Bush Fire Brigade to complete the ablution area of the Fire Station.

The reason for the revised recommendation is to incorporate specific budget references.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 9.6

That with respect to the Somerset Hill Volunteer Bush Fire Brigades request for funding assistance, Council;

1. Grant \$2,700 to the Somerset Hill Volunteer Bush Fire Brigade for the completion of the ablutions their Fire Station at Reserve 47272 on Scotsdale Rd to universal access standards.
2. Include in the 2011/12 Budget a new capital expenditure account entitled Somerset Hill Volunteer Bush Fire Brigade Ablution Completion Grant with a budget of \$2,700.

CARRIED BY EN BLOC RESOLUTION: 090611

**10. MATTERS BEHIND CLOSED DOORS**

Nil

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

**COUNCIL RESOLUTION**

ITEM 11

MOVED: CR RICHARDSON-NEWTON

SECONDED: CR WAKKA

That Council accept an item of new business.

CARRIED: 10/0

Res: 240611

*7.09pm – Cr Hinds returned to the meeting*

**11.1 Munda Bididi Trail**

At the meeting held on the 21 June 2011 Council resolved (Resolution No. 050611) to accept an item of new business to do with the Munda Bididi Trail.

<b>11.1 MUNDA BIDDI BICYCLE TRAIL PROPOSED PATH ALIGNMENT</b>
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<b>File Ref:</b>	GOV.4B
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Denmark region
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	23 June 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	11.1 a) – Munda Bididi Trail Concept Alignment 11.1 b) – Southern Concept Map Alignment

**Summary:**

Much of the Munda Bididi bicycle trail is currently under construction by the Department of Environment and Conservation (DEC) with the alignment of the trail where it passes through the Shire of Denmark being largely confirmed, with the exception of the eastern half.

**Background:**

The Munda Bididi (meaning *path through the forest* in Nyoongar Aboriginal language) Trail has been designed for mountain bike enthusiasts and recreational cyclists who are seeking a safe and enjoyable bush cycling experience.

Starting in Sculpture Park, Mundaring, the Munda Bididi Trail is now at the half way mark, traversing almost 500km to Nannup. Construction is currently continuing on the Trail between Nannup and Manjimup, and from Albany to Lowlands. Once completed, this bicycle trail will wind its way through national parks and State forest in the south west before reaching Albany.

The trail uses a network of bush tracks and old railway lines to link cyclists with towns and forest attractions including Jarrahdale, Dwellingup, Logue Brook Dam, Collie, Donnybrook, Nannup, Donnelly River, Manjimup, Pemberton, Northcliffe, Walpole, Denmark and Albany.

The Department of Environment and Conservation (DEC) is now undertaking their planning and scoping discussions with the South Coast community to determine the alignment of the trail between Nornalup and Albany. A meeting was held in the Denmark Council Chambers on Wednesday, 4<sup>th</sup> November 2009, at which DEC outlined two proposed alternative alignments for the Munda Bididi through the Shire of Denmark: (a) A southern alignment which follows the existing Nornalup-Denmark heritage rail trail and (b) a northern forest “loop” alignment through the Walpole Wilderness National Park, were outlined to the community for comment.

*“At the meeting held on the 24 November 2009, Council resolved as follows (Resolution No. 061109): With respect to the proposed northern alignment options proposed by the DEC vs the Nornalup Rail/Trail’s southern option, that following the deputation by the Department of Environment & Conservation, Council;*

1. *Consult with the community & specifically;*
  - *Denmark Tourism Inc;*
  - *Denmark Chamber of Commerce; and*
  - *Green Skills Inc.*
2. *Delegate responsibility to the Paths & Trails Advisory Committee to select and appoint a Council representative on the proposed Munda Bididi Trail Working Group.”*

Notwithstanding the above, the Department of Environment & Conservation (DEC) Planning Staff now advise that environmental constraints and a review of the vision for the trail have led them to the conclusion that a southern connection to Greens Pool and Lights Beach is preferable to the northern alignment linking Mt Lindsey.

On the 21 June 2011, DEC gave a deputation to Council with respect to the new trail alignment. A copy of the presentation is attached (refer Attachment 11.1 a)).

**Comment:**

The Walpole Wilderness and Adjacent Parks and Reserve Management Plan 2008, states on p.145 that:

*“The Munda Biddi long distance cycle trail from Perth to Albany is proposed to go through the planning area linking cyclists with many forest attractions and towns including Manjimup, Pemberton, Northcliffe, Walpole and Denmark. The Department will work collaboratively with the Shire of Denmark, Manjimup and Plantagenet in the development of the Munda Biddi and other cycle trails. Planning for the Munda Biddi cycle trail will consider all options, and is expected to incorporate some additional loop trails and link with other potential cycle trails and recreation sites in the planning area. Some of the potential trails may be dual or multiple use to accommodate other users.*

*A multi-use trail along the alignment of the Denmark-Nornalup Trial Rail Trail is being planned and constructed. Trail development and cycling within those parts of the trail that traverse lands managed by the Department will be consistent with the Departmental policies and standards, visitor management settings, adequate maintenance of conservation and other values, recreational development criteria, safety standards and the rights and enjoyment of other visitors.”*

The Management Plan specifically commits that DEC will work collaboratively with the Shire of Denmark in its determination of the trail alignment through the region.

