

Shire of Denmark Minutes



ORDINARY (DISCUSSION ONLY) MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
SOUTH COAST HIGHWAY, DENMARK,
ON TUESDAY, 18 MAY 2010.

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Ordinary Council Meeting

18 May 2010

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm - The Shire President, Cr Ross Thornton, declared the meeting open.

Cr Hinds requested that the order of the Agenda be amended so that Item 8.1.3, Draft Town Planning Scheme Policy – ‘Providing Public Art’, could be considered after Item 8.2.1, Denmark Community Cultural Plan 2010 – 2015, given that Item 8.1.3 refers to the Cultural Plan detailed in Item 8.2.1.

The Shire President responded by saying that he would allow Cr Hinds to move a motion to that effect following Item 6 on the Agenda.

1.1 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MEMBERS:

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

STAFF:

- Mr Garry Bird (Director of Finance & Administration / Acting CEO)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Rob Whooley (Director of Infrastructure Services)
- Mr Sam Williams (Director of Planning & Sustainability)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Cr George Ebbett
- Mr Dale Stewart (Chief Executive Officer)

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 7
- Members of the press in attendance at the commencement of the meeting: 0

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Mr Dale Stewart	8.4.3	Impartiality	Mr Stewart is a financial member of the Denmark Country Club Inc
Mr Garry Bird	8.4.3	Impartiality	Mr Bird is a financial member of the Denmark Country Club Inc
Cr Ken Richardson-Newton	8.1.6	Impartiality	Cr Richardson-Newton is a member of Denmark Tourism Inc & the Denmark Tourist

			Bureau and owns & operates a Bed & Breakfast.
Cr Ken Richardson-Newton	8.1.7	Impartiality	Cr Richardson-Newton is a member of Denmark Tourism Inc & the Denmark Tourist Bureau and owns & operates a Bed & Breakfast.
Cr Kim Barrow	8.1.7	Financial	Cr Barrow owns property in Area 3.
Cr Kim Barrow	8.4.3	Impartiality	Cr Barrow is a member of the Denmark Country Club Inc.
Cr Ross Thornton	8.4.3	Impartiality	Cr Thornton is a member of the Denmark Country Club Inc.
Cr John Wakka	8.4.3	Impartiality	Cr Wakka is a member of the Denmark Country Club Inc.
Mr Sam Williams	8.1.7	Impartiality	Mr Williams owns land that is identified to be rezoned.
Cr Adrian Hinds	8.1.7	Proximity	Cr Hinds owns property in Area 1.

2. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President requested that Cr Syme report to Council on a funding matter.

Cr Syme stated that he believed it was relevant for Council to be informed about recent State Government Natural Resource funding of which \$1.1m was allocated to the South Coast region with \$269,000 of that being allocated for work within the Shire of Denmark. Cr Syme detailed a number of areas where the funding would be used within the district adding that he believed that groups within the Shire had done very well out of it.

3. PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1.1 Mr Don MacMaster – Item 9.1.7 (Request to Initiate Scheme Amendment No. 123 – Omnibus Amendment)

At the meeting held on the 27 April 2010 Mr McMaster asked various questions of Council in relation to Item 9.1.7. The questions were taken on notice and a written response has been provided to Mr McMaster which reads as follows;

“Thank you for your questions which were tabled at the Council Meeting of 27 April 2010 with respect to various matters. On the day of the meeting it was noted that I would take the questions on notice and respond in writing in due course.

I now respond to your questions as follows.

- 1. Considering that the concerns currently under review concerning Lights Road Landscape Protection Zone were initiated by Mr Rob Whooley the Director of Infrastructure Services an owner of one of the lots and as I understand, two dogs, are Councillors aware that at the meeting of 20/04/10 Mr Whooley, did not declare an interest?*

Response: Yes.

- 2. Has the Director of Infrastructure Services declared an interest at this meeting?*

Response: No.

The CEO responded to questions 1 & 2 by stating that Mr Whooley was not the author of the report nor had he provided advice on the matter and therefore was not required to declare an interest in the item pursuant to section 5.70 of the Local Government Act 1995.

3. *Do you realize that in ratifying the points on Lights Road Landscape Protection you will be customizing conditions which are the conditions the current owners accepted at the time of purchase?*

Response: Changing the conditions for the Lights Road Landscape Protection will require an Amendment to Council's Town Planning Scheme No.3. As any Amendment to a Town Planning Scheme is a transparent process (i.e. requires Council resolution to initiate, mandatory community consultation, Council adoption, Western Australian Planning

Commission endorsement and Minister for Planning approval, the current landowners can be involved in any amendment decision and will be advised of any changes.

4. *Are you aware that while there are three subdivision lots there will be four dwellings each entitled to have two dogs: eight dogs in all legally on the subdivision?*

Response: Noted, however, as per the wording of the Scheme Amendment each of these dogs will have to be contained to an agreed area.

5. *Are you prepared to be specific as to the areas in which each of these possible pairs of dogs will be contained and the nature of fencing: height, distance from the ground, gate arrangement and mesh size that will ensure the dogs do not run free in a pack? In the past neighbourhood dogs have killed sheep, chooks and guinea pigs on my property.*

Response: No. The amendment to Town Planning Scheme No.3 before Council does not cover detailed requirements such as fencing material etc. Specifics such as fencing, location, etc are best dealt with as conditions on any development approval.

6. *Given that some breeds of dogs are more likely to attack (stock than others and even more so for males wanting to impress a female are you prepared to place restrictions in relation to size, breed and gender of dogs permitted on the subdivision?*

Response: No. What Council is considering, is an Amendment to their Town Planning Scheme No.3, to allow the keeping of dogs, subject to consideration of a development application, and placement of conditions at that time. Should any dogs wander, either those that are approved now or subsequently following the finalisation of the proposed scheme amendment, then Council's Law Enforcement Officers are, and will be, aware of what conditions are imposed on the keeping of those dogs, and in the event of breach of those conditions (for example such as the attacking of stock and or wandering beyond their approved area) Council's Local Laws, Local Planning Scheme and the Dog Act, will all be enforced without fear nor favour.

7. *Are you aware that the section of the new conditions regarding setbacks seem to have already been infringed on Mr Whooley's lot by the positioning*

of a shed and going by the siteworks the house may well excessively infringe the stated setback from the Priority Conservation Area?

Response: The allegation that the siting of a person's shed and or current site works being performed contrary to Council approval is currently being investigated by Council's Planning Staff and should any buildings or works prove to be in breach of Council's Local Planning Scheme, the owner will be advised and Council's Local Planning Scheme enforced without fear nor favour.

8. *Considering that the set conditions have already been breached in different ways does Council intend to address future breaches of the set conditions and to impose appropriate penalties?*

Response: Any breaches to Council's Town Planning Scheme No.3 are taken seriously and are investigated by Council's offices. The stance Council takes with enforcement of specific breaches is generally not disclosed to third parties.

9. *If Council does not have the will or the power to enforce the conditions which it has applied to this subdivision how then is my livelihood and my sheep flock to be protected?*

Response: Council has the will and power to enforce conditions it has imposed by virtue of the existing conditions of approval and those intended pursuant to the Scheme Amendment proposed. In addition Council's Law Enforcement Officers and affected landowners / stock owners have enforcement means available within the existing Dog Act (with respect to protection of livestock).

10. *Are you in support of the existing loophole of merely have to write a letter to have subdivision conditions relaxed or changed? If so, what is the point of having set these conditions in the first instance?*

Response: Under Council's Town Planning Scheme No.3, which is the legal document that has enforced the said development conditions, Council has the ability to modify development standards.

11. *Recently a ranger returned one of Mr Robert Whooley's dogs which I had caught on my property. The ranger indicated to me he would impound the dog but evidently gave it back straight away. This dog has no identification and no licence tag. It is possible that it is microchipped but this would need to be verified. On Anzac Day when Mr Whooley was at his block the dog again entered my yard. I contained it and called the ranger who again returned it to his line manager. Do you think this dog should have been impounded and the owner fined?*

Response: Council's Rangers do not report to Robert Whooley they report to Gregg Harwood the Director of Community & Regulatory Services.

Council's Ranger Peter Wilson has advised that he treated the retrieval and impoundment of the Whooley's dog (reg no. 0110083) as per any other dog and owner in similar circumstances. The dog was impounded at 6.30pm on Sunday the 25th of April 2010 and entered in the dog pound register and the Whooley's were charged a fee for the dog's impoundment. Peter has also advised that the occasion on which he impounded the dog was the first time that he had actually witnessed or been able to prove that the dog was on another property without consent and has advised the Whooley's that an infringement of a further \$50 would apply should the dog be in a public

place without a registration tag and that a further fine of \$100 would apply to a dog being found at large in a public place or on private property without permission.”

3.1.2 Mr Brian Humphries – Electrical and Fire Safety Regulations

At the meeting held on the 27 April 2010 Mr Humphries asked a number of questions in relation to electrical and fire safety matters. The questions were taken on notice and a written response has been provided to Mr Humphries which reads as follows;

“Thank you for the Question on Notice submitted to the 27 April 2010 Ordinary Meeting of Council in regards to Electrical & Fire Safety Regulation changes introduced under federal legislation. At the meeting the questions were taken on notice and accordingly I now respond as follows.

Q1. CEO - Can you assure Council and the public that all tourist accommodation facilities in Denmark are fully compliant to the new electrical and fire safety regulations?

Firstly - I reference the legislation introduced by the Office of Energy Safety in the WA Dept of Commerce that took effect from 9th August 2009 in regards to the requirement for all residential houses that are being either transferred or leased after 9th August 2009 to have two residual circuit devices (RCDs) fitted and for those homes to be compliant to the electrical regulations set out by that Office. These devices are not the older type circuit breakers. There are harsh penalties of up to \$15,000 for non-compliant individuals and up to \$100,000 for corporations.

My question does not have any relevance to property being transferred but it does to property being leased. In this regard, I inquired of the Office of Energy Safety as to what they meant by ‘leasing’ and was informed that, as far as they were concerned, it included any form of contract of occupancy – written or verbal - for persons other than the owner occupying the property where that contract of occupancy was entered into after 9th August 2009. In this context, “contracts of occupancy” apply to all holiday homes, B&Bs, chalets, caravan parks, backpacker lodges and the like – in summary, whenever short term or rental accommodation is provided.

Secondly - I also reference new legislation that took effect from 1st October 2009 requiring all rental properties to have mains powered smoke detectors installed. While it has been law since 1997 under the Building Code of Australia to install hard-wired smoke detectors in new

buildings, the new legislation applies to older properties. Landlords have up to 14 days from date the current tenant vacates a property to have mains powered smoke detectors installed.

As provided for under the legislation, a local government can issue a rectification notice, infringement notice or prosecute for any breaches the penalties which in this second case are up to \$5,000.

Response: The attached Government of Western Australia Guidance note “Smoke Detector/Alarm and Residual Current Devices (RCD’S)” indicates that both landlords and property managers have a responsibility under the relevant legislation to ensure that their property is compliant in terms of the requirements for hard wired smoke alarms and dual RCD’s.

This document also states that “While it is anticipated the regulations will be self policing, Local Government are a key element of the compliance regime

and will have the capacity to issue infringement notices or fines up to \$5,000 for non compliance". In addition to the self policing structure of this legislation through the role of real estate agents, property managers and settlement agents Council officers have been proactively requiring the installation of RCD's and hard wired smoke alarms as a condition of planning scheme consent for some time and the officers inspecting all newly registered holiday accommodation have been checking to ensure these devices have been fitted. Council officers are also taking the opportunity to raise these matters when they inspect existing premises.

Notwithstanding these efforts and initiatives of Council Officers and the cooperation of industry players I cannot assure the public nor Council that all Tourist Accommodation in Denmark is fully compliant with the legislation, but what I can say is that the Council and its officers are being very proactive in managing its responsibilities under the legislation.

Q2. CEO – Since August/October 2009 when the new electrical and fire safety legislation came into effect until the present date, has the Shire issued any rectification notices for non-compliance to the installation of the Residual Circuit Devices or of hard-wired smoke detectors in any of different types of properties that I have mentioned? If none have been issued, on what basis does the Shire give assurance to the public that all tourist accommodation is fully compliant to the new electrical and fire safety regulations?

In a related matter, I note that Federal Minister Combet has recommended RCDs be fitted to protect against possible fires in those homes that have had foil insulation installed under the Government's free home insulation program.

Response: Notices regarding RCDs are issued by energy safety inspectors not Council but Council Staff have refused to register two home holiday premises because hard wired smoke alarms had not been fitted.

Your request for an assurance is covered in the response to question 1 and your question about RCDs and foil insulation is answered in the response to question 3.

Given that the rebate does not cover foil products fitted to existing houses in the region and the fact that the foil sandwich used industrial sheds was introduced after RCDs became mandatory there is no virtually no risk in the region due to this factor.

Q3. CEO - Are you aware of any homes in Denmark having participated in the Federal Govt's free home insulation scheme? If so, are those homes fully compliant to the new electrical and fire safety regulations? If you are not aware, how might you ascertain if there are any such homes in Denmark and also that they are compliant to these new safety regulations?

Response: Inquiries with the Energy Efficiency Enquiries Team of the Department of Climate Change and Energy Efficiency have indicated that foil insulation has not been installed in the ceilings of homes in the southern region of Australia under the Government's free home insulation program. The reason for this is that the product has a far greater capacity to reflect heat than to retain it and therefore is only suitable for usage as ceiling insulation in northern climates. In addition to this there is no rebate for the product in this region as it does not comply with the thermal efficiency requirements of the Building Code of Australia for this region. Research with local installers has confirmed this advice.

Foil and foil sandwich products are used to keep heat out of wineries and industrial buildings. This usage however does not present the same level risk as the foil it not being folded over rafters and ceiling joists in confined spaces in a retro fit situation and stapled to them.

Given that the rebate does not cover foil products fitted to existing houses in the region and the fact that the foil sandwich used industrial sheds was introduced after RCDs became mandatory there is no virtually no risk in the region due to this factor.

Q4. Dir Planning – will these new mandatory electrical and fire safety regulations be accommodated in the forthcoming draft Tourism Policy insomuch as they have relevance to the provision of tourist accommodation? And will you also advise the Denmark Visitor Centre and seek their good efforts to validate the compliance of all holiday accommodation listed through the DVC?

Response: The Director of Planning & Sustainability replied at the meeting that the draft Tourism Strategy has been divided into two stages. The first stage of the strategy is to be presented to Council at their May meeting provides an inventory/review of Holiday Accommodation within the Shire of Denmark. Based on the inventory review, the strategy will provide recommendations as how to best regulate tourism development within the Shire.

One of the recommendations from the first stage review is the formulation of a Home Holiday Accommodation Policy. This Policy is also being presented to the May meeting and states the requirements for a Fire and Emergency Plan, which amongst other items requires the provision of internal hard wired smoke alarms. In implementing this policy the Denmark Visitor Centre will be consulted with and advised of this requirement. Furthermore, each Holiday Home will be required to renew their registration on a yearly basis, at which time they will have to demonstrate compliance with the Fire and Emergency Plan.

Other recommendations for Holiday Accommodation (i.e. not just Home Holiday), which will include Fire and Emergency Planning, will be covered in the second stage review and will be undertaken in close consultation with the Denmark Visitor Centre and local accommodation managers.”

3.2 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.

3.2.1 Mr Don MacMaster – Re: Lights Road Landscape Protection Area, Mr Whooley’s dog and Mr Whooley’s Interest

Mr MacMaster handed Councillors & the Acting CEO a printout of questions which he would like answered in relation to the Lights Road Landscape Protection Area, Mr Whooley’s dog and Mr Whooley’s interest. Below is a summary of the issues raised in the letter together with the questions asked.

Response to previous Questions on Notice – Mr Whooley’s dog

In the letter Mr MacMaster thanks the CEO for his response to his previous questions on notice and details a second incident of Mr Whooley’s dog being picked up by the Ranger and asks, “Can you explain why the fact that Mr Whooley’s dog was taken from my property by Ranger 2 on two occasions has been presented to appear as though there was only one such incident?”. Mr MacMaster referred to point 11 of the CEO’s previous response and asks “Do you agree that until whichever way the dog issue is settled by the omnibus review the banning condition on dogs is still current?”

