

Shire of Denmark Minutes



ORDINARY (DECISION MAKING) MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK,
ON TUESDAY, 23 NOVEMBER 2010.

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Ordinary Council Meeting

24 November 2010

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.07pm – The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS PRESENT:

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

STAFF:

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

APOLOGIES:

Nil

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 12
 Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Richardson-Newton	Item 8.1.2	Proximity	Cr Richardson-Newton owns property adjoining the land.
Cr Barrow	Item 8.5.1	Impartiality	Cr Barrow is a member of the Denmark RSL Sub-Branch.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

3.1 Greenskills – WA Environmental Award 2010

The Shire President announced that Greenskills had recently won a prestigious award and requested Cr Syme to say a few words. Cr Syme stated that he had attended an awards night hosted by the Department of Environment & Conservation and that it had been primarily a night for Denmark and the South Coast with Greenskills taking out the overall 2010 WA Environmental Award, which recognised

many, many years of work in the community. Cr Syme added that the Denmark Tip Shop & Recycling Education Centre and the combined Denmark Environment Centre / Greenskills Green Town project had also been finalists.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Brian Humphries – Minutes of 25 March 2008 – Re Wentworth Rd dam

Mr Humphries made statements and asked questions of Council as follows;

“I refer to the Minutes of Council of March 25 2008 Item 9.4.1 Planning Consents for Tree Felling and/or Dam Construction.

The date of that Council Minute is very significant – it is positive confirmation that in the very early days of construction and more likely during pre-construction of the Wentworth Rd dam, Council was well aware that (a) there was no policy re dams and (b) under the TPS, dams require approval.

1. When you first became aware (circa late 2007) that there was no policy re dams and that dams required DA approval, why did you not immediately advise Council to initiate a retrospective DA?
2. When the Planner verbally approved the construction of the dam without a DA, did he also approve of the landowner modifying the mandatory minimum TPS boundary offsets?
3. You have advised me by recent email that “the Shire has no legal remedy to subsequently seek a DA?”. Can you please explain why you believe the Shire has no legal remedy to not NOW seek a DA for the following precipitating reasons:
 - For the development breaching the TPS with respect to significantly contravening the mandatory scheme boundary offsets that otherwise requires the specific approval of Council which, I understand, has not been sought nor given;
 - For the material fact that the dam as constructed is not a “farm dam” as inferred by the Shire’s presumption (circa 2007) of it not requiring a DA if the development was for “farm dam” as might otherwise fall within the ambit of “normal rural activities”. (It is noted that the dam as constructed is not a “farm dam” and is estimated to be about 40 times larger than what Council considers a “farm dam” to be).
 - For the landowner having failed to deliver a structural certification as requested by Council.”

The Shire President stated that Mr Humphries’ questions would be taken on notice and responded to in writing.

The Chief Executive Officer is still researching the answers to the questions submitted by Mr Humphries. As soon as practicable a response will be included in the first available Agenda.

4.2 PUBLIC QUESTIONS

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

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

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, no later than 6.00pm.

Questions from the Public

4.2.1 Ms Delma Baesjou – Re: Item 8.1.2 (Final Approval for Scheme Amendment No. 106 to Rezone Lots 348, 349 & 350 Kearsley Road, Denmark from Rural to Public Use (Water Supply), Special Residential and Residential)

Ms Baesjou, from Ayton Baesjou Planning, spoke on behalf of the proponent and gave an overview of the process they had been through with the Scheme Amendment Request up to now and stating that during the public consultation process, they had received no negative submissions. Ms Baesjou advised that they generally concurred with the Officer Recommendation however they did have concerns in relation to parts 2 & 9 which related to mandatory use of ATUs and the removal of any reference to a 50% concession relating to Public Open Space. Ms Baesjou requested that Council amend the Officer's Recommendation to address those concerns.

Ms Baesjou also tabled extracts from the endorsed Kearsley Rd Structure Plan.

4.2.2 Mr Kees Koning – Re: 2010 Community Survey

The CEO read out an email received from Mr Koning, as he was unable to attend the meeting.

“Although a one third reply from the 2008 community survey was considered excellent, one must be aware that two thirds of the participants did not reply, perhaps some of the reasons can be addressed.

- Timing of the survey in December/ January is totally wrong; it is during school holidays, X-mas period and related celebrations. Most people are extremely busy at this time. A fairly large number of the potential participants could obviously be on leave and absent.
- The length of the survey document is too long; it will be visually unappealing, daunting to some, time consuming and hence potential participants could not be bothered with it. Some will probably do it piecemeal, put it aside, mislay it and resurrect it after the return date. Too late!
- Surveys, especially as bulky as this, are today considered as junk mail by some and disposed of accordingly. A waste of paper.
- It seems to me that the Council wishes to obtain community views on too many matters in one survey; it should curtail the contents to fewer issues considered the most pertinent.

As previously raised at the last Council meeting, a similar response to the last survey is only representative of approximately 7% of the population. A response on a particular matter will be less. Not an effective result to prepare any future strategic plan (in my opinion).

Although telephone polling may have higher cost implications, a survey lasting about 10-15 minutes will be more effective as one would be dealing mostly with positive respondents. Furthermore a verbal survey can evaluate a larger number of issues than a written survey within the same time frame. I am of the opinion that the average participant does not wish spend more than 15 minutes on any survey, verbal or written.”

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

4.4.1 Ms Delma Baesjou – Ayton Baesjou

Ms Baesjou made a presentation on behalf of her client, in relation to realignment of a boundary & relocation of a building envelope at Lot 30 Wishart Close, Denmark, as approved by the West Australian Department of Planning.

Ms Baesjou ended the presentation stating the following;

“The owners of Lot 29 would therefore like to request Council:

1. Recognise and note the potential detrimental impact on landscape amenity resulting from that decision by WAPC to approve subdivision ref 142018 as a consequence of any proposed relocation of Building Envelopes.
2. Write to Department for Planning/Western Australian Planning Commission registering concern that the matter of potential relocation of Building Envelopes is not been satisfactorily addressed through Notification conditions on the subdivision approval. Seek clear action by the Department of Planning to ensure that the adjoining lots will not be negatively impacted by this realignment of boundaries.
3. To refuse any request to move the Building Envelopes shown on the original Subdivision Guide Plan to within the view corridor of Lot 29.”

4.27pm – The Director of Community & Regulatory Services left the meeting.

4.29pm – The Director of Community & Regulatory Services returned to the meeting.

4.4.2 Ms Diane Harwood

Ms Harwood provided Council with an overview of the recent and future works of the Denmark Weed Action Group.

4.4.3 Denmark Country Club

In recognition of the commencement of the Denmark Country Club Redevelopment, a commemorative cheque for the first payment made by Council to the project was presented by the Shire President to Mr Bob Smith and Mr Graham Wilson from the Denmark Country Club. This three year project, funded by the Country Club, Department for Sport and Recreation, Royalties for Regions and the Shire will result in a renovated clubhouse and reticulated fairways and grass greens which will provide a significant tourism asset to the Shire and provide a state class facility for local members.

5.02pm – the Director of Finance & Administration left the meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR WAKKA	SECONDED: CR SAMPSON
That the minutes of the Ordinary Meeting of Council held on the 16 November 2010 be confirmed as a true and correct record of the proceedings.	
CARRIED: 11/1	Res: 051110

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 SCHEME AMENDMENT REQUEST – LOTS 3 – 7 LANTZKE ROAD, DENMARK**

File Ref:	TPS3A126
Applicant / Proponent:	VisionPlanDesign
Subject Land / Locality:	Lots 3-7 Lantzke Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	14 October 2010
Author:	Cindy Simpson, Senior Planning Officer
Authorising Officer:	Duncan Ross, A/Director Planning & Sustainability
Attachments:	Yes – page 1

Summary:

Council has received a Scheme Amendment Request (SAR) to amend the Subdivision Guide Plan (SGP) for the Special Rural Zone No. 10 – Lantzke Road to allow for intensification of subdivision and development. It is recommended that Council support the SAR subject to matters such as fire management and land capability be assessed.

Background:

Council received a Scheme Amendment Request to amend the Subdivision Guide Plan (SGP) pertaining to Special Rural Zone 10 – Lantzke Road.

The Special Rural Zone 10 – Lantzke Road was created as part of the preparation of TPS No. 3 and the existing SGP submitted to Council in 1993 formed part of the Scheme when it was gazetted in 1994. Detailed strategies for the land were not investigated at that time, and the intention of the SGP was to formalise the development which had been occurring on the land. The current SGP therefore reflected the cadastre at the time and did not allow for further subdivision and development to occur.

Comment:

The land is zoned Special Rural 10 under TPS No.3 and consists of 5 lots varying from 4.4ha to 15.4 ha. It is proposed to amend the existing Subdivision Guide Plan (SGP) to allow for the development of 13 lots ranging in lot size from 2.5 to 6.6ha. The SAR does not propose any changes to existing special provisions in TPS 3 relating to the land.

The proposal has merits for the following reason:

- In Accordance with *Statement of Planning Policy (SPP) No. 2.5 Agriculture and Rural Land Use Planning*, lot sizes within the Special Rural zone range from 1 ha to 4 ha. The Special Rural area is therefore not subdivided to the full potential of the zone.
- The intensification of existing Special Rural areas are preferred to taking additional rural land out agricultural production to facilitate predominantly residential forms of land use.
- The subject land is located in close proximity to the Denmark townsite, services and facilities and to existing special residential areas.
- The subject land has good road access with electricity and telecommunications services and intensification of the zone will result in sustainable use of existing resources.

