



ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 26 JULY 2016.

Contents	Page No.
DISCLAIMER	2
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	4
4. PUBLIC QUESTION TIME	4
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2 PUBLIC QUESTIONS	4
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	8
4.4 PRESENTATION, DEPUTATIONS & PETITIONS	8
5. APPLICATIONS FOR LEAVE OF ABSENCE	8
6. CONFIRMATION OF MINUTES & NOTES	8
6.1 ORDINARY COUNCIL MEETING – 5 JULY 2016	8
6.2 STRATEGIC BRIEFING NOTES – 5 JULY 2016	8
6.3 STRATEGIC BRIEFING NOTES – 12 JULY 2016	9
7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	9
8. REPORTS OF OFFICERS	9
8.1 DIRECTOR OF PLANNING & SUSTAINABILITY	9
8.1.1 SUSTAINABILITY ADVISORY COMMITTEE	9
8.2 DIRECTOR OF COMMUNITY & REGULATORY SERVICES	14
8.2.1 DENMARK CBD LONG VEHICLE PARKING	14
8.2.2 DENMARK RIVERSIDE CLUB INC. LEASE	18
8.3 DIRECTOR OF INFRASTRUCTURE SERVICES	23
8.3.1 OCEAN BEACH ALTERNATE BOAT LAUNCHING FACILITY STUDY	23
8.4 DIRECTOR OF FINANCE & ADMINISTRATION – Nil	26
8.5 CHIEF EXECUTIVE OFFICER	27
8.5.1 DENMARK TOURISM INC.	27
8.5.2 PROPOSED NAMING OF RESERVE 41884 – NO. 27 (LOT 2369) MACPHERSON DRIVE, NORNALUP	32
9. COMMITTEE REPORTS & RECOMMENDATIONS	38
9.1 WASTE MANAGEMENT ADVISORY COMMITTEE – CHANGES TO WASTE MANAGEMENT OPERATIONS	38
9.2 BUSH FIRE ADVISORY COMMITTEE - MANAGEMENT OF TOWNSITE UNALLOCATED CROWN LAND (UCL)	45
10. MATTERS BEHIND CLOSED DOORS	49
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	49
12. CLOSURE	49

Ordinary Council Meeting

26 July 2016

DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

No responsibility whatsoever is implied or accepted by the Shire of Denmark for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Denmark disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation or approval made by a member or officer of the Shire of Denmark during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Denmark. The Shire of Denmark warns that anyone who has an application lodged with the Shire of Denmark must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Denmark in respect of the application.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – *The Shire President, Cr Morrell, declared the meeting open.*

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

MEMBERS:

- Cr David Morrell (Shire President)
- Cr Kelli Gillies (Deputy Shire President)
- Cr Mark Allen
- Cr Yasmin Bartlett
- Cr Peter Caron
- Cr Ceinwen Gearon
- Cr Jan Lewis
- Cr Roger Seeney
- Cr Rob Whooley

STAFF:

- Mr Cliff Frewing (Chief Executive Officer)
- Mr Gilbert Arlandoo (Director of Infrastructure Services) *(from 4.02pm)*
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Mr Kim Dolzadelli (Director of Finance & Administration)

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 16
- Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Bartlett	8.5.1	Financial	Cr Bartlett is a Board Member of Denmark Tourism Inc.
Mr Harwood	8.2.2	Impartiality	Mr Harwood is a member of the Denmark Riverside Club Inc.

4.02pm – *The Director of Infrastructure Services entered the room.*

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that on Friday, 15 July 2016 the Hon. Terry Redman MLA presented the Shire of Denmark with a Lotterywest Grant of \$100,000 towards the construction of the Wilderness Ocean Walk Trail, also known as the WOW Trail.

Cr Morrell stated that the funding was a welcome contribution to the \$700,000 project which would construct a 7km dual use sealed trail between the Denmark Community Windfarm, Back Beach and Lights Beach. Cr Morrell added that the construction of the WOW Trail commenced late last month and is estimated for completion by the end of the year.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Mrs Gail Guthrie – Item 8.5.2 (Proposed Naming of Reserve 41884 – No. 27 (Lot 2369) Macpherson Drive, Nornalup)

The Shire President stated that Mrs Guthrie had advised that she was unable to attend the meeting and had submitted some comments in relation to Item 8.5.2. Cr Morrell stated that Mrs Guthrie had advised that she did not support the proposed name and was recommending that Council dual name the Reserve “Kwakoorillup / Ian Macpherson” due to their being division in the community about the one proposed name.