Re: 3/2 Lights Road, Denmark

Mr MacMaster referenced a letter he had recently received from Council’s Director of Planning & Sustainability in relation to the building envelope, earthworks and setbacks at 3/2 Lights Road, Denmark and asked the following questions;

- “1. Which day did you inspect the site and who was with you at the time?
2. Has the shire approved a Development Application for the shed and the future dwelling on Lot C?
3. Has Council received and approved a Fire Management Plan for the whole subdivision?
4. Have the conditions imposed by that Fire Management Plan (as pre requisites for completion before any development on the subdivision) been fully complied with? Namely, 1. The construction of the 6 metre all weather Strategic Fire Access Route surrounding the Priority Conservation Area? And 2. The construction of the access track from Lights Road around the dam on Lot B with hardstand and exit onto Old Lights Road.”

Mr MacMaster requested copies of the letters from the three owners of the subdivision lots to the Shire regarding their desire to allow dogs on the subdivision.

In relation to the same matter, Mr MacMaster asked the following question of Councillors, “How would the present Council feel if in the event that the shed and house were to be situated too close to the Priority Conservation Area and a great number of trees would need to be removed as a consequence?”

Re: Item 8.1.7 – Mr Whooley’s Interest

Mr MacMaster referred to the meeting of the 27 April 2010 where the CEO stated that Mr Whooley was not required to declare an interest in Item 8.1.7 as he was not the author of the report. Mr MacMaster asked the Shire President, “Since Mr Whooley had previously made a declaration of interest in December 2007 what circumstances have now changed to nullify any previous conflict of proximity or of financial interest?” and “Would you not agree firstly that Mr Whooley’s outburst at the meeting was inappropriate and secondly confirms his favourable treatment by the administration and an apparent preparedness to employ undue influence?”

The Shire President advised that Mr MacMaster’s written questions would be taken on notice and responded to in writing.

3.2.2 Mr Tony Duckett – Item 8.5.4 (Peaceful Bay 5 Stage Development Plan)

Mr Duckett spoke as the President of the Peaceful Bay Progress Association, stating that he supported the Officer’s Recommendation and that the plan dealt with a lot of community discussions on the matter. Mr Duckett added that there was a lot of work being done by the Shire and potential developers in relation to infrastructure and one of the purposes of the plan was to protect the sense of community within Peaceful Bay into the future.

3.2.3 Mr Brian Humphries – Re: Item 8.1.7 (Review of Council’s Statutory and Policy Environment on Holiday Homes: Draft Town Planning Scheme Policy – Holiday Homes Initiation of Town Planning Scheme No. 3 Amendment No. 124)

Mr Humphries requested permission to make a ten minute presentation on his concerns with Item 8.1.7 at next week’s meeting.

The Shire President advised that he would consult with the CEO to see whether it could be included on the Agenda.

3.2.4 Mr Brian Humphries – Re: Council Policy – Council Tools & Equipment

Mr Humphries asked whether the Shire maintained a register detailing the use of such equipment?

The Director of Finance & Administration / Acting CEO advised that the Shire keeps of a register of the use of all equipment not just staff use.

Mr Humphries asked whether he could be provided a copy of the register with details dating back to January 2007?

The Director of Finance & Administration / Acting CEO stated that he would provide a copy for Mr Humphries.

Mr Humphries asked what the protocol was for processing such requests and whether the usage was independently audited?

The Director of Finance & Administration / Acting CEO said that in his recollection the register had been used twice and the usual protocol was that a person has to seek approval from the CEO and if approval is given the finance department then manage the account. Mr Bird added that there was a monthly reconciliation done on all such use and the process was included in the Council’s annual independent audit.

3.2.5 Mr Brian Humphries – Re: Item 8.1.5 (Request to Initiate Scheme Amendment No. 125 – Fire Protection Measures)

Mr Humphries referred to the distributed documentation in relation to the report and confirmed that he was gratified to read the Minister’s reply which gave confirmation that there was a statutory conflict. Mr Humphries expressed concern as to whether the item and recommendation before Council would have any impact on the Minister’s investigations if Council were to find a solution where the Minister has not. Mr Humphries suggested that Council liaise with the Minister should they find a solution.

The Shire President asked whether Councillors had any questions in relation to Mr Humphries comments & previously distributed documentation.

Cr Syme referred to the last statement in bold within the documentation which stated “ Because of the conflict between the Bush Fire Act and the Planning & Development Act affecting the clearing of vegetation prohibited by the latter Act, Council will be limited in those fire risk mitigation measures that it may adopt until such time as the Minister can advise how to overcome the statutory conflict” and asked Mr Humphries whether it was an assertion or an interpretation of the situation.

Mr Humphries stated that he believed that it should be included in the amendment documentation due to the Minister’s advice which states that the Minister does not have an answer in relation to the conflict.

The Shire President stated that the initiation of the Scheme Amendment Request is sent to all relevant authorities and he was confident that any feedback on the initiation would be given to Council. Cr Thornton added that if Council waited until the Minister finds a solution, Council may be waiting some time.

3.2.6 Ms Lexie Carter – Item 8.5.3 (Denmark Dragon Boat Club – Request to Use the John Clark Memorial Bandstand)

Ms Carter spoke as the representative for the Denmark Dragon Boat Club and requested that the word ‘canoes’ in the Officer Recommendation be amended to read ‘dragon boat’.

3.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

3.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. CONFIRMATION OF MINUTES

5.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 5.1
MOVED: CR SAMPSON	SECONDED: CR RICHARDSON-NEWTON
That the minutes of the Ordinary Meeting of Council held on the 27 April 2010 be confirmed as a true and correct record of the proceedings, subject to the following amendments;	
1. Page 5 – in the second paragraph of item 4.2.3, replace the words “fire heavy suppression” with the words “Heavy Suppression Fire Equipment”; and	
2. Page 54 - under the vote recording for resolution 270410, delete Cr Pedro from voting for.	
CARRIED: 11/0	Res: 010510

COUNCIL RESOLUTION	
MOVED: CR HINDS	SECONDED: CR PHAIR
That item 8.1.3 be considered after item 8.2.1 given that item 8.1.3 refers to the Cultural Plan which will be considered by Council at 8.2.1.	
AMENDMENT	
MOVED: CR WAKKA	
That item 8.2.1 be considered as the first item on the Agenda.	
THE AMENDMENT WAS LAPSED FOR WANT OF A SECONDER.	
THE ORIGINAL MOTION WAS THEN PUT AND LOST: 4/7	Res: 020510

6. SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6
MOVED: CR WAKKA	SECONDED: CR SYME
<p>That all Standing Orders be suspended for the remainder of the agenda items to enable detailed discussion, Councillors' questions and briefing by staff on the agenda items in accordance with Council's policy that the meeting on the third Tuesday of each month is a briefing/discussion meeting only and no decisions will be made on agenda items at this meeting. Decisions on the agenda items listed will be made at the meeting on the fourth Tuesday of the month.</p>	
CARRIED: 11/0	Res: 030510

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 REQUEST FOR FUTURE ROAD NAMING AFTER 'GOLDING' FAMILY

File Ref:	PLN-36
Applicant / Proponent:	Carol Ravenhill
Subject Land / Locality:	Unspecified
Disclosure of Officer Interest:	Nil
Date:	5 May 2010
Author:	Duncan Ross, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – Page 1

Summary:

Council has been approached to name a future unspecified road after previous residents John and Dorothy Golding by their daughter, Carol Ravenhill.

It is recommended the Council support the name 'Golding' as a future road name and refer the request to the Geographic Names Committee for endorsement. If endorsed the name can be added to Council's preferred list of names.

Background:

The applicant has provided details of the Golding family history relevant to the Denmark context as outlined in Attachment 1. In considering this request Council is requested to consider the validity of the points raised by the applicant and determine whether the justification would warrant the name being considered as a 'Local Identity'.

Comment:

Given the significant amount of development (including recent subdivisions) that has taken/is taking place within the Shire. Council should be encouraging local roads to be named after local families that have contributed to the historical identity and development of Denmark.

It is considered there are a number of different names which would be suitable for various roads within the Shire, and where people request such naming, Council should consider the request on merit. In this instance the details provided by the applicant substantiate the claims that the Golding family was heavily involved in

local Denmark community organisations and their acknowledgement of this, by naming a road after them is an appropriate way in which to recognise their efforts.

Consultation:

No consultation has been undertaken as a result of this application. However should Council support the use of the road name the request will be referred to the Geographic Names Committee for support.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council's Policy Manual – 'P100603 – Road and Reserve Naming within the Shire' details the process to be followed and the implementation requirements of the policy.

Budget / Financial Implications:

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

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

There are no social considerations relating to the report or officer recommendation. However the naming of a road after a family with strong community involvement provides historical value and on-going recognition to local residents.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.1

That Council support a future road name of 'Golding' to be utilised on a suitable future road or street within the Denmark locality and refer the name to the Geographic Names Committee for approval and following this it being added to the list of approved names contained in Council's Policy 'P100603 – Road and Reserve Naming within the Shire'.

Cr Syme requested that Council attempt to source any other names that could be referred to Geographical Names Committee at the same time, noting that the Municipal Heritage Inventory Review Working Group may have some suggestions.

The Acting CEO and the Director of Planning & Sustainability agreed that it could be done.

Discussion ensued.

8.1.2 CONSTRUCTION OF COLORBOND STEEL HANGAR

File Ref:	A3209
Applicant / Proponent:	James & Margaret King
Subject Land / Locality:	Shown as Hangar Site 3 Pt. Reserve 41390 Wrightson Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	5 May 2010
Author:	Duncan Ross, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – page 3

Summary:

The applicant proposes to construct a 12m long by 14m wide aircraft hangar with a total height of 5m on the above site. The hangar is to be constructed on Council's leasehold land comprising the Denmark Aerial Landing Ground as shown on the attached plans and is to be constructed using steel frames and clad with coloured colorbond metal sheeting for the roof and walls. Colours are specified as being standard to blend in with the adjacent vegetation.

The application should be approved subject to conditions.

Background:

This application is the second such application on Council's leasehold land for aerial landing and the matters to be considered are consistent with those previously assessed and approved by Council. (Refer Item 9.1.3 Council Resolution 27 April 2010).

The land is contained within Reserve 41390 which is a public use reserve under Town Planning Scheme No. 3 (TPS No.3) for the purpose of an aerial landing ground. Clause 2.2 of the TPS No.3 sets out the process for considering applications on reserved land as follows:

2.2 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for planning consent is made with respect to reserved land, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

The application has been internally assessed by Council officers who support the application with specific building, health and engineering conditions/advice notes being recommended.

No delegated authority is available for the Director of Planning and Sustainability to determine applications on reserve land, hence the application being referred to Council for consideration.

Comment:

Local Planning Policy No. 25 'Denmark Airport Hangar Lots' does not apply to the Reserve vested in Council, however, in this instance the proposal has been assessed against Policy No. 25 which has the following aim and objectives:

AIM:

To ensure any new development on the lots created by the airport subdivision will be carried out and managed as hangar lots, and not be used for any competing, alternative or inappropriate land uses.

OBJECTIVES:

1. To prevent buildings or vacant lots being used for any other purpose than that associated with aircraft.
2. To provide strict design and amenity controls to ensure appropriate development takes place on this land.

In addition the proposal requires consideration against the following specific requirements of the policy:

<p><u>1. DEVELOPMENT APPLICATIONS</u></p> <p>1.1 All proposals to erect buildings or structures of any kind on this land or use of this land will require the submission of an application for planning consent to Council.</p> <p>1.2 Applications shall be accompanied by detailed plans produced to a workable scale, including the detail of external building materials and finishes. Such applications shall also have regard to the policy clauses listed below.</p>	<p><i>Undertaken by this Development Application being presented to Council for consideration.</i></p> <p><i>Provided. Refer to application plans (attachment 1).</i></p>
<p><u>2. AMENITY</u></p> <p>2.1 Hangar development is to be of a single storey in scale but of an adequate height to allow the parking of aircraft.</p> <p>2.2 All external building finishes are to be sympathetic to the surrounding landscape in design, colour and material. Roofs and external materials shall be of natural earth or vegetation colours in green and brown tonings. White and off white colours will not be permitted.</p> <p>2.3 N/A</p> <p>2.4 N/A.</p> <p>2.5 N/A</p> <p>2.6 N/A</p> <p>2.7 There shall be no boundary setbacks for structures on lots providing the structure meets all Building Code of Australia standards for construction.</p> <p>2.8 Where a toilet and hand basin is proposed to be incorporated into a hangar development all effluent and grey water disposal shall be carried out in an approved effluent disposal system located on site. Such effluent disposal systems are to meet all health and environmental authority requirements / guidelines.</p> <p>2.9 All stormwater is to be disposed of appropriately on site and/or in a manner to the satisfaction of the Manager, Engineering Services.</p>	<p><i>Single storey with a building height of 5m.</i></p> <p><i>External materials consisting of colorbond cladding deemed consistent with amenity requirements to the satisfaction of the Director of Planning and Sustainability.</i></p> <p><i>Complies currently and will require a Building Licence to be issued. In this instance it is noted nil setbacks are requested for sheds adjacent to the runway.</i></p> <p><i>Requires approval from the Principal Environmental Health Officer at Building Licence stage and has been referred to as a condition of consent.</i></p> <p><i>Reflected as a condition of consent.</i></p>
<p><u>3. ALTERATIONS / ADDITIONS</u></p> <p>3.1 N/A</p> <p>3.2 N/A</p>	

<p>3.3 N/A</p>	
<p><u>4. ALTERATIONS REQUIRED BY A STATUTORY AUTHORITY</u> 4.1 N/A</p>	
<p><u>5. CLEANING, MAINTENANCE & REPAIR</u> 5.1 All buildings and structures must be kept in good repair and condition to the satisfaction of Council. 5.2 The hangar area including open yards must be kept in a clean and tidy state, free from excess dirt and rubbish to the satisfaction of Council. 5.3 Council will require individual lot owners to carry out any remedial works in association with clauses 5.1 and 5.2 within a nominated time period. 5.4 All waste oil or used aircraft cleaning and maintenance products are to be stored correctly on site until they are disposed of appropriately in a manner that meets all regulatory authority requirements. This may involve the installation of sealed grease traps and pits to ensure no oil or similar products escape or are disposed off into the ground.</p>	<p><i>5.1 – 5.4 reflected as a generic advice note.</i></p>
<p><u>6. CAR PARKING</u> 6.1 Owners and visitors of/to the hangar lots will park their vehicles within their lot and/or hangar at all times.</p>	<p><i>Reflected as a condition of consent.</i></p>
<p><u>7. FIRE</u> 7.1 The owners will provide a suitable fire fighting facility capable of fighting an aviation related fire event to the satisfaction of Council, the Bush Fire Service and aviation authorities. 7.2 Owners of the hangar lots shall comply at their own cost with all directions given from time to time by Council, the Bush Fire Service and aviation authorities in relation to: a) The storage of petrol, oil or any other material of an explosive, inflammable or dangerous nature; b) The provision, installation and maintenance of suppressors on the owners electrical equipment to prevent interference with radio, radar or television transmission and reception; c) Reasonable precautions against the outbreak of fire on the hangar area or in any building, hangar or structure thereon; d) The prevention, outbreak, spread and control of fire on the hangar area and the land or in any building, hangar or structure thereon.</p>	<p><i>The Shire’s Community Fire Manager has confirmed no specific fire fighting requirements are required for the planning approval, however there will be specific fire protection considerations undertaken during the Building Licence Stage relating to the design of the building.</i></p>

number of successful aviation events have recently been held at the airport, and these have been extremely well received. In addition the proposal may expand new enterprises within the Shire.