Notwithstanding the in principle support, assessment of various matters needs to occur and should accompany any rezoning amendment as follows:

- Assessment of fire hazard for the site in accordance with Planning for Bushfire Protection (Guidelines, 2010) and the preparation of a bushfire management plan which demonstrates that new development within areas of unacceptable bushfire hazard (in relation to the vegetation both on the subject land and adjoining properties) will not occur. All building envelopes are to be placed in a location to ensure that the clearing required for the building protection zone does not impinge on the landscape protection zone.
- Detailed land capability studies demonstrating that the land is suitable for the proposed intensification of development, particularly in terms of stormwater management and onsite effluent disposal.
- Demonstration that water supply via roof collection and storage is viable, with minimum roof/collection area and storage figures being provided. Calculations of such figures should take climate change into account when determining reliability of supply.
- Assess the land use compatibility of the proposed intensification of the subject land against:
 - potential impacts on surrounding agricultural activities to ensure that agricultural operations on adjoining properties will not be impacted on, including any future development that may result in loss of water to downstream properties.
 - potential impacts of current horticulture/viticulture activities.Where land use compatibility issues are identified, suitable measures to be employed to reduce land use conflicts.
- The SGP may be required to take into account any required changes to McLean Road, or any future roads that may be required by any strategic planning documents to the satisfaction of the Director of Infrastructure Services.
- Consultation with the Department of Water in relation to the fencing and revegetation of the 20m buffer to the waterway shown on the SGP.
- Update the special provisions in TPS No. 3 relating to the land in order to facilitate orderly and proper development of the site, including reference to the new SGP; that no more than 13 lots are to be created; and any other matters following the investigations of the above matters.
- Advise the applicant that future road upgrades and/or a financial contribution will be required by the applicant which may include the sealing of a portion of Lantzke Road/McLean Road.

A desktop assessment utilising available databases shows there are no known existing threatened fauna or flora populations within the subject land. The SGP shows all remnant vegetation contained within a Landscape Protection zone. The need for a vegetation assessment to determine the flora and fauna values is therefore not considered necessary.

Consultation:

The Shire consulted with the Departments of Planning, Environment and Conservation, Water, Agriculture and Food. No objection to the SAR was raised subject to certain matters, as outlined above, being addressed in the Scheme report. Further consultation will be undertaken following initiation of the amendment.

Statutory Obligations:

There are no statutory obligations relating to the Scheme Amendment Request process.

Policy Implications:

The SAR report has been prepared in accordance with Policy 100601, which sets out requirements for SAR's.

Budget / Financial Implications:

The applicant has paid the relevant Scheme Amendment Request fee in the adopted 2010/2011 budget.

Strategic Implications:

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

Sustainability Implications:**➤ Environmental:**

The SAR will address environmental impacts of the proposed development through the preparation of a land capability study and the requirements for the protection of remnant vegetation.

➤ Economic:

The development of the land will provide for settlement within close proximity to the Denmark townsite and allow for the efficient use of land where existing infrastructure is available.

➤ Social:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION**ITEM 8.1.1**

That Council with respect to the Scheme Amendment Request for Lots 3 – 7 Lantzke Road, resolve as follows:

1. To support the Scheme Amendment Request to amend the Subdivision Guide Plan (SGP) subject to the following matters being addressed within the amendment documentation:
 - a) Assessment of fire hazard for the site in accordance with Planning for Bushfire Protection (Guidelines, 2010) and the preparation of a bushfire management plan which demonstrates that new development within areas of unacceptable bushfire hazard (in relation to the vegetation both on the subject land and adjoining properties) will not occur and will comply with Council Policy P100601. All building envelopes are to be placed in a location to ensure that the clearing required for the building protection zone does not impinge on the landscape protection zone.
 - b) Detailed land capability studies demonstrating that the land is suitable for the proposed intensification of development, particularly in terms of stormwater management and onsite effluent disposal.
 - c) Demonstration that water supply via roof collection and storage is viable, with minimum roof/collection area and storage figures being provided. Calculations of such figures should take climate change into account when determining reliability of supply.
 - d) Assess the land use compatibility of the proposed intensification of the subject land against:
 - i. potential impacts on surrounding agricultural activities to ensure that agricultural operations on adjoining properties will not be impacted on.
 - ii. potential impacts of current horticulture/viticulture activities.Where land use compatibility issues are identified, suitable measures to be employed to reduce land use conflicts.

- e) The SGP to show an area for the widening of McLean Road to accommodate the future Northern Link as shown on the draft LPS (October 2010) to the satisfaction of the Director of Infrastructure Services.
 - f) Consultation with the Department of Water in relation to the fencing and revegetation of the 20m buffer to the waterway shown on the SGP.
 - g) Update the special provisions in TPS 3 relating to the land in order to facilitate orderly and proper development of the site, including reference to the new SGP; that no more than 13 lots are to be created; and any other matters following the investigations of the above matters.
2. Advise the applicant that the in principle support for intensification of development within the existing Special Rural zone should not be construed as support for the proposed new Subdivision Guide Plan in terms of lot configuration or numbers as it is envisaged that these may require change as a result of the more detailed investigations required.

At the meeting held on the 16 November 2010;

1. Cr Richardson-Newton referred to the summary of the Officer's Report and requested that the officers recommendation be amended to include reference to what changes the SAR was seeking to achieve, being intensification of the existing Special Rural Zone No.10.
2. Cr Richardson-Newton referred to part 1 e) which referenced the draft LPS (October 2010) and queried whether Council should be referring to something that hasn't yet been adopted by Council.
3. Cr Barnes requested confirmation from the Acting Director of Planning & Sustainability that part 1 d) would include reference to impacts on dams of landowners downstream.
4. Cr Thornton requested that the applicant be advised that they would likely be asked to make a contribution to McLean Road.

The Acting Director of Planning & Sustainability has amended the report and provided an Alternate Officer Recommendation to address the Councillors' concerns.

At the meeting held on the 16 November 2010, Cr Syme referred to Mr Wilson's comments at the Public Question Time, of that meeting, and asked whether Councillors could have a copy of the concerns which Mr Wilson mentioned.

The CEO has provided an overview with the Minutes of that meeting and should Councillors seek further information a written copy of Mr Wilson's concerns can still be requested from Mr Wilson.

5.04pm – The Director of Finance & Administration returned to the meeting.

5.05pm – The Director of Infrastructure Services left the meeting.

5.07pm – The Director of Infrastructure Services returned to the meeting.

COUNCIL RESOLUTION & ALTERNATE OFFICER ITEM 8.1.1
RECOMMENDATION

MOVED: CR LAING

SECONDED: CR SAMPSON

That Council with respect to the Scheme Amendment Request to amend the Subdivision Guide Plan (SGP) for the Special Rural Zone No. 10 to allow for intensification of subdivision and development at Lots 3 – 7 Lantzke Road, resolve as follows:

1. To support the Scheme Amendment Request to amend the Subdivision Guide Plan (SGP) subject to the following matters being addressed within the amendment documentation:
 - a) Assessment of fire hazard for the site in accordance with Planning for Bushfire Protection (Guidelines, 2010) and the preparation of a bushfire management plan which demonstrates that new development within areas of unacceptable bushfire hazard (in relation to the vegetation both on the subject land and adjoining properties) will not occur and will comply with Council Policy P100601. All building envelopes are to be placed in a location to ensure that the clearing required for the building protection zone does not impinge on the landscape protection zone.
 - b) Detailed land capability studies demonstrating that the land is suitable for the proposed intensification of development, particularly in terms of stormwater management and onsite effluent disposal.
 - c) Demonstration that water supply via roof collection and storage is viable, with minimum roof/collection area and storage figures being provided. Calculations of such figures should take climate change into account when determining reliability of supply.
 - d) Assess the land use compatibility of the proposed intensification of the subject land against:
 - i. potential impacts on surrounding agricultural activities to ensure that agricultural operations on adjoining properties will not be impacted on, including any future development that may result in loss of water to downstream properties.
 - ii. potential impacts of current horticulture/viticulture activities.
 Where land use compatibility issues are identified, suitable measures to be employed to reduce land use conflicts.
 - e) The SGP may be required to take into account any required changes to McLean Road, or any future roads that may be required by any strategic planning documents to the satisfaction of the Director of Infrastructure Services.
 - f) Consultation with the Department of Water in relation to the fencing and revegetation of the 20m buffer to the waterway shown on the SGP.
 - g) Update the special provisions in TPS 3 relating to the land in order to facilitate orderly and proper development of the site, including reference to the new SGP; that no more than 13 lots are to be created; and any other matters following the investigations of the above matters.
2. Advise the applicant that the in principle support for intensification of development within the existing Special Rural zone should not be construed as support for the proposed new Subdivision Guide Plan in terms of lot configuration or numbers as it is envisaged that these may require change as a result of the more detailed investigations required.
3. Advise the applicant that future road upgrades and/or a financial contribution will be required by the applicant which may include the sealing of a portion of Lantzke Road/McLean Road.

CARRIED: 8/4

Res: 061110

5.09pm - Cr Richardson-Newton declared a proximity interest in Item 8.1.2 in that he owns property adjoining the land. Cr Richardson-Newton left the room and did not participate in discussion or vote on the matter.

8.1.2 FINAL APPROVAL FOR SCHEME AMENDMENT No. 106 TO REZONE LOTS 348, 349 & 350 KEARSLEY ROAD, DENMARK FROM RURAL TO PUBLIC USE (WATER SUPPLY), SPECIAL RESIDENTIAL AND RESIDENTIAL.

File Ref:	TPS3/SA106
Applicant / Proponent:	Ayton Baesjou Planning / Various
Subject Land / Locality:	Lots 348, 349 & 350 Kearsley Road, Denmark
Disclosure of Officer Interest:	None
Date:	8 November 2010
Author:	Phil Shephard, Consultant Planner Duncan Ross, Acting Director of Planning & Sustainability
Authorising Officer:	Duncan Ross, Acting Director of Planning & Sustainability
Attachments:	Yes – page 11

The statutory public notice period for the above scheme amendment (*Attachment 1*) has now been completed. A total of 10 submissions were received for consideration (*Attachment 2*).

It is recommended that Council consider the submissions in accordance with the attached Schedule of Submissions (*Attachment 3*) and refer the amendment to the WA Planning Commission and Minister for final approval.

Background:

Amendment No. 106 seeks to rezone lots 348, 349 and 350 Kearsley Road, Denmark from rural to public use (water supply), special residential and residential in accordance with the Local Structure Plan prepared for the lots and adopted by Council at the March 2010 meeting coinciding with the initiation of this amendment.

In accordance with the requirements of the *Planning and Development Act*, the amendment was firstly referred to the EPA for their assessment. They advised that the amendment was acceptable in correspondence dated 28 June 2010 (their advice has been included in the attached Schedule of Submissions).

The amendment was then advertised for a period of 42 days to allow for public input and comment from Government Agencies.