The Shire President stated that advice from Geographic Names Committee was that they would not support a dual name for a crown reserve.

4.2.2 Mr Russell Carter – Item 8.3.1 (Ocean Beach Alternate Boat Launching Facility Study)

Mr Carter stated that he agreed with the Officer Recommendation not to proceed with the construction and asked whether there would be any consideration given to investigating other potential locations. Mr Carter stated that the Officer Recommendation did not give any guarantee that the shared use over beach launching would continue. Mr Carter stated that the Ocean Beach User Group were due to meet and were keen to see their recommendations for signage be considered and that good signage at the location was yet to be erected.

The Shire President responded that the matter would be the subject of debate later in the meeting.

4.2.3 Mr Russell Carter – Denmark Womens Soccer

Mr Carter advised that a Denmark Womens Soccer team had been established over the past few years and that they were participating in the Perth Metro Cup which started off with approximately 70 teams. Mr Carter stated that the Denmark Womens Team was in the semi final and asked whether Council would consider providing the Community Bus free of charge for the team's next travel to Perth.

The Chief Executive Officer advised Mr Carter to contact Council's Director of Community & Regulatory Services who would consider Mr Carter's request regarding use of the Community Bus.

4.2.4 Mr Geoff Bowley – Item 8.2.2 (Denmark Riverside Club Inc. Lease)

Mr Bowley provided Council with an update on the project stating that they expected practical completion of the building by 12 August 2016. Mr Bowley stated that they had negotiated support from Green Skills Green Army who were assisting them with the landscaping. Mr Bowley thanked the Chief Executive Officer and the Community Groups who had been involved in relocating the temporary club room shed from the site to the Denmark Riding for the Disabled grounds. Mr Bowley advised that the official opening of the facility would be held sometime in October 2016 and that there would be separate opening for the community to come and see the new building.

Mr Bowley referred to the draft lease stating that in broad terms they were happy with it however they would like to review it further.

4.2.5 Mr Stuart Young – Corporate Business Plan

Mr Young referred to the Council's Corporate Business Plan noting that the document had been advertised for public comment however Council had included reference to an aquatic facility at the last minute prior to adoption. Mr Young stated that he felt that the document should have gone back out to consultation with the inclusion prior to Council adopting it. Mr Young stated that he did not believe that Council was listening to the community as on two occasions the community had notified Council that it did not want to fund a pool.

The Shire President responded that there had been no intention to hide the inclusion of a pool and that it had been added after Council had considered the submissions it had received following the public consultation period. Cr Morrell stated that Council was aware that there were a large number of people in the community that wanted a pool but they did not want to fund it. Cr Morrell advised that the reference to an aquatic facility had been included so that it was in a long term plan and could be considered in the future should it be feasible.

There was some discussion between Councillors and Mr Young and it was noted that the draft Ten Year Financial Plan would likely include reference to an aquatic facility. It was also noted that the Corporate Business Plan would be regularly reviewed.

4.2.6 Mr Brian Humphries – Legal Action against the Shire

Mr Humphries stated that he had heard a rumour in the community that there was an Elected Member taking legal action against the Shire. Mr Humphries asked the Shire President whether there was any truth to the rumour.

The Shire President advised that he was unable to make any comment.

Mr Humphries stated that in the essence of openness and transparency he believed that if it were true then such matters affecting the Shire should be made public so that the community is aware of what's going on.

The Shire President responded stating that if it were true then he would be unable to comment given that it was a matter which dealt with the personal affairs of a person. Cr Morrell advised that it was likely that the Shire would make a public statement about the rumours by the end of the week.

4.2.7 Mr Brian Humphries – Dams at Hazelvale Road

Mr Humphries introduced Mr Crossley who had ongoing concerns with his neighbours dams. Mr Humphries referred to recent information he had distributed to Councillors during the week including time lapse pictures showing the effect of the dams on Mr Crossley's property. Mr Humphries stated that he had been advised that the neighbour had recently submitted an application for more dams and asked whether the Council were going to approve the application.