➤ **Social:**

The provision of the airport hangar lots and subsequent development will provide a locality whereby flight enthusiasts can pursue their hobby in a safe and designated environment. It also provides a sense of community for those enthusiasts.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.2

That Council grant Planning Consent for the 12m x 14m Hangar Building on Lease Area 3 (Pt. Reserve 41390) Wrightson Road, Denmark subject to the following conditions:

1. This approval shall have no effect until the applicant provides evidence of the completed/executed lease document showing ownership of the land to the satisfaction of the Director of Planning & Sustainability.
2. The development to be in accordance with the attached stamped approved plans and where marked in red dated 27 April 2010.
3. The hangar building being clad in colorbond metal sheeting for the walls and roof, the colours of which shall be provided for approval by the Director of Planning and Sustainability prior to the release of the Building Licence.
4. All stormwater to be disposed of on-site to the satisfaction of the Director of Infrastructure Services.
5. Any on-site potable water supply and/or effluent disposal system to be approved and constructed to the satisfaction of the Shire's Principal Environmental Health Officer.
6. All parking associated with owners and visitors of/to the hangar lots are required to park their vehicles within their lot and/or hangar at all times.
7. The hangar shall not be used for habitable purposes and the use of any lot or building constructed thereon shall be associated with aircraft only.

Advice Notes:

- i Council advises that the leased area is guided by adopted Town Planning Scheme Policy No 25 'Denmark Airport Hangar Lots' which will control the use and development within the hangar area and all development is required to comply with the requirements of that Policy (copy attached).
- ii Please contact the Shire's Building Surveyor on 9848 0300 regarding additional plans and details required to progress the Building Licence application.

Discussion ensued.

8.1.3 DRAFT TOWN PLANNING SCHEME POLICY – ‘PROVIDING PUBLIC ART’

File Ref:	PLN61
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	7 March 2010
Author:	Sam Williams, Director of Planning and Sustainability
Authorising Officer:	Sam Williams, Director of Planning and Sustainability
Attachments:	Yes – page 7

Summary:

To consider a draft town planning scheme policy covering the requirement for certain developments approved within the Shire to either incorporate public art or contribute financially to a Shire managed fund for this purpose.

It is recommended the draft be advertised concurrently with the Shire’s Cultural Plan to enable consultation to take place prior to the policy being finalised.

Background:

This item was presented to Council at its April 2010 round of meetings, with it being resolved as follows (resolution no. 160410):

“That consideration of item 9.1.6 be deferred until the Shire’s Cultural Plan has been considered.”

In light of the Cultural Plan being presented to this Council meeting for consent to advertise (Item 8.2.1) the resolution above from April’s meeting has been fulfilled and the Public Arts Policy is before Council.

In accordance with the Cultural Plan to be considered by Council at this meeting, this Public Art draft policy would assist Council in encouraging and incorporating public art within Denmark. The introduction of a Public Art Policy is an initiative of Council that has also been requested by the Denmark Arts Council.

Comment:

The incorporation of public art within developments in Denmark will encourage the expression of the town’s and community’s identity and enhance the artistic talents and diversity available.

The draft policy requires that all developments over a certain value (\$500,000) to either physically incorporate public art projects (approved by Council) or contribute financially to a fund managed by Council for the purpose of incorporating public art into areas around Denmark.

The draft policy contains background, definitions, objectives and policy statements to guide Council when considering proposals for development and public art. The policy has been prepared to ensure there is an equitable approach to the incorporation of public art within developments and it is intended to apply to both public and private sector developments.

The objectives of the Policy are as follows:

- 1 *To enhance the natural and built assets and appearance, character and amenity of public spaces and developments through the inclusion of high quality public art.*
- 2 *To require developers to integrate public art within new substantial developments within the Shire of Denmark through the development and subdivision approval process.*

3 To establish an equitable system for the provision of public art by developers.

It also clearly sets out the policy does not apply to developments less than \$500,000 in construction cost value or residential dwellings and sets out acceptable development criteria for all approved public artworks.

The draft policy has been prepared following assessment of other similar policies and guidelines used by other local governments.

Furthermore, the Policy provides a rating scale for the provision of public art, or a contribution as follows:

Public Art Contribution Table	
Construction Cost	Contribution Required
Less than \$500,000	Nil.
Between \$500,000 and \$1M	0.5% of value of the construction cost to be provided either on-site or to a public art fund.
Exceeding \$1M	1% of the value of the construction cost to be provided either on-site or to a public art fund.

In putting in perspective the number of commercial, civic or grouped dwelling development applications received over the past two years that would have been impacted by this policy, i.e. value exceeding \$500,000, the following is provided:

Applicant's Name & Address	Property Address	Type of Development	Value
Owner	Ocean Beach Caravan Park 770 Ocean Beach Road	Ablution Block	\$767,600.00
TPG Town Planning & Urban Design	50 South Coast Highway	Retail Centre	\$5,000,000.00
Roberts Gardiner Architects	14 Inlet Drive	Residential/Tourist Development (32 strata)	\$5,000,000.00
Owner	42 (L1078) Scotsdale Road	New Hospital	\$15,000,000.00
Owner	Lot 110 (222) Scotsdale Road	School Hall	\$640,000.00
Owner	Lot 50 Ocean Beach Road	12 x Single Bedroom Dwellings	\$1,104,000.00
Yaran Pty Ltd	Lot 358 (50) Smith Street	68 Grouped Dwelling	\$6,366,000.00

Consultation:

The draft Policy is required to be advertised in accordance with Clause 8.2.2 of the scheme being once a week for two consecutive weeks in a newspaper circulating in the area giving details of the draft and inviting submissions for a period of not less than 21 days.

This consultation will also need to comply with the Community Consultation Policy (P040123).

Statutory Obligations:

Clause 8.2 'Town Planning Scheme Policies' sets out the requirements for the preparation and adoption of town planning scheme policies.

Clause 8.2.1 states:

"In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development and land use."

Clause 8.2.2 sets out the adoption requirements for a town planning scheme policy and states:

"A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- (a) the Council having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the policy may be inspected and where, in what form, and during what period (being not less than 21 days) submissions may be made to the Council;*
- (b) the Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the policy;*
- (c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours."*

The status and powers of an adopted town planning scheme policy is set out in clause 8.2.4 where it states:

"A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent 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."

Policy Implications:

The policy is only a draft at this stage. If formally adopted by Council following the consultation phase it will become an adopted town planning scheme policy under the provisions of the scheme (clause 8.2) and will apply as set out in the Policy.

Budget / Financial Implications:

The adoption of this policy will have financial implications for all Council developments (not including road construction) with a cost of construction over \$500,000.

The costs of advertising and referral of the draft policy are provided for within the existing 2009/10 Budget.

Strategic Implications:

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

Sustainability Implications:**➤ Environmental:**

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

➤ **Economic:**

The adoption of this policy will have financial implications for all developments with a cost of construction over \$500,000 (excluding single residential dwellings, outbuildings etc). The specific cost implication will depend on the ultimate cost of development.

➤ **Social:**

Through the provision of public art, there are positive social attributes as it will help to define areas, provide a point of interest and express the town's and community's identity and enhance the artistic talents and diversity available.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.3

That with respect to the draft Town Planning Scheme Policy 'Providing Public Art', subject to the Shire's Cultural Plan being endorsed for advertising as noted in item 8.2.1, Council concurrently advertise the draft Policy 'Providing Public Art' in the local newspaper(s) for a period of 21 days for public inspection and comment.

Discussion ensued.

Cr Barrow noted that the State Government had brought in a similar public art policy and asked whether this policy meant that people would be charged twice and requested information on the State's requirement to compare with the draft Policy being considered by Council.

The Director of Planning & Sustainability noted that he would look into Cr Barrow's concerns.

8.1.4 SIGN INSTALLATION AT RESERVE 17937, NORNALUP

File Ref:	A3043
Applicant / Proponent:	Department of Environment and Conservation
Subject Land / Locality:	Reserve 17937, 1 Shaw Road, Nornalup
Disclosure of Officer Interest:	Nil
Date:	5 May 2010
Author:	Duncan Ross, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – page 11

Summary:

The Department of Environment and Conservation (DEC) proposes to establish a four-panel marine sign structure, approximately 10m from the riverbank at the above location. The sign will be used to detail, among other things, fish species and limits, boat safety and environmental features within the locality and will be a positive addition to the existing reserve. The exact details on the sign panels have yet to be determined and the images shown in the Planning Application (attachment 1) are draft only.

It is recommended that the application should be approved subject to conditions.

Background:

The DEC has submitted a planning application and requires the following two resolutions from Council:

1. Firstly, to authorise the planning application to be submitted for assessment; and

2. Secondly, to approve the sign application in accordance with the attached development plans subject to relevant conditions of approval.

Note: In relation to 1 above, any application for development on Council land must be submitted with an endorsement from Council before an application is submitted. Council has sole delegation in determining whether such applications can be accepted and assessed. In this instance it is recommended Council accept the planning application and consider the application on merit.

Comment:

The Shire of Denmark has provided advice to the DEC relating to the development and installation of signs in Nornalup for a marine park. Council are currently installing coastal safety signage at priority coastal locations elsewhere in the Shire using a standard format, and it may be possible to include this information with any signage developed by DEC at this Nornalup location. Council's position in this location is to encourage consolidation of any signage to reduce visual impacts and duplication, whilst providing an aesthetically pleasing information shelter which highlights the natural and heritage values of the Nornalup precinct and provides safety and emergency contact information.

The sign will be a positive addition to the locality and will be positioned in a location within the reserve that will not visually detract from the amenity of the area. In addition, the sign will be located in an area that will not disrupt traffic movements or create visual clutter in the immediate environ. As described later in this report the sign provides many benefits and should be supported as described.

Consultation:

No consultation has been undertaken by the Shire in respect to this application. DEC has contacted Mr. Wayne Webb, a local Indigenous Custodian of the area, and Mr Webb has advised in his letter (attachment 2) that he does not envisage any issues with the installation of the sign and that he has been made fully aware of what modifications to the site will occur as a result of this proposal. It is recommended as a condition of consent that Mr. Webb, in agreement with the DEC be on site (as he has offered to be) during site works. Mr Webb has outlined his daily fees are \$600 per day which should be covered by the DEC. Mr Webb's fees allow for the provision of a short report detailing the activities of the day, and it is recommended as an additional condition of approval that the DEC provide Council with a copy of Mr Webb's daily report.

Statutory Obligations:

Town Planning Scheme No. 3 specifies the pertinent development considerations for the Council to consider for reserve land. In addition all indigenous cultural heritage places - recorded, unknown or unassessed are protected under the provisions of the Aboriginal Heritage Act (1972).

The Frankland River is a registered Aboriginal Heritage Site and as mentioned above consultation has been undertaken by the DEC in this regard.

Policy Implications:

There are no policy implications. Policy No.32 'Signs' provides no reference to signs located on Reserve Land.

Budget / Financial Implications:

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

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

Although the sign is proposed to be located within 10m of the Frankland River edge, the Shire's Natural Resource Management Officer has advised that there are no environmental considerations relating to the proposed sign or its location. The sign provides the following additional environmental benefits:

- protect flora, fauna and fisheries resources;
- conserve and enhance knowledge relating to water resources and biodiversity values; and
- improve the efficiency of resource use through information.

➤ **Economic:**

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

➤ **Social:**

There are no social considerations relating to the report or officer recommendation. However, the information is likely to provide the following:

- result in greater usage of the marine area;
- increase safety within the marine environment; and
- identify, acknowledge, protect, enhance, manage and promote natural, indigenous and cultural heritage.

Voting Requirements:

Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That Council approve the installation of an information sign on Council Reserve 17937, Settlers Road Nornalup and grant planning consent subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The development to be in accordance with the attached stamped approved plans and where marked in red dated 06 April 2010; 2. The exact details to be depicted on the sign are to be provided to the satisfaction of the Director of Planning and Sustainability prior to erection of the sign; 3. As agreed by the Department of Environment & Conservation to commission Mr Wayne Webb, a copy of the report prepared by Mr Webb to be given to Council at the completion of the process for future reference. <p>Advice Notes</p> <ol style="list-style-type: none"> i All costs associated with installing the proposed sign are to be borne by the Department of Environment and Conservation. ii Regarding boating safety there should be clear reference to an emergency contact number in large bold type on the sign. iii The proposed site is on a registered site of aboriginal significance pursuant to the Aboriginal Heritage Act 1972 and all relevant approvals must be obtained by the applicant prior to undertaking works that disturb the ground. 	<p>ITEM 8.1.4</p>
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Cr Laing asked whether it was intended that the Nornalup Ratepayers & Resident Association & the Peaceful Bay Progress Association would be consulted prior to the erection of the sign.

The Director of Planning & Sustainability stated that they would be consulted.

Discussion ensued.

8.1.5 REQUEST TO INITIATE SCHEME AMENDMENT No. 125 – FIRE PROTECTION MEASURES

File Ref:	TPS3/A125
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Various
Disclosure of Officer Interest:	None
Date:	28 April 2010
Author:	Phil Shephard, Planning Officer (Casual)
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – page 25

Summary:

This scheme amendment has been prepared to undertake modifications to the existing scheme text as a result of Council's decision in July 2009 and advice from the Minister for Police; Emergency Services; Road Safety (refer attached) to achieve consistency in the case where existing scheme provisions differ from the requirements set down in the Shire's Annual Fire Regulation Notice.

It is recommended that Council initiate the scheme amendment and refer the amendment to the EPA for environmental assessment as required by the *Planning and Development Act*.

Background:

Council at its July 2009 meeting (Resolution 190709) resolved (in part):

Council, as part of a proposed omnibus amendment of Town Planning Scheme No. 3, incorporate Bush Fire Objectives and a new clause addressing Bush Fire Management and criteria and at the same time reviewing all Fire Management/Bush Fire Protection provisions relating to Special Residential, Special Rural, Tourism and Landscape protection Zones to achieve a more consistent application across these zones.

Furthermore, on advice from the Minister for Police; Emergency Services; Road Safety (refer attached), it has been established that if there is uncertainty between existing scheme provisions and the Fire Regulation Notice it would be difficult to determine what statutory instrument would prevail. This Amendment will resolve this inconsistency.

Comment:

The amendment document has been prepared by staff and will ensure that all landowners must comply with the requirements of the annually prepared Fire Regulation Notice (FRN). Where there is any inconsistency between the scheme and FRN, Council shall determine the matter with the imposition of the more stringent requirements.

In additions, the amendment will require a modification to the Table of Contents accordingly.

The scheme proposal is explained within the attached draft amendment document.

Consultation:

The amendment when initiated will be initially referred to the EPA for assessment. Upon completion of the EPA assessment (and subject to a positive response), the amendment will be advertised for 42 days.

Advertising will include: advertisement in local newspapers, letters to relevant landowners, referral to relevant Government agencies and a notice on Council's notice board.

Upon completion of the advertising period, Council is required to consider any submissions received and determine whether it wishes to seek final approval to the amendment by the WA Planning Commission/Minister for Planning.

Statutory Obligations:

The Planning & Development Act 2005 and *Town Planning Regulations 1967* sets out the procedures to undertake an amendment to a Local Planning Scheme including referral to EPA, public notice period, referral to WAPC and Minister's decision-making powers.

Policy Implications:

The Local Planning Scheme Policy No. 4 'Town Planning Scheme Amendment - Documentation' relates. A copy of the draft scheme amendment document has been provided for each Councillor within this agenda.

Budget / Financial Implications:

There are no known financial implications upon the Councils current Budget or Plan for the Future. The costs of preparation, advertising and referral of the amendment are provided for within the existing 2009/10 Budget.

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. The assessment by the EPA will identify any environmental matters that are required to be addressed through the amendment process.

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.5

That pursuant to the *Planning and Development Act 2005*, Council initiate Amendment No. 125 (Fire Protection and Bush Fire Control) to Town Planning Scheme No. 3 and forward it to the Environmental Protection Authority (EPA) for assessment and environmental clearance and once authorised by the EPA, it be advertised for public submissions for a period of 42 days.

5.12pm – The Director of Infrastructure Services left the meeting.

5.16pm – The Director of Infrastructure Services returned to the meeting.

Discussion ensued.

5.17pm – Cr Barrow left the meeting.

Prior to any consideration of Item 8.1.6 Cr Richardson-Newton made the following declaration:

“I am a member of the Denmark Tourism Inc and the Denmark Tourist Bureau and I also own & operate a Bed & Breakfast and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

8.1.6 STAGE 1 TOURISM PLANNING STRATEGY

File Ref:	PLN55
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 May 2010
Author:	Cindy Simpson, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – page 35

Summary:

Council staff have prepared Stage 1 of a Tourism Planning Strategy for the Shire of Denmark. It is recommended Council adopt Stage 1 of the Strategy and provide appropriate resources to enable Stage 2 of the Tourism Planning Strategy to be prepared.