The scheme amendment was considered and initiated by Council at its 23 March 2010 meeting (Item 9.1.4 Res: 080310) subject to a number of requirements being completed. At this time Council resolved (in part) as follows:

During the advertising period of the Amendment the proponent is to prepare to the satisfaction of Council as follows:

- a) *A Fire Management Plan for the two proposed 3ha lots;*
- b) *Entering into a legal agreement with Council (at the proponent's cost), confirming a caveat will be placed on the two Special Residential lots comprising the vegetation at the time of Creation of Titles confirming the lots cannot be further subdivided;*
- c) *Entering into a legal agreement with Council (at the proponent's costs) confirming that the developer will contribute to the upgrading/widening of Kearsley Road and Mount Shadforth Road intersection and the portion of Kearsley Road and Wishart Place to the satisfaction of Council at the first stage of subdivision.*

In relation to a) above, the proponent has provided specific comment in relation to the above Fire Management Plan (FMP) requirements (*Attachment 4*). The applicants planning consultant believes the requirement for a specific FMP for the two larger lots is not required, as stated in a letter dated 2 November 2010 as follows:

The building envelopes, low fuel zones and hazard separation zones for these two larger lots are exactly the same as that shown for the abutting residential lots. No additional fuel management is required within the forest abutting the hazard separation zone. This is in accordance with Council's resolution at its January 2008 meeting, see 2(b) which requires "the retention, free of disturbance and development, of the area of Tingle and Karri forest that adjoins Reserve A35621 and Lot 351". Only fire management tracks are proposed within this area and will not require the removal of trees.

Having reviewed the current FMP, dated March 2009, the contents of this adequately guide future landowners as to their responsibility in terms of maintaining the building protection zone, hazard separation zone and strategic fire access tracks. It is understood there are no additional fire management requirements for these two lots that are not already covered in the March 2009 FMP. The building envelopes shown, and the requirement for the dwellings to be constructed in accordance with AS3959 all contribute to effective fire protection measures being put in place.

The proponent has responded in relation to b) and c) above with a letter of undertaking (*Attachment 5*) stating that it is more appropriate that a condition of subdivision approval be applied as the titles have not yet been created. Whilst there is risk the applicant may seek reconsideration at time of subdivision, the letter of undertaking provides guarantee that the proponent will agree to these requirements, specifically as it is stated that:

"Please accept that this letter as confirmation that I will agree to ensure that:

- 1) Caveats are placed on the 3ha lots on Lot 349 Kearsley Road to ensure further subdivision does not occur; and*
- 2) An appropriate agreement is put in place to contribute to the upgrading/widening of Kearsley Road and Mt Shadforth Road intersection and portion of Kearsley Road and Wishart Place.*

The wording associated with 1 above is relatively clear; however the choice of words associated with 2 is clearly intended to be worded in a manner that ensures the proponent contributes only their fair share (pro rata) of any upgrading costs. The total costs of the various upgrades required should therefore be determined by the Director of Infrastructure Services and the cost equally distributed. This is a fair and reasonable requirement on the proponent and it is emphasised to Council that the proponent should not be responsible for the entire costs of proposed upgrades.

Additional Comment Provided:

Change in Density Coding:

In relation to the density of the lots being altered to take into account fire management concerns, having discussed the amendment documentation with the Shire's Community Fire Manager I can state the CFM is in agreement with the following:

I believe the general response in terms of whether or not the density coding which has changed from R10 to R5/10 has not been undertaken for Fire Management purposes. I believe you have stated that:

- Smaller lots (R10) are preferable as they are more easily managed by future property owners, thus reducing fire risk; and
- Council will have limited control in terms of being able to restrict future battleaxe lots, some of which may be located in areas of greater fire risk and therefore it is preferable to have the lots, especially in this instance bearing in mind the proximity of "extreme" hazard areas, shown at R10 and subdivided as shown in the Local Structure Plan at this point.

In addition the road layout and general lot layout of the SGP has not altered from that approved under the LPS.

Use of Indigenous Trees:

Council is asked to consider whether proposed provision (vi)(b) should continue to specify a preference for additional tree/shrub planting to utilise indigenous native species or be widened to consider introduced species and more relaxed planting requirements.

Council is asked to consider the appropriateness of the following clause.

Comment:

The rezoning was supported by all submitters with some containing specific advice on the conditions likely to be placed on the future subdivision and development of the land. It is recommended that minor modifications to the amendment document be undertaken from the submissions as follows:

1) A new provision (xiv) to state:

(xiv) Council may request the Commission to impose a condition at the subdivision stage requiring a notice in the form of a Section 70A Notification pursuant to the Transfer of Lands Act 1893 is to be placed on the Certificates of Title of the proposed lots as follows:

- *For the two 3ha lots: That no further subdivision will be supported.*
- *For all lots adjoining Reserve 35621: The lots adjoin Reserve 35621 which is managed by the Department of Environment and Conservation for conservation of flora and fauna purposes and may undertake management activities such as spraying, baiting and other practices accordingly.*

2) Provision (x) be reworded to require alternative treatment units (ATU's) be required to service all unsewered lots as follows:

(x) On-site effluent disposal shall be the responsibility of the individual land owner and shall involve the use of alternative treatment units (ATU's) approved by Council in accordance with Health Department of WA and Department of Environment guidelines.

3) A new provision (xv) to state:

(xv) Council may request the Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Vegetation Management Plan for the subdivision, in consultation with the Department of Environment and Conservation.

4) Provision (vi)(b) be reworded to require removal of environmental weeds and preference for indigenous native species in landscaping of the lots as follows:

(vi)(b) Additional tree/shrub planting utilising indigenous native species and the removal of any identified plant weed species may be required as a condition of development approval.

5) A new provision (xvi) to state:

(xvi) Council may request the Commission to impose a condition at the subdivision stage requiring the construction and/or financial contribution towards the construction of a dual use path to connect to the existing Shire path network.

6) The Subdivision Guide Plan being modified on Lot 350 to refer to a density coding of R10 only.

7) Any reference to the R5/10 density coding on Lot 350 within the amendment document text being modified to reflect the desired R10 density coding only.

8) Any reference to the use of on-site effluent disposal systems on Lot 349 and 350 being removed from the amendment document text and refer to the need for connection to deep sewer only.

9) Any reference to the 50% concession relating to the POS being removed from the amendment document text.

10) Amend the Scheme Maps accordingly.

It is recommended that Council now seek final approval to the amendment.

Consultation:

The amendment was advertised for a period of 42 days for submissions to be received. The notice given included:

- Notice of amendment advertised in newspaper.

- Notice of amendment sign erected on-site.
- Notice of amendment placed on Council Notice Board.
- Letter to adjoining/nearby landowners requesting their comment.
- Referral of amendment document to the following Government Agencies requesting their comment (Environmental Protection Authority, Department of Environment and Conservation, Department of Health, Department of Water, Telstra, Water Corporation, Western Power, Telstra, Main Roads WA and Fire and Emergency Services Authority WA).

A total of 10 submissions were received for consideration (see attached Schedule of Submissions).

Statutory Obligations:

- *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.
- Town Planning Scheme No. 3 – land is presently zoned Rural and Council has adopted a Structure Plan that covers the lots.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

To be recouped from the application as prescribed under the *Planning and Development (Local Government Planning Fees) Regulations 2000*.

Strategic Implications:

Proposed rezoning is consistent with draft Denmark Local Planning Strategy (DLPS) and Settlement Strategy. The scheme amendment will assist Council meet the outcomes of those strategies.

Sustainability Implications:

➤ **Environmental:**

The significant environmental considerations relating to this report and officer recommendation are addressed within the amendment document and include deep sewer connection, stormwater disposal/drainage management and vegetation protection/revegetation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation. The proposed subdivision and development will lead to an increase in the rates income generated by the Shire. There will be a corresponding cost to the Shire in providing services to the lots and residents.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation. The proposed subdivision and development will create additional housing choices in Denmark.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.2

That Council consider the submissions as contained in the attached Schedule of Submissions, and pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 - Amendment No. 106 from the Minister for Planning and Infrastructure with modification subject to the following changes:

- 1) A new provision (xiv) to state:

- (xiv) Council may request the Commission to impose a condition at the subdivision stage requiring a notice in the form of a Section 70A Notification pursuant to the Transfer of Lands Act 1893 is to be placed on the Certificates of Title of the proposed lots as follows:
- a) For the two 3ha lots: That no further subdivision will be supported.
 - b) For all lots adjoining Reserve 35621: The lots adjoin Reserve 35621 which is managed by the Department of Environment and Conservation for conservation of flora and fauna purposes and may undertake management activities such as spraying, baiting and other practices accordingly.
- 2) Provision (x) be reworded to require alternative treatment units (ATU's) be required to service all unsewered lots as follows:
- (x) On-site effluent disposal shall be the responsibility of the individual land owner and shall involve the use of alternative treatment units (ATU's) approved by Council in accordance with Health Department of WA and Department of Environment guidelines.
- 3) A new provision (xv) to state:
- (xv) Council may request the Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Vegetation Management Plan for the subdivision, in consultation with the Department of Environment and Conservation.
- 4) Provision (vi)(b) be reworded to require removal of environmental weeds and preference for indigenous native species in landscaping of the lots as follows:
- (vi)(b) Additional tree/shrub planting utilising indigenous native species and the removal of any identified plant weed species may be required as a condition of development approval.
- 5) A new provision (xvi) to state:
- (xvi) Council may request the Commission to impose a condition at the subdivision stage requiring the construction and/or financial contribution towards the construction of a dual use path to connect to the existing Shire path network.
- 6) The Subdivision Guide Plan being modified on Lot 350 to refer to a density coding of R10 only.
- 7) Any reference to the R5/10 density coding on Lot 350 within the amendment document text being modified to reflect the desired R10 density coding only.
- 8) Amend the Scheme Maps accordingly.

At the meeting held on the 16 November 2010;

- a) Cr Thornton queried why some lots in the proposal had changed from R10 lots to R5/10 lots. The Acting Director of Planning & Sustainability responded stated that it was his understanding this had been done to negate the need to connect to deep sewer and also allowed for the lots to be subdivided in the future by individual owners.
- b) Cr Thornton stated it was his understanding the density coding may also have been changed to respond to fire protection requirements. The Acting Director of Planning & Sustainability stated he would obtain further information from the Community Emergency Services Manager for next week's meeting in this regard, however added that the density coding modification was not in accordance with the Shire's approved Local Structure Plan over the site.
- c) Cr Thornton stated that in terms of effluent disposal an amendment to the SAR, should be undertaken to show that Lots 349 & 350 being sewerred. The Acting Director of Planning & Sustainability will amend the recommendation accordingly for next week and recommend the removal all reference to on site effluent disposal systems within the Amendment document relating to Lots 349 and 350.
- d) Cr Thornton questioned whether the amendment document, by referring to a 50% reduction in the Public Open Space component was agreed with by Council staff. The Acting Director of Planning & Sustainability stated he would review the wording associated with the reference to the 50% reduction in POS, and it is likely that during the subdivision stage of the development that Council would

seek its full POS entitlement. The Acting Director of Planning & Sustainability stated the wording within the amendment document may need to be amended.