The Director of Planning & Sustainability advised that an application had been received and was currently being assessed.

Mr Humphries stated that he wished to formally lodge his objection to the application.

The Director of Planning & Sustainability advised that the location of the dam would front Hazelvale Road not Crossley's property.

Mr Humphries asked how further development on the site could be stopped.

The Shire President stated that he would take Mr Humphries question on notice and it would be responded to in writing.

4.2.8 Mr Bill Crossley – Dams at Hazelvale Road

Mr Crossley provided a timeline history of the concerns that he had previously raised with Council Staff and Councillors over his neighbours dams.

The Shire President advised that a number of comments made by Mr Crossley were criticisms of individual Council Officers and therefore he would not accept them nor respond to them.

Mr Crossley asked the Shire President whether he believed that the Shire had made some serious mistakes in relation to the issue.

The Shire President responded that he didn't.

Some discussion ensued between Councillors, the Chief Executive Officer and Mr Crossley.

4.2.9 Mr Doug Head – Corporate Business Plan

Mr Head stated that he supported Mr Young's comments made earlier in the meeting and he believed that Council were not listening to the results of the surveys regarding an aquatic facility. Mr Head suggested that if the Denmark Aquatic Centre Committee were keen to build a pool then perhaps they could commence their own fundraising efforts to assist with the build cost. Mr Head stated that he believed many members of the community had had enough of the debate and he was aware of a lot of people who did not support the building of an aquatic facility.

Cr Allen stated that as far as he had seen the issue relating to an aquatic centre for Denmark wasn't going to go away and for that reason he did not see any problem with including reference to it in a strategic document should it become financially feasible in the future.

Cr Gillies added that she had voted to include reference to an aquatic facility so that it could be included in long term planning documents such as a Recreational Master Plan however she would not support the construction of an aquatic centre at cost to ratepayers.

4.2.10 Mr Doug Head – Differential Rating

Mr Head stated that he had put in a submission with respect to differential rating, requesting that a differential rate be applied to blue gum plantations. Mr Head referred to the response that he had received from the Director of Finance & Administration stating that the Shire received funding from Commodity Routes Supplementary Funding and asked how much the funding was.

The Shire President advised that he would take the question on notice and it would be responded to in writing.

Cr Lewis asked whether there was an option to consider differential rating of properties which had blue gum plantations.

The Shire President advised that he would take Cr Lewis' question on notice and request that it be included in the response to Mr Head.

4.2.11 Mr Doug Head – Legal Action against the Shire

Mr Head referred to Mr Humphries' question earlier in the meeting regarding rumours of legal action against the Shire and stated that if it turned out to be true and a Councillor felt that way about the Shire then he believed they should resign.

4.2.12 Ms Karen Cussons – Denmark Residents & Ratepayers Association

Ms Cussons, President of the Denmark Residents and Ratepayers Association, congratulated the Council for doing their best in relation to openness and transparency. Ms Cussons thanked those Councillors who had attended meetings of the Denmark Residents and Ratepayers Association and extended an invitation to Councillors to attend any future meetings. Ms Cussons stated that the topics on their next Agenda would be the Denmark East Development Project and issues relating to roads and speed limits.

Ms Cussons suggested that Council could consider utilising Facebook more by providing posts of what the Shire was doing which might have alleviated

recent posts questioning works such as the stockpiling of gravel at Lights Beach and the removal of the tree at the back of the Post Office.

4.2.13 Mr Brian Humphries – Aquatic Facility, Comments in Denmark Bulletin

Mr Humphries referred to a recent article in the Denmark Bulletin reporting on the Corporate Business Plan stating that it could be read by members of the public to interpret that the Council were considering a budget allocation towards building a pool. Mr Humphries suggested that Council may wish to make a public statement to clarify the article and Council’s position.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

In accordance with Section 5.24 of the Local Government Act 1995, Sections 5, 6 and 7 of the Local Government (Administration) Regulations and section 3.3 and 3.13 of the Shire of Denmark Standing Orders Local Law, the procedure for persons seeking a deputation and for the Presiding Officer of a Council Meeting dealing with Presentations, Deputations and Petitions shall be as per Council Policy P040118 which can be downloaded from Council’s website at <http://www.denmark.wa.gov.au/council-meetings>.