Background:

At its meeting of November 2007, Council was informed of a meeting that was held with Tourism WA and the Shire’s planning staff with regard to the preparation of Tourism Strategy. Council resolved at this meeting as follows:

“That Council seek financial and technical assistance from Tourism WA to prepare an overall Tourism Strategy for the Shire and commit funding of up to \$5,000 to undertake the initial stages (data collection and supply/demand analysis) for the strategy with funding for the Council’s contribution being allocated from Councils consultancy provision account 1420312.”

A strategy was not undertaken in the 2007/2008 financial year and Council has subsequently not budgeted for the preparation of a Tourism Strategy in its 2008/2009 and 2009/2010 budgets. Further to this, Tourism WA informed Council (June 2008) of the following criteria to access Tourism WA funding to undertake a Strategy, which is as follows:

- A project brief needs to be prepared that clearly articulates there will be a Landbank site (Tourism Western Australia's Landbank, which is the allocation of strategic crown land suitable for tourism development, was created to ensure an adequate supply of tourism development sites meet the future needs of the tourism industry in Western Australia) identified in order for them to justify budget allocation for the project;
- The Shire will be reimbursed on completion of the Strategy to ensure the outcome is satisfactorily;
- Tourism WA offered some assistance to the Shire in January 2008, however, this was with the expectation that the project would have been undertaken within a reasonable timeframe.

In the absence of funding to prepare a comprehensive Tourism Planning Strategy, Council staff have only prepared Stage 1 based on time and expertise available.

Comment:

Stage 1 of the Tourism Planning Strategy investigates the role tourism plays within the Shire of Denmark by defining the tourism appeal, providing a profile of the tourism industry and an understanding of tourism accommodation supply. It also provides an overview of the recommendations in accordance with the Tourism Planning Taskforce, which is a State Government document. The Strategy begins to address some of the Taskforce recommendations by identifying areas of tourism significance in the Shire and undertaking a review of the Shire strategic and statutory planning environment as it relates to tourism. It further identifies priority planning issues that should be addressed. However, it does not meet all the requirements that have to be completed under Stage 2.

In summary, Stage 1 of the Tourism Planning Strategy concludes as follows:

- The Shire needs to provide the appropriate resources and take leadership in the preparation of the Tourism Strategy;
- The Shire has responsibility to provide the appropriate statutory and strategic planning environment to support the continued growth of the tourism industry and guide the nature and type of tourism development; and
- The preparation of such a strategy should occur in consultation with key tourism agencies and the community.

Consultation:

Stage 1 of the Tourism Planning Strategy was not done in consultation with key tourism agencies and the community. Should a fully fledged Tourism Planning Strategy be prepared, community consultation will be undertaken as part of the preparation thereof.

Statutory Obligations:

The Town Planning Regulations 1967 requires that a Scheme be prepared in accordance with the Model Scheme Text (MST). The MST emphasises a strategic planning focus for local planning schemes, with the local planning strategy providing the overarching framework. WAPC Planning Bulletin 83 – Planning for Tourism, requires that Local Government prepare a tourism component of the Local Planning Strategy as a framework for decision-making on tourism proposals. Only the complete Strategy (i.e. stage 1 and 2) can form part of any local planning strategy.

Policy Implications:

Stage 1 of the Strategy identifies priority actions which are to review TPS Policy 19.2 – Home Holiday Accommodation and to prepare a policy to guide Council on the matter of permanent residents in tourism development.

Budget / Financial Implications:

The preparation of Stage 2 of the Tourism Planning Strategy will have financial implications upon the Councils 2010/2011 Budget. Under the budget preparation, a proposal was put forward that \$30,000 be budgeted for a Tourism Planning Strategy.

Strategic Implications:

Stage 1 of the Strategy identified the need for Stage 2 to be prepared which, when finalised, will provide strategic direction on the development of the tourism industry in the Shire.

Sustainability Implications:**➤ Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation. The implementation of the recommendations of the Strategy will result in the sustainable development of the tourism industry.

➤ Economic:

The implementation of the recommendations of the Strategy will result in the sustainable development of the tourism industry.

➤ **Social:**

The implementation of the recommendations of the Strategy will result in the sustainable development of the tourism industry.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.1.6
<p>That Council with respect to the Tourism Planning Strategy Stage 1 adopt the recommendations and conclusions contained therein and consider in the 2010/11 Budget deliberations the inclusion of \$30,000 for consultants to assist the in-house preparation of a Tourism Development Strategy for the Shire.</p>	

Cr Laing noted that the 'Features of Tourism Significance' maps did not mention the Munda Biddi Trail.

The Director of Planning & Sustainability noted that the track had not been formalised however he could reference it as the proposed Munda Biddi Trail.

Cr Syme referred to the map attached to the report titled "Accommodation Supply" stating that it only applied to the eastern end of the Shire and further questioned the database that had been used to produce the map as it didn't depict Ocean Beach or Lights Beach Reserves at all. Cr Syme requested that Council Officers to investigate the database used and suggested that if some reserves are depicted then they all should be.

The Director of Planning & Sustainability stated that they would investigate the database used if available supply a map which shows all reserves.

Cr Syme referred to map 2 of the "Features of Tourism Significance" noting that the key depicted an area known as "DEC Estate" which he believed should state "Conservation Estate".

The Director of Planning & Sustainability noted Cr Syme's comments.

Cr Syme requested that under the Policy Implications heading within the report, reference be made to Council's Tourism Policy.

Discussion ensued.

Prior to any consideration of Item 8.1.7 Cr Richardson-Newton made the following declaration:

"I am a member of the Denmark Tourism Inc and the Denmark Tourist Bureau and I also own & operate a Bed & Breakfast and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

Cr Barrow had already left the meeting and therefore did not make his declaration at this point of the meeting.

Cr Hinds declared a proximity interest in Item 8.1.7 in that he owns property in Area 1.

Prior to any consideration of Item 8.1.7 the Director of Planning & Sustainability made the following declaration:

"I own property which is land that has been identified to be rezoned and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits."

**8.1.7 REVIEW OF COUNCIL'S STATUTORY AND POLICY ENVIRONMENT ON HOLIDAY HOMES:
DRAFT TOWN PLANNING SCHEME POLICY – HOLIDAY HOMES
INITIATION OF TOWN PLANNING SCHEME NO.3 AMENDMENT NO. 124**

File Ref:	PLN 64/TPS3AMD124
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	6 May 2010
Author:	Cindy Simpson, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – page 77

Summary:

Council staff have undertaken a review of its policy and statutory environment on holiday homes as follows:

- The preparation of Draft Town Planning Scheme Policy 19.3 – Holiday Homes, which is a detailed review of Policy 19.2 – Home Holiday Accommodation.
- The preparation of Amendment 124, which will change the provisions in TPS No. 3 (the Scheme) as it relates to holiday homes.

It is recommended that the draft policy be adopted to enable consultation to take place prior to the policy being finalised and that Amendment 124 be initiated for public advertising.

Background:

Holiday Homes are an important aspect of the tourism industry in the Shire of Denmark and have long been an important part of local and Western Australian lifestyle and culture. Over time, there has been increased commercialisation of holiday homes which have led to changes in character and amenity of neighbourhood. Community concerns about holiday home rentals often relate to the behaviour of some tenants, rather than being associated with the use *per se*. In addition to this, there has been concern that select holiday homes being leased are not maintained to a satisfactory standard, which in turn reflects negatively on Denmark's tourism industry. This has led to pressures for the regulation of holiday home rentals which to date have been largely unregulated.

The draft policy will provide clear guidance to Council on the appropriate locations of holiday homes, provide greater protection to the residential amenity of neighbourhoods, result in better management holiday homes and improve the quality of holiday home accommodation provided in the Shire.

The amendment will introduce a new definition on holiday homes and provide Council with the discretionary powers to regulate the location and land use permissibility of holiday homes in each zone.

Comment:

Draft Policy 19.3 – Holiday Homes

The draft policy contains background, objectives, definitions and provisions to guide Council when considering planning applications for holiday homes.

The objectives of the policy are:

- To ensure that the predominant residential nature and character of neighbourhoods are retained.
- To minimise negative impacts of holiday homes on the amenity of adjoining residents.

- To encourage the provision of good quality, well managed holiday homes.
- To control the way in which holiday homes are marketed, managed and presented to enhance Denmark's image.
- To identify suitable areas where holiday homes are deemed to be most suitable and clarify the assessment process for each of these defined areas.

The policy provisions address matters such as:

- Locations for holiday homes;
- Residential density and holiday homes;
- Consultation with adjoining neighbours;
- Protecting the residential character of neighbourhoods;
- Property Management Plan;
- Fire and Emergency Plan;
- Display of information in holiday homes;
- Annual registration of holiday homes;
- Holiday homes register;
- Voluntary accreditation;
- Illegal holiday homes;
- Application requirements; and
- Conditions of approval.

Amendment 124

The amendment proposes to:

- Insert a new use class 'Holiday Home' in Table 1 – Zoning Table and set permissibility for each zone;
- Insert a definition of Holiday Home in Appendix 1 – Interpretations; and
- Insert a new scheme provision on permissibility of holiday homes in the Special Residential, Special Rural and Landscape Protection zones.

The scheme amendment is explained within the attached draft amendment document.

Consultation:

Draft Policy 19.3 – Holiday Homes

The draft Policy is required to be advertised in accordance with Clause 8.2.2 of the Scheme being once a week for two consecutive weeks in a newspaper circulating in the area giving details of the draft and inviting submissions for a period of not less than 21 days.

Amendment 124

The amendment will be referred to EPA for assessment under the Environmental Protection Act. Subject to a positive response the Amendment will be advertised for 42 days as follows: advertisement in local newspapers, referral to relevant Government agencies and a notice on Council's notice board.

Upon completion of the advertising period, Council is required to consider any submissions received and determine whether to seek final approval of the amendment by the Minister for Planning.

Statutory Obligations:

Draft Policy 19.3 – Holiday Homes

Clause 8.2 - Town Planning Scheme Policies sets out the requirements for the preparation and adoption of town planning scheme policies.

Amendment 124

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act.
- *Town Planning Regulations* – The Regulations set the procedure for amending a town planning scheme.

- *Town Planning (Local Government Planning Fees) Regulations* – sets out the amount of fees to be paid to Council for the assessment and administration of the amendment process.

Policy Implications:**Draft Policy 19.3 – Holiday Homes**

The policy is only a draft at this stage. If formally adopted by Council following the consultation phase it will become an adopted TPS policy under the provisions of Clause 8.2 of the Scheme and will apply as set out in the Policy. It will rescind Policy 19.2 – Home Holiday Accommodation.

Amendment 124

At Gazettal of the amendment, draft TPS Policy 19.3 – Holiday Homes will be updated to reflect the new Scheme provisions.

Budget / Financial Implications:

There are no known financial implications upon the Council's current budget or Plan for the Future. The cost of advertising and referral of the draft policy and Scheme Amendment are provided for within the existing 2009/10 Budget.

Strategic Implications:

Draft Policy 19.3 – Holiday Homes is a strategic document that the guide the location, management and standard of holiday homes in the Shire.

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

The outcomes of the review of Council's policy and statutory environment on holiday homes:

- Will improve the management and standards of holiday homes in the Shire and therefore making a positive contribution to Denmark's tourism industry.
- Will improve the fire risk management practices of holiday home owners therefore reducing the risk of damage or loss of houses.
- It is likely to contribute towards creating jobs in the Shire due to the requirements that a manager/caretaker or management company be appointed and to maintain the standard of holiday homes.

➤ Social:

The outcomes of the review of Council's policy and statutory environment on holiday homes:

- Will improve the amenity of residents that live in close proximity or next to holiday homes.
- Will maintain high level of owner occupancy and/or long term rentals within the Denmark townsite and allow local residents to live within a walkable catchment to shops, schools, business, recreational facilities and public open spaces. This will reduce the reliance on vehicle transport, increase the proportion of cycling and walking trips and improve social cohesiveness in the community.
- Prevent co-location of incompatible land uses.
- Facilitate amenity and a 'sense of place'.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.7

That Council with respect to the review of the Policy 19.2 – Home Holiday Accommodation and statutory environment of holiday homes under TPS No. 3 undertake the following:

1. In accordance with Clause 8.2.2 of TPS No. 3 prior to adopting the Town Planning Scheme Policy 19.3 - Holiday Homes:
 - a. Advertise the draft Policy in the local newspaper(s) for two consecutive weeks for a period not less than 21 days for public inspection and comment; and
 - b. Refer the draft policy to the relevant government agencies including the Department of Planning.
2. Pursuant to section 75 Planning and Development Act 2005 initiate Amendment 124 to Town Planning Scheme No. 3 by:
 - a. Amending Table 1 – Zoning Table by inserting the use ‘Holiday Home’ and making it an SA use in all zones except for Tourist where it shall be an AA use and the Commercial, Professional Office and Industrial zones where it shall be an X use;
 - b. Inserting the definition of ‘Holiday Home’ in Appendix 1 – Interpretations.
 - c. Inserting a new scheme provision on permissibility of holiday homes in the Special Residential, Special Rural and Landscape Protection zones.
3. The amendment being forwarded to the Environmental Protection Authority in accordance with sections 81 and 82 of the Planning and Development Act 2005.
4. After compliance with sections 81 and 82 of the Planning and Development Act 2005 the amendment being advertised in accordance with sections 83 and 84 of the Planning and Development Act 2005.
5. Advise the West Australian Planning Commission of Council’s decision relating to the Amendment.

No discussion.

8.2 Director of Community & Regulatory Services

8.2.1 DENMARK COMMUNITY CULTURAL PLAN 2010-2015

File Ref:	PBR7
Applicant / Proponent:	Shire of Denmark & Denmark Arts Council
Subject Land / Locality:	Shire Denmark, Entire Municipal District
Disclosure of Officer Interest:	Nil
Date:	10 May 2010
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	Yes – page 111

Summary:

This report considers the “Our Culture Our View” community cultural plan that has been prepared in consultation with the Cultural Plan Working Group and the Community Reference Group on behalf of both the Shire of Denmark and the Denmark Arts Council and recommends that Council adopt the plan with amended implementation time line and achieve its recommendations listing them as outcomes in Council’s strategic plan and allocating them to specific officers.

Background:

At its meeting of the 27 May 2008, Council resolved to make a cash contribution of \$10,000 towards a cultural plan contingent on the recipient lodging a grant application for funding and, if successful, undertaking a Community Cultural Plan for

the whole Shire with the performance measure being the delivery of a completed Plan acceptable to Country Arts WA and the Council (payable 25% on agreement to commence the process, 50% on presentation of the first draft to Council and the community and the balance on Council adoption of the Plan).

As a result of this resolution the “Our Culture Our View” community cultural plan has prepared using funding that was sourced from both the Shire of Denmark and the Denmark Arts Council (supported by Community Arts Network WA). The drafting of the plan included cultural mapping and consultation that was undertaken through integration of the project with the Denmark Arts program, interviews, survey, focus groups, culture café and a stakeholders’ forum.

The project was guided by a Working Group, made up of representatives of the Shire of Denmark and Denmark Arts Council, and a Community Reference Group, made up of 11 people nominated from the general community. These groups sought to identify organisations or “teams” in the community that could be delegated responsibility for progressing the various actions identified in the plan.

The resultant plan consists of three parts and presents a 20 year plan for cultural development in Denmark together with a list of 10 recommendations for implementation during the 2010-2015.

The three parts of the plan are as follows:

- Part 1 - The Plan,
- Part 2 - Processes, Context and Resources,
- Part 3 - Documentation

The plan also recommends that an “Our Culture Our View” Committee be formed to set benchmarks and to oversee the implementation of the plan.

Comment:

While the plan contains extensive comment on a wide variety of issues and as such is an interesting summary of the Denmark community’s opinions and values in the interest of brevity the critical factors for Council are as follows:

- A) Whether it is reflective of the community’s arts and cultural needs.
- B) The implications of its recommendations on Council’s current and future budgets.
- C) Whether it compliments Council’s existing strategic plans and existing policies regarding arts and culture.
- D) Whether the plan will actually build capacity in the arts community or whether the recommendations listed in the plan such as a Community Development Officer will actually take resources away from the arts community.
- E) What mechanisms will be required to ensure that the plan is implemented in an orderly and incremental way.