The Acting Director of Planning & Sustainability provides the following Alternate Officer Recommendation to address Cr Thornton's concerns.

ALTERNATE OFFICER RECOMMENDATION

ITEM 8.1.2

That Council consider the submissions as contained in the attached Schedule of Submissions, and pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 - Amendment No. 106 to rezone lots 348, 349 and 350 Kearsley Road, Denmark from rural to public use (water supply), special residential and residential in accordance with the Local Structure Plan from the Minister for Planning and Infrastructure with modification subject to the following changes:

- 1) A new provision (xiv) to state:
 - (xiv) Council may request the Commission to impose a condition at the subdivision stage requiring a notice in the form of a Section 70A Notification pursuant to the Transfer of Lands Act 1893 is to be placed on the Certificates of Title of the proposed lots as follows:
 - a) For the two 3ha lots: That no further subdivision will be supported.
 - b) For all lots adjoining Reserve 35621: The lots adjoin Reserve 35621 which is managed by the Department of Environment and Conservation for conservation of flora and fauna purposes and may undertake management activities such as spraying, baiting and other practices accordingly.
- 2) Provision (x) be reworded to require alternative treatment units (ATU's) be required to service all unsewered lots as follows:
 - (x) On-site effluent disposal shall be the responsibility of the individual land owner and shall involve the use of alternative treatment units (ATU's) approved by Council in accordance with Health Department of WA and Department of Environment guidelines.
- 3) A new provision (xv) to state:
 - (xv) Council may request the Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Vegetation Management Plan for the subdivision, in consultation with the Department of Environment and Conservation.
- 4) Provision (vi)(b) be reworded to require removal of environmental weeds and preference for indigenous native species in landscaping of the lots as follows:
 - (vi)(b) Additional tree/shrub planting utilising indigenous native species and the removal of any identified plant weed species may be required as a condition of development approval.
- 5) A new provision (xvi) to state:
 - (xvi) Council may request the Commission to impose a condition at the subdivision stage requiring the construction and/or financial contribution towards the construction of a dual use path to connect to the existing Shire path network.
- 6) The Subdivision Guide Plan being modified on Lot 350 to refer to a density coding of R10 only.
- 7) Any reference to the R5/10 density coding on Lot 350 within the amendment document text being modified to reflect the desired R10 density coding only.
- 8) Any reference to the use of on-site effluent disposal systems on Lot 349 and 350 being removed from the amendment document text and refer to the need for connection to deep sewer only.
- 9) Any reference to the 50% concession relating to the POS being removed from the amendment document text.
- 10) Amend the Scheme Maps accordingly.

COUNCIL RESOLUTION

ITEM 8.1.2

MOVED: CR EBBETT

SECONDED: CR SAMPSON

That Council consider the submissions as contained in the attached Schedule of Submissions, and pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 - Amendment No. 106 to rezone lots 348, 349 and 350 Kearsley Road, Denmark from rural to public use (water supply), special residential and residential in accordance with the Local Structure Plan from the Minister for Planning and Infrastructure with modification subject to the following changes:

- 1) A new provision (xiv) to state:
 - (xiv) Council may request the Commission to impose a condition at the subdivision stage requiring a notice in the form of a Section 70A Notification pursuant to the Transfer of Lands Act 1893 is to be placed on the Certificates of Title of the proposed lots as follows:
 - a) For the two 3ha lots: That no further subdivision will be supported.
 - b) For all lots adjoining Reserve 35621: The lots adjoin Reserve 35621 which is managed by the Department of Environment and Conservation for conservation of flora and fauna purposes and may undertake management activities such as spraying, baiting and other practices accordingly.
- 2) Provision (x) be reworded to require alternative treatment units (ATU's) be required to service all unsewered lots unless otherwise approved by Council's Environmental Health Officers as follows:
 - (x) On-site effluent disposal shall be the responsibility of the individual land owner and shall involve the use of alternative treatment units (ATU's) or other conventional septic tank systems approved by Council's Environmental Health Officer in accordance with Health Department of WA and Department of Environment guidelines.
- 3) A new provision (xv) to state:
 - (xv) Council may request the Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Vegetation Management Plan for the subdivision, in consultation with the Department of Environment and Conservation.
- 4) Provision (vi)(b) be reworded to require removal of environmental weeds and preference for indigenous native species in landscaping of the lots as follows:
 - (vi)(b) Additional tree/shrub planting utilising indigenous native species and the removal of any identified plant weed species may be required as a condition of development approval.
- 5) A new provision (xvi) to state:
 - (xvi) Council may request the Commission to impose a condition at the subdivision stage requiring the construction and/or financial contribution towards the construction of a dual use path to connect to the existing Shire path network.
- 6) The Subdivision Guide Plan being modified on Lot 350 to refer to a density coding of R10 only.
- 7) Any reference to the R5/10 density coding on Lot 350 within the amendment document text and maps being modified to reflect the desired R10 density coding only in accordance with the adopted Local Structure Plan.
- 8) Any reference to the use of on-site effluent disposal systems on Lot 349 and 350 being removed from the amendment document text and refer to the need for connection to deep sewer only.
- 9) Any reference to the 50% concession relating to the POS being removed from the amendment document text.
- 10) Amend the Scheme Maps accordingly.

AMENDMENT

MOVED: CR WAKKA

SECONDED: CR LAING

That part 9 be deleted.

LOST: 2/9

Res: 071110

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 11/0

Res: 081110

REASONS FOR CHANGE

Council amended part 2 to remove the requirement that Alternative Treatment Units (ATUs) were mandatory and added the word “maps” and “in accordance with the adopted Local Structure Plan”.

8.2 Director of Community & Regulatory Services

Nil

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

5.40pm – Cr Richardson-Newton returned to the meeting.

5.40pm – The Director of Infrastructure Services left the meeting.

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 OCTOBER 2010

File Ref:	FIN 1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	9 November 2010
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	Yes – page 195

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:

Trust and Restricted Funds have been invested for thirty days with the National Bank, maturing 28 November 2010 at the quoted rate of 4.75%.

Reserve Funds have been invested with Members Equity Bank, with \$1,000,000 placed in a 30 day term deposit at the rate of 5.40% and the balance of funds (\$1,293,745) placed in a on call cash account at the rate of 5.60%.

Surplus municipal funds have similarly been invested in the Members Equity on call cash account, to take advantage of the excellent rate on offer and the high liquidity aspect to this transaction i.e. funds are available immediately if so required.

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 27 July 2010. 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 2010/11 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.

5.42pm – The Acting Director of Planning & Sustainability left the meeting.

At the meeting held on the 16 November 2010, Cr Syme queried the \$25,000 allocation to the Green Waste Pilot Scheme in the amendments and variables. The Director of Finance & Administration noted that it was a pilot study only with minor expenses intended to be funded through existing operations and agreed to remove it from the statement.

An amended attached is provided in relation to the above.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR RICHARDSON-NEWTON	
That with respect to Financial Statements for the month ending 31 October 2010, Council;		
1. Receive the financial report, incorporating the Statement of Financial Activity and Budget vs Actual Variance Report.		
2. Endorse the Accounts for Payment as listed.		
CARRIED: 12/0		Res: 091110

8.4.2 2010 SHIRE OF DENMARK COMMUNITY SURVEY

File Ref:	COM11
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	11 November 2010
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – page 213

Summary:

In accordance with Council Policy P040131 Biennial Community Needs and Customer Satisfaction Survey, the draft Survey is attached for adoption by Council prior to distribution to survey participants.

The community survey is a means of obtaining valuable feedback regarding the works and services offered by the Shire.

Background:

The Shire of Denmark had previously conducted a biennial community survey, which ceased in 2004. In 2008 Council resolved to reintroduce the Survey, which was undertaken during December 2008 and January 2009.

The Survey is sent to 1000 randomly selected electors of the Shire.

The 2008 Survey received an excellent response with 36.8% of participants completing.

The attached Draft Survey has been prepared after inviting input from Councillors and Staff and was the subject of a Council Briefing Forum held 19 October 2010, where several amendments were made to the Survey.

Comment:

The attached Survey has been prepared based on the previous survey/s used by Council to provide an element of consistency to the questions asked.

Since the 19 October 2010 Briefing Forum, several additional questions have been requested from Councillors and Staff, which are presented below for Council consideration;

Cr R Phair – Construction of Breakwater

(to be inserted after “marina question”, page 10)

Do you support the construction of a breakwater within the Shire to provide for safe boating?

Council Briefing Forum – Councillor Representation

(to be inserted after QA4 page 7)

The Minister for Local Government, the Hon John Castrilli, has previously stated that it is his view that the maximum number of Councillors required for any local authority is nine. This view was supported by the recent Local Government Reform Steering Committee Report (March 2010) which recommended legislative amendment to prescribe the number of Councillors to be between six and nine.

Do you support the Minister and Steering Committee’s view that there should only be nine Councillors (or less) Yes No

Mr G Harwood – Director of Community and Regulatory Services – Emergency Management

(to be inserted after QA4, page 7)

Over the past twelve months Council has devoted significant resources to Emergency Management in the Shire of Denmark and preparing residents in the event of an emergency.

1. Are you aware of your responsibilities in regards to the Denmark Bush Fire Regulation Notice as a land owner or tenant?
2. On a catastrophic rated Fire Day how likely are you to relocate to a safer place?
3. How prepared are you and your family in the event of a wild fire?
4. Where would you and your family evacuate to in the event of a wild fire?

5. Do you believe that the Shire of Denmark is promoting Emergency Preparedness adequately?
6. Do you believe that the Denmark community has sufficient measures in place to protect it in the event of a wildfire?
7. Do you require more information regarding Emergency Preparedness?
8. Do you know where to obtain relevant and up to date information on Emergency Preparedness?

Mr G Harwood – Director of Community and Regulatory services – Emergency Management

(to be inserted after “Ocean Beach boat access ramp question”, page 10)

1. Do you think Council should allow 4WD access to Ocean Beach?

In addition, the order of the questions asked has been altered to bring forward questions that are considered to be of greater significance to survey participants and hopefully encourage a greater response rate.