The Munda Biddi trail alignment was discussed at the Paths and Trails Committee meeting of 10 November 2009, and the southern trail alignment that follows the existing heritage rail trail between Nornalup and Denmark was supported by the committee for trail development for the following reasons:

- There is greater potential for business and income generation for the businesses and farm stay options of the Denmark community, if the trail passes along the rail trail to Denmark town;
- The Shire of Denmark has invested considerable funds in improvement and maintenance of the Heritage Rail Trail during past years, and would benefit from this investment being optimised and maintained;
- Completing the Heritage Rail Trail link between Nornalup and Denmark meets an identified community need for a bicycle linkage between these settlement nodes;
- Maintenance of the Munda Biddi trail will be more easily achieved through volunteer effort if the trail is easily accessed by the adjacent residents of Denmark. Community attachment and maintenance of sections of the Heritage Rail Trail is already secured;
- The alignment and gentle slope of the Heritage Rail Trail is better suited to making the trail accessible to all ages and abilities (a stated aim of the Munda Biddi Trail);
- The Heritage Rail Trail is a shorter route. The northern forest loop will increase time and distance required for cyclists to complete the route along the South Coast (by as much as a day) and may reduce the number of cyclists willing or able to commit more than a weekend to the experience, thereby potentially reducing the number of users on the South Coast section of the Munda Biddi trail (as travelling time from Perth return needs to be considered);
- The Munda Biddi already has sections of trail which are multiple use (including horse riding);



- The Heritage Rail trail provides all year round access, whereas sections of the proposed northern loop through the forest are boggy and sometimes impassable during the winter months;
- The Heritage Rail Trail has better access for emergency and fire control services.

**Consultation:**

The Chairman of Council's Paths & Trails Advisory Committee, Cr Laing, has been involved with discussions with the DEC Planning Staff and is in support of the principles of the new southern alignment notwithstanding the Council's and the Committee's previous advice.

Regardless of which alignment is chosen the Council will be communicating with the Department of Environment & Conservation that it expects thorough consultation with the community and specific adjoining landowners.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

Council Staff are not yet able to quantify the potential ongoing financial implications for the Council with either the northern or southern alignment or indeed the Munda Bididi Trail within the Shire of Denmark in toto.

**Strategic Implications:**

There are potentially significant strategic implications relating to the report and the officer recommendation.

Both the proposed northern alignment to Mt Lindsey and the southern alignment to Greens Pool and Lights Beach achieve the Foundation's desired 1,000km length. The southern alignment arguably has greater short and long term economic return for the community in terms of its ability to navigate through both the more iconic natural assets of the western sector of the Shire, together with the major concentration of tourism, businesses and attractions. In short, it connects several iconic locations such as Greens Pool, Madfish Bay, Waterfall Beach, achieves a strategic connection to Lights Beach and provides for the opportunity of a subsequent trail loop with the existing Denmark-Nornalup Heritage Rail Trail.

Whilst the current indicative southern alignment goes from Lights Beach, onto Lights Road, onto the existing shared use path (at the intersection of Lights Beach Road and Ocean Beach Road), the opportunity also presents to explore the possibility of developing the trail from Lights Beach Road, across Council's Recreation Reserve No. 24913 (Recreation Reserve) the future Wind Energy Facility and the iconic Wilson headland and Ocean Beach.

The Department of Environment & Conservation request that Council consider the possibility that the proposed Munda Bididi Trail alignment will cross reserves such as View Road, Roberts Road and the reserve which connects Scotsdale Road and Roberts Road.

**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.

However, it is important to maximise the flow-on economic benefits to the community of Denmark that could result from having a major international recreational cycle trail passing through the region and this is maximised with the southern alignment.

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION

ITEM 11.1

That with respect to the request of the Department of Environment and Conservation of Council to consider a southern alignment for the proposed Munda Bididi Trail, Council advise that it supports, in principle, the alignment proposed, subject to;

1. Requesting that planning & consultation also investigates the alternative alignment from Lights Beach to the intersection of Lights Road & Ocean Beach Road, via Wilson Head; and
2. Undertaking specific consultation with adjoining landowners where closed roads are proposed to be used.

**COUNCIL RESOLUTION**

ITEM 11.1

MOVED: CR LAING

SECONDED: CR SAMPSON

That with respect to the request of the Department of Environment and Conservation of Council to consider a southern alignment for the proposed Munda Bididi Trail, Council advise that it supports, in principle, the alignment proposed, subject to;

1. Requesting that the planning process also investigates the alternative alignment from Lights Beach to the intersection of Lights Road & Ocean Beach Road, via Wilson Head; and
2. Undertaking specific consultation with adjoining landowners where closed roads are proposed to be used.
3. Investigating more practical alternative routes in liaison with Council Officers.

CARRIED: 11/0

Res: 250611

REASONS FOR CHANGE

Council added part 3 to ensure that the Department of Environment & Conservation had sufficient flexibility to look at alternative road and road reserves nearby to achieve the same outcome.

**12. CLOSURE OF MEETING**

*7.15pm - 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: 29 June 2011

These minutes were confirmed at the meeting of the \_\_\_\_\_

Signed: \_\_\_\_\_  
*(Presiding Person at the meeting at which the minutes were confirmed.)*