In terms of the question of whether the plan is reflective of the community’s arts and cultural needs one of the stand out factors of the plan is that while there is a strong focus on physical, visual arts and social factors there is little mention of music and literary arts. While this could be perceived as being due to a bias on the part of either the consultant or the working groups the reason why this has occurred is that physical and visual arts and social factors were more commonly raised during the consultation phase of the report than other factors. In considering these comments it should be noted that the preparation of the report involved a significant consultation phase and the outcomes of this consultation are recorded in part 2 of the report and were used as the basis for most of the report’s recommendations.

In terms of Council considering the plan Part 1 of is the section that is of primary interest as it contains a list of ten recommended actions that have been allocated to

Council and various groups for achievement prior to 2015. The report also recommends that a committee be formed to set milestones to track the progress of the community towards achieving these actions. The composition and role of this Committee is also described under “Governance” on page 17 of Part 1 of the plan and the report recommends that a community officer be appointed either within Council or externally and funded by Council to service this Committee, liaise with community groups and to facilitate the achievement of the plans milestones.

The plan however does not consider the alternative model of achieving its recommendations by listing them as outcomes in Council’s strategic and 10 year financial plans thereby dispensing with both the need to form a Committee and to employ a Community Officer to service it. Under this model the Community Officer’s second role of community liaison would be achieved by allocating specific community liaison roles to particular staff that are then directly accountable to the CEO and Council’s strategic plans for their performance of that role and the achievement of the tasks allocated to them in Council’s strategic plan.

In considering the plan and its recommended actions it should be noted that many of these actions have the potential to impact on both the cultural landscape of Denmark and future budgetary cycles and for this reason the actions and a suggested officer response have been tabled below.

ACTIONS TO 2015

Opportunities and ideas supported by community organisations committed to pursuing them.

1. New ways to share stories across generations and cultures

Team: Telecentre, Denmark Arts Council (DAC)

Stakeholders: Historical Society, Denmark Library and Living Books Program, Schools and Spirit of Play, Tha House, South Coast Natural Resource Management (SCNRM), Centre for Sustainable Living (CSL), Denmark Bulletin

Context: This is already being done in a number of ways, but is recognised as an important element of cultural heritage and cultural development.

Officer comment:

The Sharing of stories is an important factor in building a sense of community. The Telecentre, Denmark Arts Council (DAC) and Denmark Historical Society (DHS) are capable of fulfilling this role but may require assistance from Council in the form of seed funding for grants from time to time.

Progress in this area can be adequately monitored by either the committee proposed or by inclusion in Council’s strategic plan and 10 year financial plan.

2. Better information between and about our community organisations including up to date and accurate register of community organisations, community calendar and more support for volunteers including development of up to date and accurate register.

Team: Telecentre – Community Connects website, Community Resource Network, DAC, Denmark Education and Innovation Centre (DEIC)

- Stakeholders: Regional Volunteers Support Association, based in Albany, Sporting Groups, Denmark Chamber of Commerce (DCC), Denmark Community Foundation
- Context: Southern Regional Community Leadership and Cooperation Forum, 2 to 4 September 2009 – focus Volunteering. Is happening, about breathing life into the portal, communications, development, growth and evaluation.

Officer comment:

Accurate and shared information between community groups and volunteer organisations is an important factor in the development of healthy community groups and cultivating a volunteer sector that is free of duplication. The nominated team members are capable of fulfilling this role but may require assistance from Council in the form of seed funding for grants.

Progress in this area can be adequately monitored by either the committee or by inclusion in Council's strategic plan and 10 year financial plan.

3. Old hospital as accommodation for community groups

- Team: DAC, Telecentre
- Stakeholders: Shire Working Group, Old Hospital Advocacy Group, Historical Society
- Context: Work in progress with the Shire. Survey of space requirements and opportunities for use completed by the Old Hospital Advocacy Group.

Officer comment:

This area is currently handled by the CEO in conjunction with a Council appointed working group and building conditions and maintenance reports have been completed. Council's Working Group is the most suitable vehicle to ensure the progress of the project and the accommodation of these groups and to determine the most sustainable reuse of the facility.

4. Establishment of a Denmark Cultural Centre – supporting all art forms including performing arts, visual and fine arts and craft.

- Team: DEIC, DAC
- Stakeholders: Shire, TAFE, Denmark High School, Old Hospital Group, Library, Historical Society.
- Context: Related to extension of the Library and development of the town centre. Potential of supporting arts college/arts education initiatives. Relationship to opportunities for economic diversity, social diversity, innovation, cultural vigour. Supported by extent of Denmark arts and cultural activity. Responds to existing opportunity. High quality new works, telling Denmark stories, challenging Denmark culture a key component of Brave New Works. BNW characterised by community working with professional artists. However, works with only a 2 performance life, with many people turned away due to limited capacity of the Civic Centre – opportunity lost.

Officer comment:

While there is desire a for a larger performance venue in Denmark options such better utilisation of the Recreation Centre or the possibility of a shared facility with one of the schools have not been yet been fully explored. Similarly it is too early to assess the effect that a fully utilised Old Hospital and a redeveloped Civic Centre will have on satisfying the needs of these groups. On this basis it is recommended that any decisions regarding the development of a cultural centre be delayed until approximately 2015 by which time the potential of the old hospital as community facility will have been realised and concept planning for the redevelopment of the Civic Centre completed.

5. More public art – sculptures, in the design of new buildings, in public lighting, seating, signage and other public facilities.

Team: DAC

Stakeholders: Tidy Towns Committee, Shire, Historical Society, DCC.

Context: This is a priority initiative contributing to a range of actions including better and more beautiful signage of streets, places, informative plaques, information and heritage, development of the town centre, development of a cultural centre, parks and gardens, the nature of our built environment and development. It also contributes to opportunities for the employment and development of local artists – and contributes to the affordability for artists living in the Shire. In addition to public art, there are issues regarding the custodianship and protection of works of art given to the community. For example, the six seasons painting.

Officer comment:

The plan allocates the role of facilitating public art to the Demark Arts Council where as it should be allocated to both the Demark Arts Council and Council's town planning team with the town planning team having the lead role.

The reason for this is that Council's planning team are trained in the streetscape, amenity and built density issues and are in a position to actually create locations and funding sources through developer contributions that will enable the opportunities for the creation of public art to take place. In fulfilling this role of the Council's town planning team would work cooperatively with the Denmark Arts Council to plan locations for future public art and once these locations and funding sources through developer contributions identified the Denmark Arts Council would then have the role of seeking to exploit these opportunities by connecting local artist with developers.

Approaching public art in this manner will be of greater benefit to local artists as it will actively create commercial opportunities for their artwork.

6. More arts for young people

Team: DAC, Telecentre

Stakeholders: TAFE, Tha House, Southern Edge Arts

Context: Contributes to the development of activities and skills building for young people. There is already a lot happening, but huge opportunity to develop and leverage additional resources and partnerships. Note Government focus on young regional people. Including youth radio.

Officer comment:

This area is progressing well and can be successfully monitored by the committee. Apart from continued and possibly increased funding of the youth programs at The House, no further Council input should be required.

7. Development of Town Centre – Town Square

Team: Shire of Denmark

Stakeholders: Shire's Townscape Working Group, Tidy Towns Committee, DAC

Context: Links to development of an arts/cultural centre, signage and public art.

Officer comment:

This function is correctly allocated to Council as the redevelopment of the town centre and a town square is part of Council's town planning and infrastructure maintenance and renewal functions. In addition to this Council has the CBD Townscape Working Group which includes a Denmark Arts Council representative to assist it in this process.

8. New Community Officer – for future, vision, community development, collaboration.

Team: DEIC, Shire of Denmark

Stakeholders: DAC, Greenskills and all community groups and organisations.

Context: Strongly supported, with invitation to consider options for an officer not necessarily based within the Shire. Potential to work across a number of budgets. Current visioning being done by Greenskills noted. Links to greater communication and connection between and about community groups and organisations.

Officer comment:

While the appointment of a Community Officer will facilitate and fast track the implementation of the milestones that are established by the Committee in accordance with the plan it is questionable whether this is the best usage of Council's resources particularly if that person employed by another agency and therefore is not fully able to engage with the community on behalf of Council.

An alternative approach would be to continue with Council's current disaggregated but collaborative approach to community engagement and facilitation where in excess of \$50,000 per annum is paid directly to community groups (ie: Denmark Arts \$40,000 and Telecentre \$5000 and various community grants) and approximately 4 fulltime equivalents in staff time is allocated towards engaging and communicating with community groups at various levels.

The advantage of Council's current approach is that the Council staff who currently liaise with community groups are in most cases decision makers who have the skills, delegated authority and resources available to them to respond to the issues raised by these groups.

The other advantage of allocating specific liaison roles to particular staff is they are then directly accountable to the CEO and Council's strategic plans for their performance of that role. This accountability potentially largely eliminates need for a Committee and the secondary role of the proposed Community Officer to servicing that Committee and

for this reason it is recommended that the consideration of a Community officer and the formation of a Committee be delayed until approximately 2015

9. Birthing in Denmark – support for birthing in Denmark with choices about the way our babies are born, including potential for a Denmark Birth Day.

Team: Lisa Freeman and Sarah Martin with the Birthing in Denmark Group, Denmark Health Campus.

Stakeholders: Open invitation to all wishing to engage.

Comments: For ongoing dialogue. Potential awareness raising through annual Denmark Birth Day.

Officer comment:

The desire for birthing in Denmark is a community “want” that was expressed during the community consultation phase of the plan and while this issue has probably emerged due to the lack of a suitable alternative discussion venue it is certainly an issue that Council can champion on behalf of the community with state government agencies whenever the opportunity arises.

Opportunities open to Council in championing Birthing in Denmark include lobbying the making a resolution advising the Denmark Health Advisory Group (DHAG) and Denmark Health Service’s service review that it fully supports the provision of birthing services in Denmark.

10. Provision of affordable, sustainable group housing

Team: To be identified.

Stakeholders: Mia Mia, Great Southern Community Housing, Affordable Housing Group, Shire, DCC

Context: Urgent issue that of affordability and ensuring the Shire retains a diverse community. A specific idea has resolved around the development of a group housing initiative for artists. Team not identified at the Stakeholders’ Forum, but issue one to be retained as active within the cultural plan. Direct link to other strategic areas relating to the strength and vigour of the Shire’s communities, public art, arts/cultural centre, and economic development.

Officer comment:

While group housing cooperatives typically produce superior social outcomes when compared to traditional “state housing commission” models they can involve significant whole of life cost shifting to local governments and communities and Council would need to carefully considering these obligations before becoming involved in these projects.

The growth of community housing recommended in the plan may decrease Council’s rate base and lead to increases in rates on other properties if these projects are able to claim an “exclusive charitable usage” a rating exemption under section 6.26 (2)(g) of the Local Government Act 1995.

The most pragmatic way for Council to deal with concept of group housing is to consider the matter on the basis that the projects will be funded and facilitated by the State Government and Council’s role being limited to creating opportunities for

cooperative and other housing that is sustainable and affordable through its town planning mechanisms.

Bearing these factors in mind, the principal of providing housing for all of the socio-economic needs and levels in Denmark's community is supported.

Consultation:

The "Our Culture Our View" community cultural plan is the product of extensive community involvement and Denmark Arts Council representatives have attended a Council briefing session regarding the plan.

Statutory Obligations:

There are no known significant statutory obligations associated with the adoption of the "Our Culture Our View" community cultural plan.

Policy Implications:

The "Our Culture Our View" community cultural plan will impact on Council's future policies and the draft Public Arts Planning Policy that was presented to Council in April 2010 has been deferred pending the consideration of this policy.

Budget / Financial Implications:

The "Our Culture Our View" community cultural plan will have a significant impact on upon Councils future Budgets and Plan for the Future as it recommends the employment of additional staff and facilities. In addition to this the growth of community housing recommended in the plan may decrease Council's rate base and lead to increases in rates if these projects are able to claim an "exclusive charitable usage" a rating exemption under section under section 6.26(2)(g) of the Local Government Act 1995.

Strategic Implications:

The "Our Culture Our View" community cultural plan will have an impact on the following strategic functions and plans of Council:

Shire of Denmark Strategic Plan (Draft)
 Shire of Denmark Town Planning Scheme reviews and amendments
 Nornalup Character Study
 Denmark Community Park Concept Plan
 Community Organisations Space Requirements Study,
 Old Hospital Working Group
 Shire of Denmark Reconciliation Statement 1998

Sustainability Implications:

➤ **Environmental:**

While the plan and its community consultation outcomes frequently mentions environmental and amenity factors there are no known significant strategic implications relating to the report or the officer recommendation.

➤ **Economic:**

The "Our Culture Our View" community cultural plan will make a significant contribution to the economy of the Denmark Community. The reason for this is that it will enhance Denmark's vibrance and originality which is one of its primary points of difference from other tourist towns.

➤ **Social:**

The "Our Culture Our View" community cultural plan will make a significant contribution to the social fabric of the Denmark Community.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 11.1

That with regard to the "Our Culture Our View" Shire of Denmark Community Cultural Plan, Council adopt the document and;

- 1) Request the Shire President to prepare a 'welcome' message from the Shire of Denmark to be inserted on page 2 of the Cultural Plan prior to publication;
- 2) Instruct the Chief Executive Officer to implement the "Our Culture Our View" Community Cultural Plan's recommended actions by allocating those actions to existing relevant staff and listing these in Council's draft strategic plan and 10 year Financial Plan thereby dispensing with the need to form a Community Cultural Plan Committee or employ a Community Officer.
- 3) Review the decision to not form a Community Cultural Plan Committee or employ a Community Officer based on its success in achieving the ten recommendations listed in the "Our Culture Our View" Community Cultural Plan as a review component of the draft Strategic Plan.
- 4) Delay consideration of the development of a cultural centre with this decision being reviewed prior to the 2015-2016 financial year and that in the interim period Council staff investigate;
 - a) The possibility of joint facility cultural centre and or library facility with one of Denmark's schools.
 - b) The potential and functionality of the Denmark Recreation Centre as a more frequently & widely used cultural event venue.
 - c) The opportunities to review and redevelop the Denmark Civic Centre complex and prepare concept plans for this work or already approved pursuant to Council resolution 240709.
- 5) Advise the identified project team and the Denmark Health Service and the Denmark Health Advisory Group (DHAG) that it fully supports the provision of birthing services in Denmark and is prepared to assist in lobbying for its reintroduction.

Cr Hinds requested that the word 'adopt' within the Officer Recommendation be amended to 'receive'.

The Director of Community & Regulatory Services noted that he would consider amending the words in accordance with Cr Hinds' request.

Cr Syme requested that Council Resolution 240709 be referenced in full within the report, to provide background to part 4 c) of the Officer Recommendation.

Discussion ensued.

8.3 Director of Infrastructure Services

8.3.1 TRANSWA BUS STOP

File Ref:	R30005/ A3186
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Strickland Street / Visitors Centre
Disclosure of Officer Interest:	Nil
Date:	11 May 2010
Author:	Rob Whooley, Director of Infrastructure Services
Authorising Officer:	Rob Whooley, Director of Infrastructure Services
Attachments:	Yes – page 183

Summary:

Attempts to relocate TransWA coaches to the Visitors Centre have met with strong resistance, within the Public Transport Authority, from drivers through to the Acting General Manager TransWA.

Background:

In March 2008 Council resolved:

1. *That with respect to TransWa Coach Services in Denmark, Council;*
 - a) *Request TransWA Coach Services to begin using the new Denmark Visitor Centre, situated at the corner Ocean Beach Road and South Coast Highway, as the arrival and departure point for services to and from Denmark;*
 - b) *Request as an interim measure that TransWA coaches enter the Denmark Visitor Centre vehicle parking areas from Ocean Beach Road and exit onto South Coast Highway.*
2. *Denmark Tourism Inc. and Denmark Chamber of Commerce be thanked for their input.*

This resolution was contrary to the recommendation of the CEO who authored the 2008 report (excerpts from that report relating to consultation are contained within this report). The reasons recorded for altering the officer recommendation were at the time:

- *It was always intended that TransWa Services would be relocated to the new Visitor Centre;*
- *The continuing use of Strickland Street by TransWa buses conflicts with the Council adopted Strickland Street Townscape and Redevelopment Plan;*
- *There is sufficient dedicated bus parking available at the new Visitor Centre;*
- *Shelter is already available for passengers under the Visitor Centre verandahs;*
- *TransWa already instructs its passengers, on tickets it issues and the Denmark Visitor Centre issues, to meet the bus at the Denmark Visitor Centre (passengers not familiar with the current arrangements regularly arrive to catch the bus at the Visitor Centre only to be told to walk down to Strickland Street);*
- *There is sufficient support from the Denmark business community for the move to occur now.*

Following that resolution TransWA were contacted on several occasions about relocating to the Visitors Centre. A number of site visits and trials were also conducted. In May 2009 they were further advised by engineering as follows.