Consultation:

All staff and Councillors have been given an opportunity to comment on the draft survey, with much of the feedback received incorporated into the final draft presented to Council for adoption.

Statutory Obligations:

Local Government Act 1995.

Policy Implications:

Policy PO40131 – Biennial Community Needs & Customer Satisfaction Survey

The draft Survey has been prepared in accordance with this Policy, which reads as follows;

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

ADDED by Res: 530808 / 26 August 2008

Policy P040123 – Community Consultation Policy.

The above policy also relates and the undertaking of the Survey is in keeping with the broad principles of consultation prescribed in the Policy, which requires the preparation of a Community Consultation Plan when proposing new projects, programmes or policies. For the purposes of the Community Survey, the following Community Consultation Plan is proposed;

1. Send a survey to a sample of 1000 electors, trying to obtain a representative split between residents and absent owners, in early December 2010.
2. Require surveys to be returned no later than 5 January 2011, with a reply paid envelope to be sent to those selected to participate for the purposes of returning the survey.
3. The survey can also be completed on the Shires website, through Survey Monkey which will also collate results when entered.
4. Collate all responses and present to Council in February 2011 for consideration.
5. Publicise the results of the survey in the local media, Council website and notice boards.

Budget / Financial Implications:

As the preparation and distribution of the Survey is undertaken on an inhouse basis, costs are kept to a minimum and are included within existing administration budget allocations.

Inhouse costs incurred, including postage, in the conduct of the survey are estimated to be approximately \$10,000.

Quotations from external consultants to prepare and undertake the Survey have previously been obtained, with prices ranging from \$20,000 to \$30,000. Note that these prices relate to a much smaller sample size than that prescribed by Council Policy and use a combination of survey methods (i.e.e telephone interviewes and others).

Strategic Implications:

Information obtained from the survey will be used to formulate and prepare the Shire of Denmark Strategic Plan.

Sustainability Implications:**➤ Environmental:**

The Survey contains questions in regards to environmental issues that may assist Council in determining policies and resource allocations to address these issues.

➤ Economic:

The Survey contains questions in regards to the economic development of the Shire which will assist Council in determining policies, resource allocations to address these issues.

Social:

The Survey contains questions in regards to social issues within the Shire, such as recreation and library services, which again will assist Council in determining policies, resource allocations to address these issues.

In addition, this type of consultation with our community provides a valuable opportunity for ratepayers to provide feedback on Council's performance and a voice in determining the future direction and priorities of Council, which should promote a stronger relationship between Council and the community it serves.

Voting Requirements:

Simple majority.

Following discussion at the 16 November 2010 Meeting of Council, the following amendments have been requested to the Survey

Cr J Sampson – Removal of Climate Change questions

(page 6 and 7 of Draft Survey)

Removal of questions as put forward by Climate Change Advisory Committee

Mr D Stewart (Chief Executive Officer) – Various Amendments

- Page 3, Qu 1 concept 5 delete – I think there is too much detail required for this question to inform the person in answering the question properly.
- Page 10 consider addition of a statement along the following lines “Council should lobby the State Government to cease the current practice of

discharging effluent into the Wilson Inlet from the Water Corporation's Sewerage Plant".

- Page 10 consider addition of a statement along the following lines "Council should investigate the installation of traffic lights at the intersection of Ocean Beach Rd and South Coast Hwy".
- Page 10 consider addition of a statement along the following lines "Council should investigate the installation of a roundabout at the intersection of Ocean Beach Rd and South Coast Hwy".
- Page 10 consider addition of a statement along the following lines "There is no current need to improve traffic flow and safety at the intersection of Ocean Beach Rd and South Coast Hwy".

Cr A Hinds – Poison Point Fishing Platforms

In November 2008 Council resolved to construct 2 wheelchair friendly fishing platforms, with a suitable access path at Poison Point on Wilson Inlet. There has been resistance to this project from some of the public and the Natural Resource Management section of the Council administration.

Should this project go ahead? Circle your answer. Yes/No

CEO comment

The request as it is stated is not supported by the CEO as it has a preamble that could bias the responses. In addition it is not a correct representation of the Council resolution at the time and implies disharmony and indecisiveness of the Council and its administration.

The CEO is of the view that if the principle of the question was to be included that it should be along the following lines;

"Council should construct a fully accessible (wheelchair access) path, as well as a fishing platform or structure, to enable deep water fishing at Poison Point."

The Director of Finance & Administration notes that in addition to the above, several minor changes have been made to the Draft Survey, as identified and discussed at the 16 November 2010 Meeting.

Initial contact has been made with a recommended consultancy who prepare and undertake surveys for a number of Western Australian local authorities, however a firm price had not been received at the time of preparing this Report.

5.50pm – The Director of Infrastructure Services returned to the meeting.

5.50pm – Cr Sampson left the meeting.

5.52pm – Cr Sampson returned to the meeting.

Cr Hinds advised that he withdrew his request for additions to the survey.

5.53pm – The Acting Director of Planning & Sustainability returned to the meeting.

OFFICER RECOMMENDATION

ITEM 8.4.2

That Council with respect the 2010 Community Needs & Customer Satisfaction Survey;

1. Adopt the 2010 Community Needs & Customer Satisfaction Survey subject to endorsement of the above amendments and any others that may be identified at the Meeting;
2. Endorse the Community Consultation Plan as presented.

At the meeting held on the 16 November 2010, a number of Councillors indicated various amendments to the Survey. The Chief Executive Officer suggested that Councillors forward their amendments to the Director of Finance & Administration with a view to including the proposed amendments in this Agenda.

The Director of Finance & Administration has amended the report to incorporate amendments from Councillors and provides an amended copy of the Survey.

ALTERNATE OFFICER RECOMMENDATION

ITEM 8.4.2

That Council defer consideration of the Draft Survey until December 2010 to allow an independent assessment of the Survey (maximum cost \$1,000).

COUNCIL RESOLUTION

ITEM 8.4.2

MOVED: CR RICHARDSON-NEWTON

SECONDED: CR LAING

That Council defer consideration of the Draft Survey until December 2010 to allow for a further Briefing Session by the Officers of the Council.

Cr Hinds raised a Point of Order seeking clarification as to whether the Council was voting on the Alternate Officer Recommendation or a new motion different to either of the existing Officer Recommendations.

The Presiding Officer clarified that the motion before Council was similar to the Alternate Officer Recommendation but excluded the independent assessment of the survey and ruled that debate should continue.

Cr Hinds requested that the CEO record Cr Hinds' Point of Order and the Shire President's ruling on the matter.

AMENDMENT

MOVED: CR HINDS

SECONDED: CR BARROW

The following words be included before the full stop "and an independent assessment of the Survey be undertaken (maximum cost \$1,000)"

6.08pm - Public Question Time

The time being just past 6.00pm, the Shire President stated that the second public question time would begin & called for questions from members of the public.

Mr Mark Davies – Re: 2010 Community Survey

Mr Davies stated that he believed there were steps that should be done when undertaking a survey which he believed Council had not done. Mr Davies made a number of comments regarding the types of questions that he believed that Council should ask themselves before sending out the survey such working out what they want to achieve and what the collected data would be used for.

LOST: 2/10

Res: 101110

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 12/0

Res: 111110

Prior to any consideration of Item 8.5.1 Cr Barrow made the following declaration:

“I am a member of the Denmark RSL Sub-Branch 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.”

8.5 Chief Executive Officer

8.5.1 DENMARK RSL SUB BRANCH – RELOCATION OF WAR MEMORIAL
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File Ref:	A3056
Applicant / Proponent:	Denmark RSL Sub-Branch
Subject Land / Locality:	(Reserve 19050) Lot 205 South Coast Highway (cnr Hollings Road)
Disclosure of Officer Interest:	Nil
Date:	5 November 2010
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – Page 231

Summary:

The Denmark RSL Sub-Branch is requesting Council to consider their proposal to relocate the existing War Memorial on the corner of Hollings Road and South Coast Highway. This report recommends that Council support the proposal and allocate appropriate funds to assist with the cost of the project in the 2011/2012 Budget.

Note: the letter attached was only marked Confidential for the purposes of consultation with their members which has now concluded.

Background:

The Memorial was erected post World War I and is sited on Reserve 19050 which is vested in the Shire of Denmark for the purpose of ‘Memorial’. It is currently maintained predominately by Council (included in GL 1138102) and the structure is listed on Council’s Municipal Heritage Inventory (MHI).

The letter (attached) from the Denmark RSL notes that “it was the RSL who purchased that land for the specific purpose of building a Memorial to those who gave their lives. The RSL believes that that site should stand in perpetuity to their memory”. The Reserve was vested in the Shire of Denmark on 10 June 1936.

Comment:

The project proposed involves moving the Memorial to the rear of the Reserve as shown on the attached plans. The reasons for relocation given by the Denmark RSL are as follows;

- *“During the recent few years there has been a marked increase in participation at the ANZAC Day Ceremonies. This has necessitated closing off the road at the intersection of the Highway where it crosses the bridge.*
- *It will provide more space to the front of the Memorial and allow a greater crowd to participate without endangering anyone from passing traffic.*
- *It will give a more spacious area in the front enabling seats to be placed for people to sit and view the Memorial.”*

It is expected that the total cost of the project will be around \$80,000 and the Denmark RSL have verbally indicated that their aim is for the project to be mostly without cost to the Ratepayers.

Indicative Cost Breakdown

Construction	\$40,000.00
Relocate existing power pole	\$30,000.00

Siteworks & removal/relocation of front wall, garden and lawn \$10,000.00

Denmark RSL have verbally indicated that they would prefer the existing tree (Conifer) to be removed however they have requested guidance from the Denmark Historical Society as to its significance and should it prove to be significant then they would be happy for it to be retained.

It is anticipated that the project will be completed by December 2011 in time for ANZAC Day 2012. It has also been noted that 2014 will be 100 years since ships assembled in King George's Sound (Albany) to transport Australia's first contingent overseas for service in World War 1. The Denmark RSL are anticipating this centenary as being a major year of commemoration and would prefer the project to be finished prior to this time. In addition, 1915 marks 100 years since the Battle of Lone Pine.

It has been observed that the number of people attending the Denmark ANZAC Day Service has been increasing steadily over the years and it is agreed that the proposal to move the Memorial back and remove the front wall will create more public space within the Reserve and 'open' the area up.