I refer you to previous correspondence with regard to the relocation of the existing bus stop located on Strickland Street, Denmark, Western Australia.

We are writing to request that Transwa relocate the existing drop off and pick up point from Strickland Street, Denmark to the Denmark Visitor's Centre located on the corner of Ocean Beach Road and South Coast Highway. The Shire together with the Townscape Committee is proposing a more pedestrian friendly Strickland Street by relocating heavy vehicle access out of that precinct. The Shire has been the recipient of a Grant through the Public Transport Authority for the installation of a bus shelter located at the Denmark Visitors Centre.

The Shire is aware that there are existing problems with regard to the entrance of the Denmark Visitor's Centre, confirmation of the relocation of the bus stop by Transwa within the next six months will enable us to carry out the required work. A work request has been placed with Western Power to move the Stay Pole that is currently located on the corner of Offer Street and Ocean Beach Road.

TransWA staff had confirmed their strong desire not to relocate, citing minor engineering works and a concern about safety for passengers and staff at what they deemed to be a remote location.

The commencement of the street works in Strickland Street caused TransWA to re-assess their position and they investigated alternative locations such as Hollings Road.

Correspondence relating to their concerns is attached by way of 2 letters dated 17 November 2009 and 5 January 2010.

At the meeting held on the 23 March 2010, Council considered this matter and resolved as follows;

"That item 9.3.3 be deferred for reconsideration in two months time."

The reason for the deferral was to allow Council to fully consider the positives and negatives of relocating the Transwa Bus Stop prior to making a decision on the matter.

Comment:

The configuration of the western footpath along Strickland Street has changed. It is no longer 4m wide which presents similar issues to the TransWA rejection of the Hollings Road location (ie width of path for loading/unloading). Any bus shelter on Strickland Street now would also adversely affect pedestrians.

One possibility for keeping the bus stop in Strickland Street would be locating the bus stop at the corner of Mitchell and Strickland Street. This would involve excavating into the slope outside the Arts Centre to accommodate the shelter. The bus stop times could also be significantly reduced to 15 minutes either side of the scheduled stop times, making the space available to other traffic. A complication with this would occur if a vehicle overstayed the time limit and prevented the bus from properly accessing the stop.

TransWA staff have verbally asserted the future of stops in Denmark could be jeopardised by an insistence that the bus stop be relocated to the Visitors Centre. This would result in passengers having to catch the service from either Albany or Walpole.

The engineering concerns raised by TransWA are very minor and relate to the reluctance of drivers to cross the white line when making a left turn out of the Visitors Centre onto Ocean Beach Road. This can be addressed with some minor widening of the driveway.

Consultation:

Excerpts from the 2008 report:

Past consultation with the Denmark Chamber of Commerce concluded that they believe that there will be several **advantages** if the relocation takes place;

- "1) Relocating the service to the new Visitor Centre would free up parking bays in Strickland Street which in turn helps the local businesses. The actual bus shelter would need to remain in place as the stop is also used by the Agriculture College bus (a considerably small vehicle than the TransWA coach).
- 2) At the times when the TransWA coach stops in Strickland Street, few shops are open that meet the immediate needs of travellers. Whereas very close to the Visitor Centre is the Caltex Service Station, open from 6.00am to 9.00pm, offering just the sort of products travellers want for a trip: soft drinks, fast food, sweets newspapers and magazines. On the down side for travellers it will mean a slightly longer walk from the new Visitor Centre to the backpacker/hotel accommodation.
- 3) In WA the vast majority of TransWA coach stops are either at a Roadhouse, in the absence of a Visitor Centre or at a Visitor Centre. We feel that consistency should be maintained.
- 4) We understand that the concerns TransWA have about stopping and turning in the Visitor Centre car park can be relatively easily overcome and will be a modest cost.
- 5) We understand that a Visitor Centre level 1 Status is required to have 24 hour information. This doesn't mean being open 24 hours but having access to up to date local information. To that end we would recommend that the information board(s) in the lay-by opposite the Visitor Centre be relocated to the proposed coach stop."

Past consultation with Denmark Tourism Inc. (the Denmark Visitor Centre) concluded that they believe that there will be several **disadvantages** if the relocation takes place;

- "1) TransWA arrivals and departures are outside Denmark Visitor Centre opening hours, so there will be limited to no benefit to passengers from the range of information services offered by the DVC;
- 2) DVC research indicates that coach passengers prefer the stop to be in Strickland Street because they can buy a snack, a coffee, and a magazine or book for their journey;
- 3) TransWA passengers who are visitors to Denmark typically use budget accommodation, which is located in and near Strickland Street and not close to the Visitor Centre. If these visitors alight at the Visitor Centre, they will face a half kilometre walk to their accommodation, with luggage, perhaps in inclement weather.
- 4) Currently, the DVC toilets are cleaned once daily. It may become necessary to have them cleaned twice daily and cleaning costs will increase accordingly. Also, currently the DVC toilets are shut at 5pm and it may become necessary to leave them open as a public service until the Coach has departed, requiring DVC staff to either stay or return in order to lock them overnight.
- 5) Mr Gregg Ellis of West Coast Rail and Coach predicts loss of package tour business because of the uncertainty of providing transfers from the Denmark Visitor Centre to the Denmark Hotel and has advised that he would therefore probably be forced to remove Denmark from his wildflower itineraries.

- 6) *Local users of TransWA coaches are accustomed to the coach stop in Strickland Street and we have had no recorded instance of local users saying they would prefer the coach stop to move to the Visitor Centre. There would be no revenue difference to the Visitor Centre with the stop being in Strickland Street because our ticket sales would be unaffected.*

- 7) *Whilst the multi-nationally owned Caltex Servo will benefit from increased food and grocery sales, Strickland Street traders such as the Spot Newagency, Cafe Lily Pilly and the Denmark Bakery will lose trade correspondingly."*

Correspondence (attached) has been received from community members (1), Chamber of Commerce (2), Denmark Visitor Centre and Denmark Over 50's Association Inc.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are minor financial implications upon the Councils current Budget depending upon whether relocation (allow \$5,000) or construction of a new bus shelter is required (allow \$12,000 with accompanying grant). Similarly minor modifications to the Visitor Centre carpark (allow \$4,000) may be required to satisfy concerns of TransWA about safe departure from the Visitor Centre on to Ocean Beach Road.

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:**

It is expected that people will benefit from an increase in the available parking. The improved streetscape will brighten Strickland Street up and present well to residents and visitors alike.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.3.1
<p>That Council confirm the request for Transwa Coach Services to begin using the new Denmark Visitor Centre, situated at the corner Ocean Beach Road and South Coast Highway, as the arrival and departure point for services to and from Denmark.</p>	

Discussion ensued.

Cr Laing requested that details on any other possible locations be provided to Council for next week's meeting.

The Director of Infrastructure Services noted Cr Laing's request.

The Shire President requested the Director of Infrastructure Services to research options and include reference to his investigations and opinions within the report for next week.

6.10pm - 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.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.3.1
MOVED: CR HINDS	SECONDED: CR RICHARDSON-NEWTON	
That items 8.5.3 and 8.5.4 be moved forward on the Agenda to allow members of the public, who were at the meeting specifically to hear Council's deliberations on those items, to perhaps leave the meeting earlier which would benefit those people that had to travel long distances.		
CARRIED: 10/0	Res: 040510	

Pursuant to the above resolution the meeting then moved to Item 8.5.3 on the Agenda.

8.5.3 DENMARK DRAGON BOAT CLUB – REQUEST TO USE THE JOHN CLARK MEMORIAL BANDSTAND

File Ref:	A3188 – Crown Land Reserve 39066
Applicant / Proponent:	Denmark Dragon Boat Club
Subject Land / Locality:	John Clark Memorial Bandstand
Disclosure of Officer Interest:	Nil
Date:	11 May 2010
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – page 287

Summary:

The Denmark Dragon Boat Club have written to Council requesting to lease the John Clark Memorial Bandstand to store their boat & equipment and launch their boat from. The Club have also asked, should they be granted a lease, that they be granted permission to erect a stand to hold the dragon boat and for a load of sand to be put on the river bank to use as a slip way.

This report recommends that, subject to Council receiving the management order for the Reserve and the Club becoming incorporated, Council grant a five year lease to the club.

Background:

The Denmark Dragon Boat Club is a not for profit club which began forming around October 2009 with a group of local residents who were keen to get a Dragon Boat club up and running so that they could participate in races with Albany and other towns.

Whilst one of the objects and aims of the group is to raise awareness of cancer survivors/supporters the group has been predominately formed with a view of allowing people to experience the enjoyment of paddling whilst being involved in a social club. The club currently has 16 – 18 regular members, who meet twice a week for a paddle on the Denmark River and they promote that anyone is welcome to join or have a go.

Initially the Club was operating out of the Rivermouth Caravan Park however due to maintenance being undertaken at the park they have had to find a new home base.

The club verbally received permission, from Council Officer's, to temporarily use the bandstand some months ago, pending a report to Council on the matter.

The John Clark Memorial Bandstand

The band stand is located within an unvested Crown Land Reserve (39066) for the purpose of 'Park' and Council would need to obtain the management order for the Reserve prior to being able to lease a portion of it.

Built in 1964 using funds bequeathed by John Clark and funding from the Tourist Development Authority, the John Clark Memorial Bandstand is currently listed on Council's Municipal Heritage Inventory (copy is attached), with a management category of B, which states;

"High level of protection appropriate: provide maximum encouragement to the owner under the town planning scheme to conserve the significance of the place. Incentives to promote conservation should be considered."

In April 2008 Council considered a request to refurbish the asset and resolved as follows;

Resolution No. 160408

"That Council with the respect to the John Clark Memorial Band Stand consider including in the 2008/09 Budget the sum of \$20,000 to refurbish the John Clark Memorial Band Stand with consultation with Denmark Arts, Department of Planning & Infrastructure and Wilson Inlet Management Advisory Group and advise the Tidy Town Committee accordingly."

Resolution No. 170408

"That Council with the respect to the John Clark Memorial Band Stand consider a further \$20,000 in the 2008/09 Budget for retained landing improvements in accordance with consultation with the Wilson Inlet Management Advisory Group, Department of Planning & Infrastructure, the Denmark Strategic Boating Plan May 2007 and the Denmark Boat Hire Leasee."

The 2008/09 adopted Budget however, only included an allocation of \$500 (due to budget constraints) which was used for minor required maintenance and annual overhead expenses.

Comment:

The process of the club becoming incorporated is well underway and is expected to be finalised by early June 2010 and a copy of their draft Constitution is attached. The Club's Coach has advised that once incorporated they hope to attract registration of a number of teams from the Denmark/Walpole area who can then compete against each other regularly (in a local competition) as well as compete regionally.

The Denmark Dragon Boat Club (DDBC) have stated that they intend only to use the bandstand for toilet facilities and as place to store their paddles and have offered to undertake cleaning ('etc') should they be granted a lease for the area. They have also had discussions with the Denmark Bowling Club seeking a collocation type of arrangement whereby the DDBC can use the Bowling Club facility for meetings etc.

The bandstand is not used often (twice for the purpose it was intended in the last 3-4 years, as far as the author is aware) and occasionally by local arts and performers.

Council's Principal Building Surveyor reported in 2008 that the toilet fixtures and plumbing were in need of repair or replacing which would cost in the vicinity of \$5,500.

Following a recent inspection of the area with Council's Director of Community & Regulatory Services the following was apparent;

- a) the general condition of the bandstand is average to poor;
- b) the toilets cisterns are in disrepair and should be replaced however they would still be usable;
- c) water to the site needs to be reconnected;
- d) the fuses need to be replaced (currently missing);
- e) the lower beams of the roof are rusting quite badly and it is recommended that Council address the matter within the next five years.

If parts c) and d) above were attended to then the bandstand could be used for the Club's purposes. It is recommended however that Council consider funds in the 2010/11 budget for the replacement of the cisterns and the repair of the bandstand roof trusses.

With regards to the Club's request for a lease the author believes that whilst it is not the intended use for the facility, as long as the lease states clearly that the Club will need to accommodate any approved request (from time to time) to use the facility for its 'intended use' (that being as a bandstand).

Consultation:

Nil

Statutory Obligations:

The organisations intent to place sand on the riverbank and to create a 'sand slip way' will need to be referred to the Department of Indigenous Affairs as the subject land is a registered area of Aboriginal heritage significance.

Policy Implications:

Policy P110102 – Leasing of Land and/or Buildings to Community Groups.

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Plan for the Future however there could be implications on Council's 2010/11 Budget of \$5,500 plus \$15,000.

Strategic Implications:

The lease is intended to be for a relatively small term (of years with no renewal right) given the strategic importance and the relatively small and 'new' nature of the leasing organisation.

The site and facility are an integral and important 'vista' in the CBD area.

Sustainability Implications:

➤ **Environmental:**

Sand being placed on the bank to be used as a slip way is an environmental consideration which is why it is recommended that Council's Natural Resource Management Officer be consulted.

➤ **Economic:**

The Denmark Dragon Boat Club's constitution states that one of its objects and aims is to promote the 'Great Southern Region Western Australia as a venue for national and international dragon boat racing' which has the potential to draw visitors/competitors to our town in turn providing benefits for Denmark's local economy.

➤ **Social:**

There are substantial social and positive health implications in supporting the endeavours of a new sporting club in Denmark, especially given that the dragon boating is suitable for a large range of ages (over 12), genders and could even be suitable for some disabled persons.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.3

That with respect to the request from the Denmark Dragon Boat Club to lease the John Clark Memorial Bandstand, Council;

1. Request the management order of unvested Reserve 39066, comprising 7.6321ha and the John Clark Memorial Bandstand and the portion of Mokare Walk Trail, for the purpose of Park, with power to lease.
2. Subject to acquiring the management order for the Reserve;
 - a) Agree to lease a portion of Reserve 39066, being the John Clarke Memorial Bandstand, to the Denmark Dragon Boat Club for a period of up to five years, subject to the following the Denmark Dragon Boat Club becoming incorporated, in accordance with the attached draft lease;
 - b) Consider allocating \$5,500 in the 2010/11 Budget to repair or replace the cisterns and upgrade the plumbing system;
 - c) Consider allocating \$15,000 in the 2010/11 Budget to refurbish the John Clark Memorial Bandstand with consultation with the Denmark Historical Society and Denmark Arts;
 - d) Grant permission to the Denmark Dragon Boat Club to place a load of sand on the riverbank, adjacent to the bandstand, to make it easier to launch canoes subject to the works being to the satisfaction of Council's Natural Resource Management Officer subject to liaison with the Department of Indigenous Affairs; and
 - e) Grant permission to the Denmark Dragon Boat Club to erect one temporary stand for the dragon boat noting that subsequent approval must be sought from Council prior to the installation of any additional stands.
3. Note that the John Clark Memorial Bandstand's intended use is not for a permanent sporting or cultural club space and advise the Club that they should identify suitable alternative club space past the expiration of the lease.

Cr Syme requested that the Officer Recommendation be amended to separate the use of the bandstand from the upgrade to the bandstand.

Cr Hinds requested that the Officer Recommendation be amended to include the land surrounding the John Clark Memorial Bandstand, for clarity.

Cr Syme noted that the draft lease also only referenced the John Clark Memorial Bandstand and requested that it also be amended to reflect the surrounding land.

The Acting CEO advised that he would discuss with the CEO a revised Alternate Officer Recommendation to be submitted in response to Cr Syme's & Cr Hinds' concerns.

Discussion ensued.