Crowds of people encroaching on the Hollings Road / South Coast Highway intersection on ANZAC Days is a major concern with respect to the public safety and the interruption to the traffic flow through the main eastern entrance to the townsite.

Currently most of the Reserve is not actually utilised. There is a bench and table on the site which is located behind the Memorial however the Author is unsure how often it is used given that it is essentially 'tucked away' and not very visible to the public from the footpath.

Denmark RSL Sub-Branch's requests of Council;

Financial

- Removal (& replacement if possible) of some lawn (indicative \$1,000);
- Removal and relocation of rose gardens in new beds (indicative \$1,000);
- Some siteworks for assisting the contractor/s (indicative \$3,000);
- Supply of one or more commemorative, reflective park benches (indicative \$1,000);
- Financial cash contribution (\$4,000).

Total financial contribution \$10,000 (incl. GST).

The addition of a suggested Heritage Assessment/Impact Statement would add another \$1,000 to this contribution, making a total of \$11,000.

Non-financial

- Support letter for funding application/s made by the Denmark RSL Sub-Branch for the project.
- Approval to plant an authenticated Turkish "Lone Pine" near the relocated Memorial (Lone Pines are grown from the pine cones, or descendents thereof, from the original Lone Pine which was the solitary tree on the Gallipoli Peninsular in Turkey, which marked the site of the Battle of Lone Pine in 1915).

Consultation:

The Denmark RSL Sub-Branch have engaged in consultation with their members since May 2010 and have advised that there have been no objections or negative feedback in relation to the proposal.

The War Memorial would be considered a significant community landmark and it is uncertain as to whether the community / public should be formally consulted via an

advertising process or whether Council believes that the Denmark RSL would be the local body with the most correlation with the Memorial and as stated in their letter, “only seek to strengthen and perpetuate the previous recognition shown to those service men and women who gave their lives”. It is therefore arguable whether public consultation would be necessary given there are no objections from the community’s peak Veteran’s affairs organisation.

Pursuant to Council’s MHI recommendation for Management Category B properties, a Heritage Assessment/Impact Statement should be undertaken by the Denmark RSL in conjunction with assistance from Council’s Officers in liaison with the Denmark Historical Society and the Heritage Council WA prior to any works commencing.

A Heritage Assessment/Impact Statement is a brief, independent evaluation by an architect or other professional, experienced in heritage conservation. It is not to be confused with a Conservation Plan, which is a more extensive, detailed and costly document.

Indicatively a Heritage Assessment/Impact Statement will cost between \$500 - \$1,000.

With respect to public consultation Council’s Town Planning Scheme No. 3 provides the following guidance;

“6.1.2 The planning consent of a Council is not required for;

- (a) the use of reserve land for the purpose for which it is reserved under the scheme where the land is owned or vested in Council or a public authority.”*

Appendix XII of the Town Planning Scheme includes a Schedule of Places of Heritage Value including number 49 “Soldiers’ Memorial”. In addition part 7 of the Scheme provides guidance with respect to places of heritage value.

“7.2 Development Approval

A person shall not without the approval of the Council at or on a place of Heritage Value, carry out any development including, but without limiting the generality of the foregoing;

- (a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bore or troughs and minor drainage works ancillary to the general rural pursuits in the locality);*
- (b) the removal, felling, lopping, topping or damaging of trees associated with Places of Heritage Value;*
- (c) the erection of advertising signs; and*
- (d) clearing of land.*

7.3 Public Notice

The provisions of Clause 6.4 apply to applications for the approval of the Council under Clauses 7.1 and 7.2.

7.4 Restoration

The Council may give its approval to the restoration of a building declared to be a Place of Heritage Value notwithstanding that the work involved does not

comply with the Building Code of Australia or with the development provisions of this Scheme.”

Thus applications for development or alteration of heritage places are intended by the Scheme to be advertised, noting that clause 6.1.2 (a) provides an exemption if Council so wished. This notwithstanding if Council chose to advertise it can be guided by clause 6.4 of the Scheme;

Statutory Obligations:

The Office of War Graves are unaware of any statutory obligations in relation to the relocation of war memorials which are not owned by them.

Policy Implications:

Policy P040123 (Community Consultation Policy).

Policy P100606 (Payment of Planning & Building Fees by Not for Profit Community Organisations).

Budget / Financial Implications:

The entire project is expected to cost around \$80,000. Should Council support the Officer's Recommendation the total net contribution of Council would be \$11,000 (incl. GST) made up of \$5,000 in kind (siteworks, garden relocation etc.) and \$6,000 cash component which may also be put towards the proposed Heritage Assessment/Impact Statement.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

Should the proposal be approved by Council and the Denmark RSL obtain adequate funding, then a Lone Pine would be planted on site and possibly the removal of the Conifer Tree. Council's Parks Supervisor has verbally expressed that he has no concerns with the retention or removal of the tree.

➤ **Economic:**

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

➤ **Social:**

It is the view of the Author that even if the existing Conifer tree is found to be insignificant it would be preferable for Council to retain the tree (if possible) due to, if nothing else, aesthetic reasons. The tree also provides shade for the site and a 'green' boundary between the Reserve and the adjacent car park.

The concept of relocating the Memorial and "refurbishing" it will provide a more suitable venue for 'growing' ANZAC Day events and improve the generally functionality of the Reserve.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to the Denmark RSL Sub-Branch's request to relocate the War Memorial on Reserve 19050, at Lot 205 South Coast Highway, Denmark, further back onto the same Reserve, Council;

1. Grant approval for the project subject to the retention of the existing Conifer Tree;
2. Grant approval for the planting of a 'lone pine' on site at an agreed location in consultation with Council's Parks Supervisor;
3. Provide letters of support for funding application/s made by the Denmark RSL Sub-Branch for the project;
4. Agree to including a financial contribution of \$11,000 (inc. GST), reflecting cash and/or in-kind services, in the 2011/2012 Municipal Budget towards the cost of the project, subject to confirmation of approval of external funding application/s and the Denmark RSL Sub-Branch confirming, by June 2011, that they have sufficient funds to complete the project in 2011/12;
5. Request that the Denmark RSL Sub-Branch undertake a Heritage Assessment/Impact Statement of the site (which can be funded in 2011/12 from the Council's financial contribution), provide a copy of it to Council and comply with any recommendations contained therein; and
6. Require the Denmark RSL Sub-Branch to lodge a Building Application noting that the need for obtaining planning consent is waived and all Council fees are waived.

At the meeting held on the 16 November 2010, Cr Syme requested that the Chief Executive Officer investigate whether the Municipal Heritage Inventory requires public consultation on such matters and also requested that the Chief Executive Officer investigate concerns as to the size of the proposed lone pine to be planted.

The Chief Executive Officer has investigated both matters and provides the following information.

The Chief Executive Officer has included reference to provisions of the Council's Town Planning Scheme No. 3 regarding advertising. It is the Officer's view that Council should only advertise the proposal by the Denmark RSL if it believes there would be significant community concern or debate about the project, or that as a result of advertising the Council would seek to influence the RSL with the design, location or intent to relocate (or not).

Council's Parks Supervisor's comment;

"My view is that the tree is too large for the War Memorial especially given the proposal to move the Memorial further back onto the lawn area. It is a messy tree and in due course the grass will die underneath it. Surrounding buildings' gutters will fill with needles and surrounding lawns and gardens' soil acidity will be effected. The Pinus Brutia has invasive roots and the one at Mt Clarence (in Albany) is dying (see photo below), it is growing on top of granite. The ones at Mt Adelaide (see photos below) are also growing in hostile locations and the tree is highly flammable."



Mt Clarence Pictures



Mt Adelaide Pictures

ALTERNATE OFFICER RECOMMENDATION**ITEM 8.5.1**

That with respect to the Denmark RSL Sub-Branch's request to relocate the War Memorial on Reserve 19050, at Lot 205 South Coast Highway, Denmark, further back onto the same Reserve, Council;

1. Grant approval for the project subject to the retention of the existing Conifer Tree;
2. Grant approval for the planting of a 'lone pine' on site, subject to consultation and liaison with Council's Parks Supervisor;
3. Provide letters of support for funding application/s made by the Denmark RSL Sub-Branch for the project;
4. Agree to including a financial contribution of \$11,000 (inc. GST), reflecting cash and/or in-kind services, in the 2011/2012 Municipal Budget towards the cost of the project, subject to confirmation of approval of external funding application/s and the Denmark RSL Sub-Branch confirming, by June 2011, that they have sufficient funds to complete the project in 2011/12;
5. Request that the Denmark RSL Sub-Branch undertake a Heritage Assessment/Impact Statement of the site (which can be funded in 2011/12 from the Council's financial contribution), provide a copy of it to Council and comply with any recommendations contained therein; and
6. Require the Denmark RSL Sub-Branch to lodge a Building Application noting that the need for submitting a development application and advertising is waived, given it is on Council land and that they have demonstrated significant consultation with their members.
7. Council fees are waived pursuant to Policy P100606.

COUNCIL RESOLUTION

ITEM 8.5.1

MOVED: CR BARROW

SECONDED: CR RICHARDSON-NEWTON

That with respect to the Denmark RSL Sub-Branch's request to relocate the War Memorial on Reserve 19050, at Lot 205 South Coast Highway, Denmark, further back onto the same Reserve, Council;

1. Grant approval for the project subject to the retention of the existing Conifer Tree;
2. Provide letters of support for funding application/s made by the Denmark RSL Sub-Branch for the project;
3. Agree to including a financial contribution of \$11,000 (inc. GST), reflecting cash and/or in-kind services, in the 2011/2012 Municipal Budget towards the cost of the project, subject to confirmation of approval of external funding application/s and the Denmark RSL Sub-Branch confirming, by June 2011, that they have sufficient funds to complete the project in 2011/12;
4. Request that the Denmark RSL Sub-Branch undertake a Heritage Assessment/Impact Statement of the site (which can be funded in 2011/12 from the Council's financial contribution), provide a copy of it to Council and comply with any recommendations contained therein; and
5. Require the Denmark RSL Sub-Branch to lodge a Building Application noting that the need for submitting a development application and advertising is waived, given it is on Council land and that they have demonstrated significant consultation with their members.
6. Council fees are waived pursuant to Policy P100606.

CARRIED: 10/2

Res: 121110

REASONS FOR CHANGE

Council wished to remove approval to plant a lone pine on site given the Council's Parks Supervisor's concerns about the size and root structure of the tree.

8.5.2 POLICY MANUAL REVIEW – POLICIES P100601 TO P100707

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 November 2010
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

This report recommends amendments to Council's Policy Manual following discussion by Councillors at a briefing session held in October 2010 and in addition an amendment to Policy P090101 (Designated Seniors Staff Housing Policy).

Background:

In October 2010 the following policies were reviewed by Councillors during a briefing session;

- P100601 Scheme Amendment Requests
- P100602 Consultation Privacy Policy
- P100603 Road & Reserve Naming Within the Shire
- P100604 Subdivision – Fire Risk Assessment
- P100605 Subdivision Fire Condition Clearances
- Payment of Planning & Building Fees by Not For Profit Community
- P100606 Organisations
- P100701 Denomination Signs - Denmark Cemetery

- P100702 Shrubs & Trees - Denmark Cemetery
- P100703 Privately Conducted Funerals & Plot/Niche Reserve Holders
- P100704 Plot & Niche Compartment Reserve Holders
- P100705 Installation of Memorial Furniture & Plaques
- P100706 Cemetery Income
- P100707 Relaxation of Headstone Only Policy at the Denmark Cemetery

Comment:

The Policies reviewed which were discussed as requiring referral to Councillor for debate / consideration are detailed below together with comments and recommendations from the author.

P100601 SCHEME AMENDMENT REQUESTS

This policy has been established to allow proponents to gain an indication of support or otherwise from Council prior to going to the expense of preparing formal and detailed Town Planning Scheme amendment documents. This process is used to determine if there are any specific issues that will need addressing in the formal amendment documentation.

1. Initial Enquiry

The applicant is encouraged to liaise with Council staff, prior to submitting a Scheme Amendment Request, with regard to the proposal to ascertain ~~Once a written enquiry is received, a letter will be forwarded to the enquirer advising~~ whether or not the proponent should prepare Scheme Amendment Request (SAR) report and what the request should contain / address.

2. Scheme Amendment Request

SAR document to be a maximum of 6 A4 pages and address specifically strategic issues and not detailed site analysis. The following are to be addressed in the SAR:

- existing and proposed zonings;
- impacts of structure plans and strategic documents on site and proposed zoning;
- the proposed method of integration of development on the site with adjoining lots;
- any precedent set by the proposed zoning;
- services available to the lot(s);
- any special outcomes proposed to be introduced through the rezoning process.

A fee is payable prior to the SAR being assessed. Such fee will be set in the Schedule of Fees and Charges in Council's Annual Budget.

3. Referral of SAR to DPI and DOE

Once received, the SAR will be referred to **all relevant government agencies including** the Department for Planning and Infrastructure (DPI) and the Department of Environment **and Conservation** (DOEC) for comments. Both Departments will provide their responses on the SAR within 28 days.

4. SAR Submitted to Council

The applicant's SAR is to be submitted with an officer's report and recommendation to Council for consideration. Potential outcomes are:

- a) Council decides to seek community feedback on the SAR if the application warrants it.
- b) Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the scheme

amendment. (Note: detailed documentation may identify unresolvable issues not known on initial SAR and as such the amendment may not be initiated.)

- c) Council considers the proposal to be unacceptable and advises proponent that it would be unlikely to support a request to initiate a scheme amendment.
- d) Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until Council has agreed to and the Western Australian Planning Commission has endorsed, a suitable structure plan for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.

Note: An applicant who proceeds after being advised as above does so at their own risk and cost.

5. Community Feedback

A decision of Council as per 4(a) above to seek community feedback on the SAR shall be in the form of a letter to adjoining landowners, and relevant agencies, a sign on site, plus an advertisement in the local press, asking for feedback on the SAR.

Submissions received during this process shall be summarised and forwarded to Council for further consideration.

6. Response to Applicant

A decision to allow the applicant to proceed with further documentation as per 4(b) above will be transmitted in a letter from Council and will detail such matters as:

- a) policy issues to be addressed in the amending report;
- b) environmental issues;
- c) servicing issues (eg full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan;
- d) design requirements on subsequent development;
- e) developer commitments required by Council from scheme amendment process;
- f) mechanisms for cost sharing of common cost items such as public open space, drainage, roads, footpaths, etc;
- g) any other matters considered relevant to Council.

7. Scheme Amending Documents

The Council required number of draft scheme amending documents will be submitted with the appropriate fees and a formal request to initiate a scheme amendment. The format of the documents must meet the standards set in the Town Planning Regulations.

Council staff shall review the documents and make recommendations on potential changes / modifications, acknowledging that the amendment becomes a Council document once initiated. Staff shall prepare a report to Council on the scheme amendment.

Council may decide to initiate, decline to initiate, or require modifications prior to initiating the amendment.

The procedures for Scheme Amendments as laid down in the Town Planning Regulations will then be followed.

8. Compliance with Local Planning Policies & Bush Fire Risk Assessment

When submitting Scheme Amendment documents, applicants are required to demonstrate compliance with all relevant Local Planning Policies and submit a preliminary “Bush Fire Risk Assessment”- in accordance with the principles of Policy P100605 Fire Management Plans Associated with Subdivisions and Scheme Amendments. The “Risk Assessment” should outline Predominant Vegetation Types, Class and Characteristics, Bush Fire Hazard Assessment Hazard Levels (including consideration to Fire Hazard in Relation to Slope) and how a ‘Low’ Fire Hazard Level in relation to distance of future residential sites from predominant vegetation (using Planning for Bush Fire Protection guidelines) can be achieved on the majority of lots in development and what building or site modifications would be required to achieve a ‘Medium’ Fire Hazard Level on the remainder of the lots in the development.

Council will not accept a “Bush Fire Risk Assessment” that requires Council to accept responsibility for maintaining strategic fire access routes or fuel reduction measures on its land to achieve the required Fire Hazard Level.

Recommendation following October 2010 Briefing Session

That the Policy be retained with modifications as suggested, highlighted in red above.

P100603 ROAD & RESERVE NAMING WITHIN THE SHIRE

Objective

To enable Council to prioritise and determine the allocation of road names to roads that are new or require a new name or named for the first time.

Policy

The Council will as a general rule, defer to the guidelines adopted by the Department of Land Information's Geographic Names Committee and the following list;

Names suitable for Road Reserves only.

Name	Code	Landgate Approved	Suggested Locality (if relevant)	Comment
ANISEED		26 Sept 2008	Denmark	Springdale
BEAUFORTIA		26 Sept 2008	Denmark	Springdale
BENSON	(LI)	18 Sept 2006	Denmark	Ferrier Green Subdivision
BILBY	(FF)	11 Sept 2006		
BILLARDIERA		26 Sept 2008	Denmark	Allocated to Springdale
BOLETELLUS	(F)	29 July 1998		
BRISTLERUSH		26 Sept 2008	Denmark	Allocated to Springdale
CALADENIA	(FF)	29 July 1998		
CALDYANUP	(A)	29 July 1998		
CORYMBIA	(FF)	29 July 1998		
CROWTHER	(LI)	29 July 1998		
DALDINIA	(F)	29 July 1998		
DESCOLEA	(F)	29 July 1998		
DRUMMOND	(LI)	16 may 2000		Requested from GNC 26 May 2000 Allocated to Kearsley Rd
GALERINA	(F)	29 July 1998		

Name	Code	Landgate Approved	Suggested Locality (if relevant)	Comment
GEMMELL	(Ll)	29 July 1998		
GOLDING	(Ll)	25 May 2010	Denmark	
GROS	(Ll)	29 July 1998		
HAMMERSLEY	(Ll)	30 Aug 2004		
HEBELOMA	(F)	29 July 1998		
HIBBERTIA		26 Sept 2008	Denmark	Allocated to Springdale
JUNCUS		26 Sept 2008	Denmark	Allocated to Springdale
KOORUNTUP	(A)	29 July 1998		
KUNZEA	(FF)	26 Sept 2008	Denmark	Allocated to Springdale
LAVERACK	(Ll)	29 July 1998		
LEPIOTA	(F)	29 July 1998		
MACARTNEY	(Ll)	29 July 1998		
MACKAY	(Ll)	19 Sept 2006		
MARWICK	(Ll)	26 May 2000		Requested from GNC 26 May 2000
MATTHEWS	(Ll)	4 Feb 2002	Denmark	Ferrier Green Subdivision
MCWHAE	(Ll)	29 July 1998		
MORCHELLA	(F)	29 July 1998		
MUMFORD	(Ll)	29 July 1998		
MYCENA	(F)	29 July 1998		
NASH	(Ll)	30 Aug 2004		
NUMBAT	(FF)	29 July 1998		
PEEPETUP	(A)	29 July 1998		
PEZIZA	(F)	29 July 1998		
PIMELEA	(FF)	26 Sept 2008	Denmark	Springdale
POMERY	(Ll)	30 Aug 2004		
POSSUM	(FF)	29 July 1998		
PRAED	(Ll)	29 July 1998		
QUOKKA	(FF)	29 July 1998		
RATCLIFF	(Ll)	29 July 1998	Ocean Beach	Heather Road
READ	(Ll)	29 July 1998	Denmark	Allocated to Kearsley Rd
RICHARDSON	(Ll)	3 July 2007 —		Requested to use 3/07/07
RICKEY	(Ll)	22 Aug 2007		
ROSEA	(FF)	26 Sept 2008	Denmark	Allocated to Springdale
ROZITES	(F)	29 July 1998		
RUSSULA	(F)	29 July 1998		
SEDGE	(FF)	26 Sept 2008	Denmark	Allocated to Springdale
SOLLYA	(FF)	26 Sept 2008	Denmark	Allocated to Springdale
TASSEL	(FF)	26 Sept 2008	Denmark	Allocated to Springdale
THORNETT	(Ll)	100181532	Ocean Beach	Heather Road

Name	Code	Landgate Approved	Suggested Locality (if relevant)	Comment
TREMELLA	(F)	29 July 1998		
TRIGGERPLANT	(FF)	26 Sept 2008-	Denmark	Springdale
TUCKER	(LI)	18 Sept 2006		
WARRUMBUP	(A)	29 July 1998		
WHITTINGHAM	(LI)	29 July 1998		
WISTERIA	(FF)	26 Sept 2008	Denmark	Allocated to Springdale
WYMAN	(LI)	25 July 2005		
Names suitable Open Space / Public Reserves only				
FENTON	(LI)	29 July 1998		
WICKS	(LI)	29 July 1998		
WIULLEMIN	(LI)	29 July 1998		
WOLSELEY	(LI)	29 July 1998		

Key

- F Fungi
- A Aboriginal name or local landform, river etc.
- FF Flora or Fauna
- LI Local Identity

Nothing in this policy shall prevent Council from determining the recommendation to the Geographic Naming Committee of an alternative name for a road if Council believes the alternative name selected is more appropriate.