8.5.4 PEACEFUL BAY 5 STAGE DEVELOPMENT PLAN

File Ref:	A3104 & ORG17
Applicant / Proponent:	Peaceful Bay Progress Association
Subject Land / Locality:	'A' Class Reserve 24510 Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	13 May 2010
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes

Summary:

The Peaceful Bay Progress Association has forwarded a conceptual (at this point) Five Stage Development Plan for Peaceful Bay for initial Council consideration and advice as to how to proceed. This report recommends the initial plan be received and that Council and Council staff consider the concept plan in conjunction with the Peaceful Bay Infrastructure servicing Study recently received and to be presented to Council in June 2010.

Background:

As has been pointed out by the Progress Association, the plan is a conceptual document developed by a working party representing the Peaceful Bay Progress Association, Peaceful Bay R&SL and the Peaceful Bay Sea Rescue Group.

From the Association;

“Attached is the revised Five Stage Plan that emerged from that review and which we formally request be submitted to the Shire of Denmark for consideration and approval.

There is a solid community consensus supporting the broad thrust of the Five Stage Plan, and now also supports the specific details of the plan.

At this point, the plan we are submitting is conceptual, and we realise the first step requires the Shire's involvement to develop the specifics of a technical plan for implementation”.

Comment:

Whilst the plan is conceptual only, it does give direction in respect to some very operational and short term items and also some long term matters that require consideration and assessment in more detail by Council staff.

Consultation:

The Progress Association has consulted with the Sea Rescue, RSL and Fire Brigade and its members.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are potential both small (operational) and significant (capital) financial implications upon the Councils current Budget or Plan for the Future.

Strategic Implications:

There are no significant strategic implications relating to the consideration of the 5 Stage Plan and it is recommended that the plan be assessed in detail by all Council

Directors and in light of the soon to be assessed, Peaceful Bay Infrastructure Servicing Study.

The plan will significantly guide development of Reserve 'A' 24510 and the community Peaceful Bay.

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 significant social considerations relating to the report or officer recommendation.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.5.4
That Council receive the Peaceful Bay Progress Association Five Stage Plan 2010 (Concept) and request the CEO to provide detailed officer comment on the document in June 2010 and to prepare a draft implementation strategy for overall planning for the Peaceful Bay community in conjunction with consideration of the Infrastructure Servicing Study to be received in June 2010.	

Cr Syme asked why the report referred to the plan as a 'development' plan.

6.34pm – Cr Barrow returned to the meeting.

The Shire President requested that the Acting CEO discuss Cr Syme's concerns with the CEO prior to next week's meeting.

Cr Laing requested that the Shire President allow the President of the Peaceful Bay Progress Association, Mr Duckett, to answer any questions from Councillors in relation to the Plan.

The Shire President stated that he would allow it.

Discussion ensued.

The Shire president stated that the meeting would now move back to Item 8.4.1.

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 APRIL 2010

File Ref:	FIN 1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	10 May 2010
Author:	Garry Bird, Director of Finance and administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	Yes – page 189

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 and Council staff welcome enquiries in regards 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 Ledger.
- Reconciliation of the Sundry 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:

Application has been made to the WA Treasury Corporation for five new municipal loans as per the following;

- | | |
|----------------------------------------------------------------|---------------|
| • Loan 143 Denmark Airstrip Sealing \$83,250 | Term 15 Years |
| • Loan 144 Recreation Centre Expansion \$75,000 | Term 10 Years |
| • Loan 145 Denmark Tennis Club Expansion \$63,500 | Term 10 Years |
| • Loan 147 Football Clubrooms Extension \$225,000 | Term 20 Years |
| • Loan 148 Denmark Football Club Self Supporting Loan \$30,000 | Term 10 Years |

The above terms are different to that listed in the 2009/10 Municipal Budget as this will better enable Council to finance major capital works and manage cash flow requirements.

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.

ADDED by Res: 020808 / 19 August 2008

Upon completion of the above reconciliations and procedures, various matters have been identified as requiring the attention of Council, in accordance with the following Resolution of Council, adopted at the Special Meeting held 28 July 2009. These matters are addressed in the Budget vs Actual Variance Report included within the Statement of Financial Activity.

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 2009/10 Municipal Budget, 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

OFFICER RECOMMENDATION

ITEM 8.4.1

That with respect to Financial Statements for the month ending April 2010 Council;

1. Receive the financial report for the month ending 30 April 2010, incorporating the Statement of Financial Activity and Budget vs Actual Variance Report.
2. Endorse the Accounts for Payment as listed.

Discussion ensued.

Cr Syme requested that the words "for consideration" be removed from the title of Note 4 in the attachments as the variations had already been adopted and raised other queries with the Director of Finance & Administration.

The Director of Finance & Administration noted that he would amend the title.

6.39pm – The Director of Community & Regulatory Services left the meeting.

6.41pm – The Director of Community & Regulatory Services returned to the meeting.

8.4.2 REQUEST FOR FINANCIAL CONTRIBUTION – SOUTHERN REGIONS COMMUNITY LEADERSHIP FORUM

File Ref:	ORG12
Applicant / Proponent:	Southern Regions Community Leadership Inc
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 May 2010
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – page 209

Summary:

Correspondence has been received from the Southern Regions Community Leadership Inc (SRCL) requesting consideration from Council for a contribution of \$500 to stage the 2010 Southern Regions Community Leadership Forum in Waroona from 16 to 18 September 2010.

Background:

The Forum is an annual event held throughout the South West to promote and develop leadership skills within local communities, with most delegates in attendance being from local community organisations.

Councillors may recall that at the July 2009 Ordinary Meeting a similar request was considered (with the Forum held in Denmark) and subsequently resolved as follows;

"That Council;

- 1. Approve a financial contribution of \$2,000 to the Southern Regions Community Leadership Forum, to be held 2 to 4 September 2009.*
- 2. Grant in-kind use of Council facilities to Southern Regions Community Leadership Inc for the Forum, to a maximum value of \$500.*
- 3. Decline to assist with administrative support due to the burden on existing staff resources and the precedent that will be created for other organisations seeking similar support."*

In previous years SRCL have requested the Shire hosting the event to provide principal sponsorship, however this year they have asked all Shires in the Southern

Region to contribute \$500. This would entitle the Shire of Denmark to register two people to attend the conference. The registration fee for this event is \$250 per person,

It is anticipated that approximately 150 delegates will be participating in the Forum from the Peel, South West and Great Southern Regions.

The Forum generally consists of keynote speakers and an afternoon of skills development, networking opportunities and an Awards Dinner. The Awards to be presented are;

- Leadership through Partnerships.
- Leadership in a Project.
- Inspirational Leadership (Open)
- Inspirational Leadership (below 35 years of age).

Comment:

The SRCL Forum and network provides a rare opportunity for community minded individuals from different backgrounds to meet and discuss issues relevant to their organisations.

The Forum is not one usually attended by Councillors although it is understood several Councillors were present for the 2009 Forum held in Denmark.

If all 35 local authorities who have been requested to contribute \$500 (total \$17,500) were to agree, SRCL would stand to benefit significantly when compared to the usual contributions of between \$2,000 and \$5,000 made by the hosting Shire under the previous arrangements. This would be offset to some extent by reduced registration fees as presumably less people would have to pay for their attendance with participating Councils being granted two "free" representatives.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The 2010/2011 Draft Municipal Budget does not provide an allocation for this purpose, although a contribution could be made from the Donations Account which has contingency funds available for such requests.

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 of officer recommendation.

➤ **Social:**

The Forum aims to improve skills and capacity of local organisations, which has the potential to provide many direct and indirect benefits for local communities, including Denmark.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.4.2
<p>That Council decline the opportunity to co-sponsor the 2010 Southern Regions Community Leadership Forum and advise that it will consider sending representatives to this Forum upon receipt of a full conference program.</p>	

No discussion.

Prior to any consideration of Item 8.4.3 Cr Barrow made the following declaration:

“I am a member of the Denmark Country Club Inc. and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

Prior to any consideration of Item 8.4.3 Cr Thornton made the following declaration:

“I am a member of the member of the Denmark Country Club Inc. and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

Prior to any consideration of Item 8.4.3 Cr Wakka made the following declaration:

“I am a member of the Denmark Country Club Inc. and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

Prior to any consideration of Item 8.4.3 Mr Bird made the following declaration:

“I am a member of the Denmark Country Club Inc. and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits.”

8.4.3 TEMPORARY LOAN – DENMARK COUNTRY CLUB INC

File Ref:	A3088
Applicant / Proponent:	Denmark Country Club Inc
Subject Land / Locality:	1073 (Lot 154) South Coast Highway; Denmark
Disclosure of Officer Interest:	Yes; the CEO and Director have an impartiality interest in this item that being financial members of the Denmark Country Club Inc
Date:	10 May 2010
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – page 211

Summary:

Council has been approached by the Denmark Country Club Inc (DCC) to provide a short term loan facility to assist manage the cashflow requirements for the tennis court and golf course redevelopment projects.

The sum that is required to allow DCC to meet their financial obligations is \$105,000, which would be repaid by 30 September 2010.

Mr Graham Wilson, President of the Club has indicated that the club are prepared to pay interest on the short term loan, at whatever rate Council deems to be appropriate.

Background:

The DCC have in progress two large capital works projects, that being the extension of the tennis courts (\$200,000) and the reticulation of the golf course (approx \$600,000 in the first year). Given that both of these projects have been funded by Department of Sport and Recreation grants (for which 25% of funds are not received until the completion of the project) and that the Shire and Departments contribution will not be forthcoming until approximately August 2010, a short term cash flow shortage will arise.

The Club have determined that the earthworks and drainage of the golf course, in preparation for the installation of reticulation, needed to commence prior to the winter months to ensure that works were not unnecessarily delayed.

Comment:

It is recommended by staff that the request be approved on the basis that there is no loss of income to Council and the size of the projects being managed by the Country Club. It is pertinent to note that many such developments are usually managed by the local authority, which is able to better manage the cashflow requirements of such large capital works projects.

Assuming Council accepts the Officers Recommendation to approve the request, the question to be determined is whether interest should be applied to the short term loan. If so is that interest charged to reflect the investment income lost by Council or the cost of borrowing the money from the WA Treasury Corporation.

Given that Council is contributing to these projects, it is recommended that Council charge an amount that reflects the lost investment income.

Staff are not aware of any such short term loan funds provided by Council to community groups in the recent past although a interest free loan of \$28,000 was provided to the Denmark Football Club in 2005 for the installation of lights to McLean Oval, which is still being repaid.

Statutory Obligations:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Budget / Financial Implications:

The 2009/010 Municipal Budget contains no provision for such a loan, with all funds being contributed By Council to the tennis court project having been remitted to the DCC.

If Council was to approve the request, the funds could be accommodated from the existing municipal budget (on the basis that it will be repaid within six months), although there will be a loss of investment income.

Based on a current market rate of 5.15% (latest quote received from National Bank), Council could expect to lose approximately \$1,802.50 if the loan is repaid in full by 30 September 2010. There is the possibility that interest rates will continue to rise over the next four months which would increase this loss of income.

Strategic Implications:

The development of the Denmark Country Club is of long term strategic advantage to the Shire of Denmark and local businesses and residents.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

The development of the Denmark Country Club is considered to be in the long term interests of the Shire and has the potential to benefit local industries and businesses by attracting visitors to the Shire.

➤ **Social:**

Access to quality recreations services, including golf and tennis, will assist promote healthy lifestyles amongst local residents.

The Denmark Country Club is a valuable community facility that provides many social benefits to both residents and visitors.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.4.3
<p>That Council agree to provide a short term loan of \$105,000 to the Denmark Country Club subject to the following terms and conditions;</p> <ol style="list-style-type: none"> 1. The loan is to be repaid by 30 September 2010. 2. The total amount repayable to be \$107,000 to reflect an interest component of \$2,000, that being the investment income lost by Council in granting this loan. 3. Written agreement from the Denmark Country Club Inc accepting these terms and conditions, together with information as to default conditions and interest that would apply in the event that repayment in full does not occur by the due date. 	

**Absolute majority required.*

Discussion ensued.

8.4.4 EMERGENCY LOAN – DENMARK BASKETBALL ASSOCIATION INC	
File Ref:	FIN1
Applicant / Proponent:	Denmark Basketball Association Inc.
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 May 2010
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – page 221

Summary:

Council has been approached by the Denmark Basketball Association Inc (DBA) to provide a short term loan to assist the Association overcome financial difficulties that have been experienced.

The sum that is required to allow DBA to meet their financial obligations is \$11,000, which would be repaid by 31 December 2012.

Background:

The attached information provides an outline of how DBA have found themselves in a position where they are unable to meet their financial obligations. In summary it would appear to be a combination of a new committee being unaware of the true financial position of the Association and making financial decisions without the necessary financial information.

Comment:

It is recommended by staff that the request be approved on the basis that there is no loss of income to Council and to assist the DBA trade their way out of their current financial difficulties.

Assuming Council accepts the Officers Recommendation to approve the request, the question to be determined is whether interest should be applied to the short term loan. If so is that interest charged to reflect the investment income lost by Council or the cost of borrowing the money from the WA Treasury Corporation.

Based on a similar request to be considered in this Agenda and to discourage similar requests, it is recommended that Council charge an amount that reflects the lost investment income.

Staff are not aware of any such short term loan funds provided by Council to community groups in the recent past although a interest free loan of \$28,000 was provided to the Denmark Football Club in 2005 for the installation of lights to McLean Oval, which is still being repaid.

Statutory Obligations:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Budget / Financial Implications:

The 2009/010 Municipal Budget contains no provision for such a loan.

If Council was to approve the request, the funds could be accommodated from the existing municipal budget (on the basis that it will be repaid by the specified date), although there will be a loss of investment income.

Based on a current market rate of 5.15% (latest quote received from National Bank), Council could expect to lose approximately \$1,500.00 if the loan is repaid in full by 31 December 2010. There is the possibility that interest rates will continue to rise over the next two to three years which would increase this loss of income.

Strategic Implications:

Nil.

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

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

Social:

Access to quality recreations services, including basketball, will assist promote healthy lifestyles amongst local residents.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.4.4
<p>That Council agree to provide a short term loan of \$11,000 to the Denmark Basketball Association Inc subject to the following terms and conditions;</p> <ol style="list-style-type: none"> 1. The loan is to be repaid by 31 December 2012. 2. The total amount repayable to be \$13,000 to reflect an interest component of \$2,000, that being the investment income lost by Council in granting this loan. 3. Written agreement from the Denmark Basketball Association Inc accepting these terms and conditions. 	

**Absolute majority required.*

Discussion ensued.

Cr Richardson-Newton noted concerns with the Denmark Basketball Association's financial statements and accompanying audit report.

The Director of Finance & Administration advised that he would meet with the Association and their auditor prior to releasing the requested funds to discuss these concerns and satisfy himself that appropriate changes have been implemented in the Associations financial procedures.

Cr Syme noted that the Minutes provided by the Denmark Basketball Association Inc. did not state a purpose for the meeting nor did there appear to be a quorum at the meeting.

The Director of Finance & Administration noted Cr Richardson-Newton's & Cr Syme's concerns and agreed to investigate the matter.

8.5 Chief Executive Officer

8.5.1 AGE FRIENDLY PLANNING (FOR THE AGED)

File Ref:	SER 3
Applicant / Proponent:	Denmark Seniors Advisory Committee
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	23 April 2010
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – page 239

Summary:

The report recommends endorsing a grant application to the Age Friendly Communities Local Government Grants program.

Background:

The CEO and Cr Barnes, as representatives on the Denmark Seniors Advisory Committee attended an information session in Albany in March 2010 regarding age friendly planning. Local Authorities that attended the session were then eligible and encouraged to apply for grants available from the Department for Communities.

The Seniors Advisory Committee as its meeting of the 7 April 2010 resolved as follows;

"That it be a recommendation to Council that it apply for an age friendly grant in planning for the aged from the Department for Communities with project partners as deemed appropriate."

Unfortunately the resolution missed the April Council Meeting and accordingly this item recommends endorsing the grant application submitted in late April 2010. Successful Grants will be announced in approximately June 2010 to enable budget consideration of any matching funds required (by Council).

Comment:

The benefits of our local government becoming an Age Friendly Community are three fold:

1. The initiative will assist Council in defining the real needs and wishes of seniors in our community, so informed and appropriate service provision can be devised using the WHO guidelines in collaboration with other agencies, and in doing so review Council's existing, seniors' policies.
2. The process will inform the Council's proposed new Strategic Plan (2010 – 2029) in relation to seniors' needs, ensuring an appropriate philosophy towards aged people's services is adopted.
3. The results of the project will provide valuable, evidence based data to assist in the pursuit of further funding to implement programs and services for seniors in our community.

The funds will be used to:

- Facilitate the workshops or other data gathering process used to investigate the age-friendliness of the community among older people; carers of older people; and service providers (government, private and not-for-profit organisations that service older people) ;
- Conduct one-to-one interviews of key stakeholders if required;
- Analyse the findings in relation to the eight main subject areas;
- Write up a report at the completion of the workshops;
- Submit to the Department for Communities a copy of the report and how Council plan to implement the findings.

Consultation:

The application has been endorsed by the Denmark Over 50's Association (which has approximately 163 financial members), Denmark Health Services and Amaroo Lifestyle Village. Significant consultation would occur with various stakeholders if the grant is successful.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Denmark Council is preparing a new Strategic Plan (2010 – 2029) for the Shire, and this process will inform the Seniors Policy, into which the Denmark Seniors Committee has already provided considerable input towards Denmark becoming an Age Friendly Community. The policy affects the way seniors activities, interests and concerns are considered and implemented and it is anticipated that increased leverage for services and resources to address the needs of seniors in the community will eventuate.

Housing, transportation, civic participation, aged and disability access to public spaces and buildings, improved communication techniques and public health and safety issues are recognised by the Council as integral to implementing age friendly services. The Age Friendly Communities model will greatly assist our

local government in enabling ‘best practice’ solutions in addressing these issues. Denmark Shire will work in collaboration, where appropriate, with other service providers for the aged e.g. *Denmark Health Service, Department of Health and Ageing, Department of Veterans Affairs, community educational organisations such as TAFE, University of Third Age and WA Telecentre Network*, to assist our community to become the first WHO Age Friendly Community in the Great Southern, particularly given Denmark’s demographics show a higher percentage increase than any other community in the region.

Council’s existing Seniors Policy P080601 would be reviewed if the grant is successful.

Budget / Financial Implications:

The Councils 2010/11 Budget would need to accommodate a cash commitment of \$7,000 and in-kind venue commitment of up to \$1,000, if the grant application for State funds of \$8,000 is successful.

Strategic Implications:

Statistically, Denmark has the second highest mean age in Western Australia with a total senior population of 33.4%. There are 764 people between the ages of 55 – 65 (16.9%), whilst 65 yrs plus constitute 16.4% (741) of the local population; a total of 1,505 people over the age of 55 years (*source ABS – Denmark Census 2006*).

The Department of Planning’s ‘Western Australia Tomorrow’ (2005) publication, projected future population growth for all LGA’s estimating Denmark’s growth in the table below:

Denmark	2004	2006	2011	2016	2021
Total Population (estimate)	5200	5400	6100	6800	7300

As the population of Denmark increases, which it is estimated to do by approximately 1,900 people by 2021, the number of seniors (aged) in our community will also exponentially increase to approximately 2,430 by then, placing more demands on services and particularly those provided by local government.

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 is existing support from the Denmark Seniors Advisory Committee, the Denmark Disability Services Committee and an active Over 50’s Association with a 163 strong, current membership. Other organisations such as the Denmark Health Service and Amaroo Village (*retirement accommodation providers in town*), including a number of other community groups and not-for-profit organisations, are keen to lend support for this initiative. Members from these interest groups will become representatives on the Reference Group, if funding has been secured to perform the consultations.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.5.1
<p>That Council endorse the application to the Age Friendly Communities Local Government Grants program and include the necessary matching sum of up \$7,000 in the 2010/11 Budget if the grant is successful.</p>	

Discussion ensued

Cr Sampson noted that the census data within the report was out of date and unreliable.

The Shire President requested that the Acting CEO mention Cr Sampson's concerns to the CEO.

8.5.2 OLD HOSPITAL BUILDINGS – RESERVE 18587 and 45623

File Ref:	A3048 & A3020
Applicant / Proponent:	WA Country Health Service (WA Department of Health)
Subject Land / Locality:	Old Hospital
Disclosure of Officer Interest:	Nil
Date:	11 May 2010
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – page 255

Summary:

The Council's Old Hospital Working Group has considered the Arborist Report for the Old Hospital grounds and recommends its implementation subject to liaison with the People for Parklands. This report recommends endorsing the recommendation for costing, prioritisation by staff in conjunction with the People for Parklands and consideration for inclusion of required / available monies to implement it.

Background:

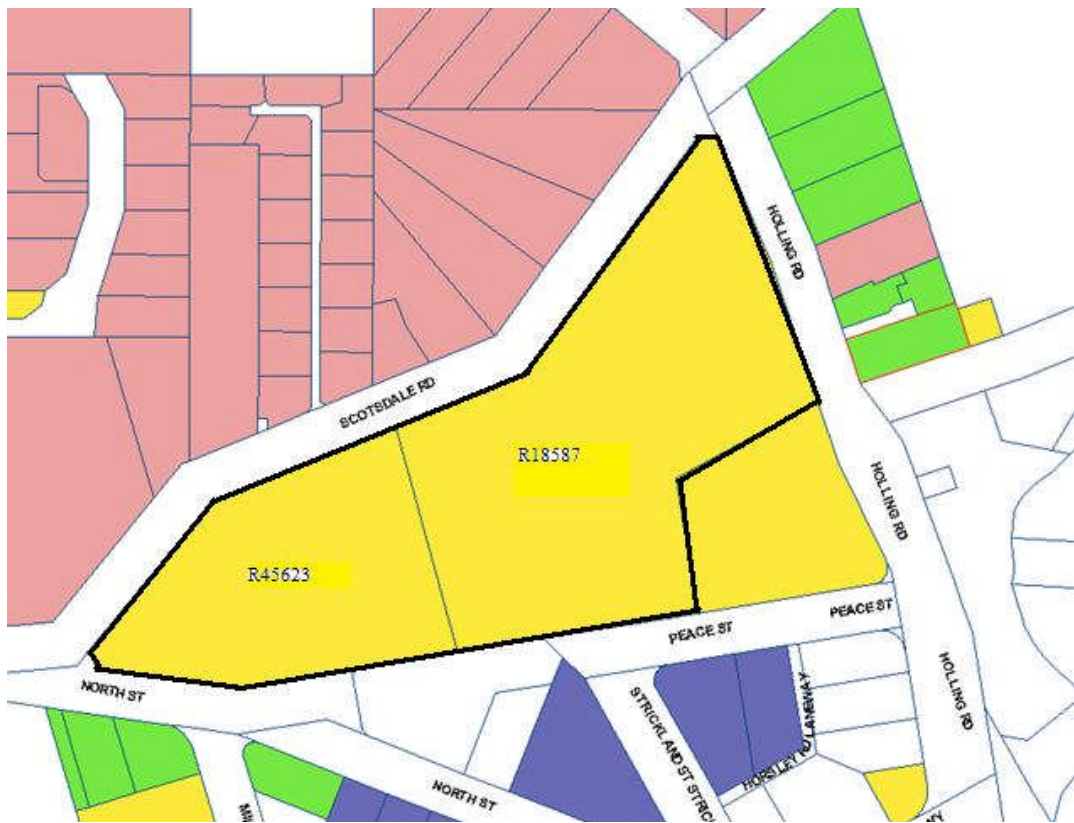
Council at its meeting of April 2009 resolved pursuant to resolution number 340409;

“That with respect to the ‘old’ hospital buildings on Reserve 18587 and Management Orders of the former Denmark Hospital Reserve 18587 and former Aged Persons Accommodation Reserve 45623, Council;

1. *Advise the Department of Health and Department of Planning & Infrastructure that it is prepared to accept all buildings being retained on site and the two management orders in favour of Council for the preferred purposes of ‘Community Use’, noting that Reserve 18587 is subject to a Heritage Memorial (State Heritage Register Entry) on title, subject to the following **non negotiable** conditions;*
 - a) *That the Department of Health undertake or agree in writing to undertake or fund (as a matter of priority) a conservation plan and assessment of buildings to determine their heritage condition pursuant to the intent of the Governments Heritage Property Disposal Process;*
 - b) *That the Department of Health undertake or agree in writing to undertake or fund should it be required now or into the future, any soil or groundwater testing of the site impacted or adjacent the former underground storage tank pursuant to the Governments Contaminated Sites Act and associated regulations and guidelines.*
2. *Subject to transference of the Management Orders to Council;*
 - a) *Undertake a Building Condition (plumbing, electrical and structural survey) assessment of the Old Hospital and Lodge Buildings to a maximum cost of \$5,000 which will help Council to determine;*

- i. *The extent of remedial and or structural restoration works required;*
 - ii. *Routine maintenance required to be considered in the 2009/10 Budget; and*
 - iii. *To what extent community groups can commence occupation of all or part of the buildings.*
- b) *Undertake an assessment of all of the trees and vegetation on the two reserves in terms of safety, environmental and aesthetics of the site by Councils Horticultural Staff, and or suitable trained arborists if deemed necessary by the CEO, with the results of this assessment being referred to Council for any required action.*
 - c) *Consider in the 2009/10 Budget, via report to the Council in May 2009, funding for the appointment of a local Architect to assist a working group to determine the potential complementary and optimum strategic use of the buildings, noting that Councils previous commitment to the Denmark Over 50s Association with respect to the Old Lodge remains.*
 - d) *Commence subsistence / routine maintenance of the buildings pending receipt and assessment of the formal Building Survey.*
 - e) *Commence maintenance of the surrounds to Councils normal standards.*
3. *Advise the Old Hospital Community Working Group and 'People for Parkland Denmark Inc' Association accordingly.*

The old hospital reserves (18587 and 45623) are now (since scheme amendment # 93) zoned 'Parks & Recreation' and vested in Council's management.



Comment:

The Arborist Report makes assessment and recommendation in relation to 187 individual trees on the site (the two reserves).

The report summary notes:

"This report is an inventory of the significant trees located on and in the immediate vicinity of the grounds of the Old Denmark District Hospital, Denmark, Western Australia.

1.2 The report plots the position of all significant trees on the site.

1.3 Observations are made on the dimensions and general condition of each tree.

1.4 A value is assigned to each tree based on the relative significance of the tree, the condition of the tree and how appropriate the tree is in relation to the site characteristics.

1.5 Recommendations for the management of the tree resource are made.”

The report is dated 24 September 2009 with urgent works (mostly relating to removal of entire trees) needing to be considered early in the 2010/11 Financial Year, for approximately 20 mature trees (mostly pines).

From table 7.3 of the report, the following table of works are noted;

Value	Recommended Timeline for Completion of Works Recommended (from date of this report)	Trees
Hazard	URGENT (ASAP) At least within 6 months	15, 20, 27, 34, 49, 52, 73, 97, 98, 111, 118.
Zero	6 Months	14, 119, 141, 151, 152, 187.
Reduced/Potential Hazard	12 Months	21, 26, 83, 88, 143, 168, 176, 181, 185.
Low (removal recommended)	12 months	4, 9, 10, 24, 31, 32, 35, 54, 61, 64, 65, 66, 74, 76, 78, 80, 85, 115, 136, 164, 166.
High	12 Months	3, 6, 7, 8, 12, 13, 28, 39, 40, 41, 42, 43, 45, 48, 53, 55, 56, 57, 68, 70, 71, 72, 79, 81, 84, 86, 87, 92, 99, 101, 102, 103, 104, 105, 107, 113, 114, 123, 124, 127, 128, 129, 132, 133, 134, 135, 138, 146, 148, 150, 156, 158, 159, 163, 165, 170, 172, 184, 186.
Limited	2 years	5, 11, 25, 44, 46, 47, 51, 82, 89, 90, 110, 112, 125, 126, 139, 140, 142, 153, 154.
Moderate	2 years	2, 16, 17, 18, 19, 22, 30, 33, 36, 37, 38, 58, 62, 63, 67, 69, 77, 93, 94, 95, 96, 100, 106, 108, 109, 116, 117, 120, 122, 130, 131, 137, 145, 149, 155, 157, 160, 161, 162, 167, 171, 173, 174, 175, 178, 179, 180, 182, 183.
Low (pruning recommended)	3 years	1, 23, 29, 50, 59, 60, 75, 91, 121, 144, 147, 169, 177.

Consultation:

The Council’s Old Hospital Buildings Working Group resolved as follows;

“That with respect to the draft Conservation Plan the Old Hospital Buildings Working Group refer the Arborist Report comprised therein to Council for consideration and implementation in consultation with the People for Parklands Inc. regarding staging and prioritisation, pursuant to resolution No. 340409 of April 2009.”

Statutory Obligations:

There are no statutory obligations with respect to the report, arborists report or removal of the trees in question in relation to the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, however, it is noted that the Historic Tree (# 45 being a Norfolk Island Pine) at the corner of the site is on Council's Municipal Heritage Inventory but that the Arborists Report recommends no urgent action is required in relation to this tree.

The Heritage Act binds the Council, in terms of what alterations (to the fabric) of the Old Hospital Buildings (and site in general) can be undertaken and accordingly consultation also will need to occur regarding the Arborists report with the Heritage Council's Regional Heritage Advisor to confirm that there are no heritage implications or concerns (none are expected).

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The Arborists Report has yet to be costed and should the officer recommendation be endorsed it is intended to seek quotations from suitable contractors to implement the recommendations after confirming the priorities with People for Parkland. Matters that indicate urgent works relating to potential injury to persons, or damage to property, will be prioritised first and included in the 2010/11 Budget, with secondary works dependant upon Budget consideration.

There are approximately 20 trees, mostly large in nature, and *P.radiata* type recommended to be removed urgently and within the next six months.

Strategic Implications:

There are no strategic implications in relation to the report.

Sustainability Implications:**➤ Environmental:**

The People for Parkland Denmark Inc' Association has passed a motion that they 'strongly supports the retention of all trees (including the pine trees) on the old Denmark Hospital site unless there is clearly proven safety, environmental or aesthetic reason'.

It is noted in the report by the arborist that;

"A large proportion of the trees surveyed in this report are Monterey pine (Pinus radiata) trees. All are located in the NE Zone and SE Zone.

The WA Dept. of Agriculture and most Natural Resource Management organizations in the region recognize this species as an actual or potential pest plant and in this light the species may have little conservation value.

The P. radiata trees surveyed in this report were all identified as mature specimens, many of them entering post maturity. In the opinion of the author most of the pine trees will decline in condition over the coming years and can be gradually removed from the landscape.

This report assumes that the P. radiata trees in their current condition have some amenity and cultural value."

➤ Economic:

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

➤ **Social:**

There are social considerations relating to the retention or removal of trees from the old hospital buildings site which the consultation with People for Parklands seeks to acknowledge. Ultimately if the arborists report recommends removal of trees and or pruning of limbs that have been identified as potentially dangerous, these will be prioritised first and presumably People for Parklands and others will have no concern regarding Council acting on that professional advice if performed with a professional approach.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.2

That with respect to the Arborist Report in assessing trees on the former Hospital Reserves 18587 and 45623, Council's horticultural staff commence implementation of the report in consultation with the People for Parklands Inc. and consider separate allocations in relation to urgent works and non urgent works in the 2010/11 Budget deliberations (based on table 7.3 of the Report).

Discussion ensued.

Cr Richardson-Newton asked why the Officer's Recommendation mentioned consultation with the People for Parklands.

The Shire President asked the Acting CEO to refer the question to the CEO.

Cr Wakka noted that the map in the report was not current.

The Shire President asked the Acting CEO to refer the question to the CEO.

Cr Syme noted errors in the Arborists Report within parts 5.3.5.9 & 5.3.5.10.

The Acting CEO agreed that the corrections needed to be made.

Cr Syme requested that a couple of estimates of the total works be obtained for next week's meeting.

The Acting CEO noted that he would endeavour to obtain some estimates for next week's meeting.

9. COMMITTEE REPORTS & RECOMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

7.09pm – 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: 21 May 2010

These minutes were confirmed at the meeting of the _____

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed.)