Names that refer to current or former families within the Shire of Denmark should generally only be allocated to streets or roads within the locality that the family ordinarily resides or resided.

Responsibility for Implementation

The Director of Planning & Sustainability is responsible for implementation of this policy.

Recommendation following October 2010 Briefing Session

That the Policy be retained with modifications as suggested, highlighted and in red above.

P100605 FIRE MANAGEMENT PLANS ASSOCIATED WITH SUBDIVISIONS AND SCHEME AMENDMENTS FIRE CONDITION CLEARANCES

Where a subdivision ~~or scheme amendment approval~~ requires a Fire Management Plan (FMP), ~~as part of its planning scheme amendment process~~ the following ~~risk reduction~~ measures ~~should~~ shall be incorporated and submitted for approval ~~in place~~ prior to the subdivision or scheme amendment being supported ~~development being cleared for the issue of titles:~~

- a) ~~At the time of subdivision,~~ all strategic firebreaks, escape paths, fuel and other bush fire risk reductions measures should be in a freshly completed state.
- b) As a condition of subdivision, a lot specific advice to prospective purchasers should be prepared advising them of:
 - i. Their ongoing obligations with regard to bushfire hazard reduction on their property and the development generally.
 - ii. Their obligation to pass this information onto future owners.
- c) The developer should have either;
 - i. A bonded responsibility to maintain the strategic firebreaks, escape paths and fuel reduction measures for their first maintenance cycle. The

- objective of this approach is that it will cause developers to educate their purchasers about these requirements.
- ii. Measures in place to ensure to the satisfaction of Council that the first maintenance cycle of the strategic firebreaks, escape paths and fuel reduction measures is achieved.”
 - d) The FMP should outline Predominant Vegetation Types, Class and Characteristics, Bush Fire Hazard Assessment Hazard Levels (including consideration to Fire Hazard in Relation to Slope) and how a ‘Low’ Fire Hazard Level in relation to distance of future residential sites from predominant vegetation (using Planning for Bush Fire Protection guidelines) can be achieved on the majority of lots in development and what building or site modifications would be required to achieve a ‘Medium’ Fire Hazard Level on the remainder of the lots in the development.
 - e) Council will not accept a “Bush Fire Risk Assessment” that requires Council to accept responsibility for maintaining strategic fire access routes or fuel reduction measures on its land to achieve the required Fire Hazard Level.
 - f) Compliance with Local Planning Policies No. 10 (Parkland Clearing Outside Building Envelopes) and No. 36 (Building Design for Fire Safety in Specified Areas).
 - g) Compliance with Planning for Bush Fire Protection Guidelines (Edition 2) and the West Australian Planning Commission’s Development Control Policy 3.7 Fire Planning.

Refer also Policy P100601.

Recommendation following October 2010 Briefing Session

That the Policy be retained with modification to incorporate elements of Policy P100601 with respect to fire matters as detailed in red above.

P100606 PAYMENT OF PLANNING & BUILDING FEES BY NOT FOR PROFIT COMMUNITY ORGANISATIONS

When assessing planning and building applications received from not for profit community organisations on land not owned by or vested in Council, a reduction of 50% in the application fees payable shall be granted.

Where such an application relates to owned by or vested in Council, a reduction of 100% shall apply.

Notes:

1. All statutory charges levied by the State Government are to be paid in full by the applicant and are not subject to the provisions of this Policy.
2. Organisation Wide Procedure Manual topic titled “Council Approved Discounts, Donations, Waivers or Reduced Fees” is to be implemented when applying this policy.

Recommendation following October 2010 Briefing Session

That the Policy be retained with the insertion of the words “land or buildings” after the word “relates” in line four.

P100701 DENOMINATIONAL SIGNS - DENMARK CEMETERY
Denominational signs not be permitted.

Recommendation following October 2010 Briefing Session

That the Policy be amended to read as follows “The Denmark Cemetery is non-denominational and therefore denominational signs are not permitted within the Cemetery, with the exception of individual graves, monuments or memorials.”

P100702 SHRUBS AND TREES - DENMARK CEMETERY

Council allow relatives to plant specified unmarked trees in specified areas in remembrance.

Recommendation following October 2010 Briefing Session

That the Policy be retained with the words “of the deceased” being inserted after the word “relatives” and replace the word “specified” with “approved”.

P090101 DESIGNATED SENIOR STAFF HOUSING POLICYObjective

Council values its CEO and Designated Senior Employees living within the Shire due to the inherent social, economic and environmental benefits from living in the Shire that employs the individual. Whilst not a determining factor in selecting a preferred applicant, Council encourages living within the Shire through offering attractive housing incentives designed to attract and retain these employees.

Policy

Where the Council employs the CEO or a designated Senior Employee (S 5.37 of the Local Government Act 1995), it agrees to provide a rental subsidy on the following basis;

1. CEO designated house - rent free, noting a residential tenancy lease is still required;
2. Designated Senior Officer in a Council supplied house – \$150 rent per week, noting a residential tenancy lease is still required;
3. If the officer lives within the Shire of Denmark in private residential tenancy rental – a rent subsidy payable direct to the landlord or the employee of up to \$200 per week;
4. If the officer lives within the Shire of Denmark in their own home – a payment of \$250 per week;
5. No rent subsidy will be applicable for any senior officer who resides outside of the Shire of Denmark boundary. Any senior officer presently residing outside the Shire of Denmark boundary to retain their existing subsidy for the remaining term of their contract.
6. Noting that any tax payable under Federal Tax law such as Personal Income Tax or Fringe Benefits Tax as a result of any of the above payments (as the law is amended from time to time) are to be borne by the employee.

Responsible Officer

The CEO is the responsible officer for implementing this policy.

ADDED by Res: 240708 / 22 JULY 2008

Recommendation

1. *That after the word ‘house’ in part 2 the following words be added “(where available)” . This change is recommended to provide clarity to the reader that part 2 can only be utilised if a Council house is available.*
2. *That the words “Any senior officer presently residing outside the Shire of Denmark boundary to retain their exiting subsidy for the remaining term of their contract.” be removed from part 5. This sentence is no longer required as there are no existing Seniors Officers who reside outside of the Shire of Denmark.*

Consultation:

Councillors and Directors.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Should Council agree to amend the policies as recommended then Council’s Policy Manual will be updated accordingly to reflect those changes.

Budget / Financial Implications:

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

Strategic Implications:

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

Sustainability Implications:➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.2

That with respect to Council's Policy Manual, the following be amended as follows;

1. P100601 – SCHEME AMENDMENT REQUESTS

Amend the Policy as indicated within the Officer's Report and incorporate Policy P100605 with respect to fire matters.

2. P100603 ROAD & RESERVE NAMING WITHIN THE SHIRE

Amend the Policy as indicated within the Officer's Report.

3. P100605 SUBDIVISION FIRE CONDITION CLEARANCES

That the Policy be amended to incorporate Policy P100601 with respect to fire matters, as detailed within the report.

4. P100606 PAYMENT OF PLANNING & BUILDING FEES BY NOT FOR PROFIT COMMUNITY ORGANISATIONS

Insert the words "land or buildings" after the word "relates" in line four.

5. P100701 DENOMINATIONAL SIGNS - DENMARK CEMETERY

Amend the Policy to read as follows;

"The Denmark Cemetery is non-denominational and therefore denominational signs are not permitted within the Cemetery, with the exception of individual graves, monuments or memorials."

6. P100702 SHRUBS AND TREES - DENMARK CEMETERY

Amend the Policy to read as follows;

"Council allow relatives of the deceased to plant approved unmarked trees in specified areas in remembrance."

7. P090101 DESIGNATED SENIOR STAFF HOUSING POLICY

a) That after the word 'house' in part 2 the following words be added "(where available)".

b) That the words "Any senior officer presently residing outside the Shire of Denmark boundary to retain their exiting subsidy for the remaining term of their contract." be removed from part 5.

At the meeting held on the 16 November 2010 Cr Richardson-Newton requested the addition of the words "& shrubs" in part 6 of the Recommendation.

The Chief Executive Officer agreed that that was what was intended and accordingly provides the following Alternate Officer Recommendation.

COUNCIL	RESOLUTIONS	&	ALTERNATE OFFICER	ITEM 8.5.2
	RECOMMENDATION			
	MOVED: CR SAMPSON		SECONDED: CR WAKKA	
	That with respect to Council's Policy Manual, the following be amended as follows;			
	1. P100601 – SCHEME AMENDMENT REQUESTS			
	Amend the Policy as indicated within the Officer's Report and incorporate Policy P100605 with respect to fire matters.			
	2. P100603 ROAD & RESERVE NAMING WITHIN THE SHIRE			
	Amend the Policy as indicated within the Officer's Report.			
	3. P100605 SUBDIVISION FIRE CONDITION CLEARANCES			
	That the Policy be amended to incorporate Policy P100601 with respect to fire matters, as detailed within the report.			
	4. P100606 PAYMENT OF PLANNING & BUILDING FEES BY NOT FOR PROFIT COMMUNITY ORGANISATIONS			
	Insert the words "land or buildings" after the word "relates" in line four.			
	5. P100701 DENOMINATIONAL SIGNS - DENMARK CEMETERY			
	Amend the Policy to read as follows;			
	"The Denmark Cemetery is non-denominational and therefore denominational signs are not permitted within the Cemetery, with the exception of individual graves, monuments or memorials."			
	6. P100702 SHRUBS AND TREES - DENMARK CEMETERY			
	Amend the Policy to read as follows;			
	"Council allow relatives of the deceased to plant approved unmarked shrubs & trees in specified areas in remembrance."			
	7. P090101 <u>DESIGNATED SENIOR STAFF HOUSING POLICY</u>			
	c) That after the word 'house' in part 2 the following words be added "(where available)".			
	d) That the words "Any senior officer presently residing outside the Shire of Denmark boundary to retain their exiting subsidy for the remaining term of their contract." be removed from part 5.			
	CARRIED: 12/0			Res: 131110

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

6.24pm – *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: 24 November 2010

These minutes were confirmed at the meeting of the _____

Signed: _____

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