In summary however, prior approval of the Presiding Person is required and deputations should be for no longer than 15 minutes and by a maximum of two persons addressing the Council.

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR GILLIES	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 5 July 2016 be confirmed as a true and correct record of the proceedings subject to the following amendments;	
1. Item 4.2.3 – Replace the word “himself” with “the former Chief Bush Fire Control Officer”.	
CARRIED UNANIMOUSLY: 9/0	Res: 140716

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR GILLIES	SECONDED: CR GEARON
That the minutes of the Notes from the Strategic Briefing held on Tuesday, 5 July 2016 be received.	
CARRIED UNANIMOUSLY: 9/0	Res: 150716

6.3 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.3
MOVED: CR GILLIES	SECONDED: CR GEARON
That the minutes of the Notes from the Strategic Briefing held on Tuesday, 12 July 2016 be received.	
CARRIED UNANIMOUSLY: 9/0	Res: 160716

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 SUSTAINABILITY ADVISORY COMMITTEE

File Ref:	COMM.SUSAC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 July 2016
Author:	Donna Sampey, Sustainability Officer
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Charter for the Climate Change Advisory Committee 8.1.1b – Draft Charter for the Sustainability Advisory Committee

Summary:

Formation of the Sustainability Advisory Committee is proposed and will replace the Climate Change Advisory Committee.

Background:

The Shire of Demark Climate Change Advisory Committee (CCAC) held its first meeting on 26 September 2007. The initial Charter was adopted at the 18 December 2007 Ordinary Meeting of Council (Resolution No. 459/07). The Charter was most recently amended at the 7 February 2012 Ordinary Meeting of Council (Resolution No. 050212) (see attachment 8.1.1a). The CCAC’s role is to advise Council on climate change matters, assist Council with the development of an effective strategy for response to climate change and reduction of greenhouse gas emissions, and promote achievable and practical activities for Council and the community to mitigate impacts of climate change and reduce greenhouse gas emissions. A meeting of the CCAC has not been held since 22 February 2013 and at the 20 October 2015 Special Meeting of Council, Council resolved as follows (Resolution No. 101015):

“That Council not re-establish the Climate Change Advisory Committee noting that the Committee has not met since 2013 but that it be retained as a Committee in recess without current membership.”

Following the 2016 Councillor elections and through the Strategic Briefing Session process, a number of Councillors expressed a desire to review the CCAC and establish a Sustainability Advisory Committee (SAC) to encompass a broader range of sustainability and environmental issues than just climate change.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework.

In drafting a Charter for the SAC, Shire's Director of Planning and Sustainability and Sustainability Officer have liaised with Crs. Gearon, Caron and Lewis.

Advertising calling for Community Representatives to serve on the SAC is proposed for a minimum period of 14 days:

- Advertising notice to be published in the Denmark Bulletin and Walpole Weekly inviting nominations from the public.
- Link to the advertising notice posted on the Shire's Facebook page.
- Advertising notice being displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public nomination period.

Statutory Obligations:

Sections 5.8 – 5.25 (inclusive) of the *Local Government Act 1995* relate to the establishment of Committees of Council.

Policy Implications:

The Shire's Policy P040235 Presiding Members of Council Committees relates to the election of a presiding person of a committee.

Future policy implications may arise as part of SAC recommendations.

Budget / Financial Implications:

There are no known significant budget or financial implications relating to the report or officer recommendation although future SAC recommendations may be presented to Council which may have some impact on Council's budget or long-term financial plan.

Strategic Implications:

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

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

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

Climate change goal - That the Shire of Denmark monitor the effects of climate change and implements and advocates for policies that will not only mitigate any adverse effects, but also take advantage of any opportunities created.

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

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

Energy goal - That the Shire of Denmark set an example in the use of energy, and encourages authorities, agencies, businesses and residents to support both the use of alternative methods of power, industry and transport, as well improving on their efficient use.

Sustainability Implications:

➤ **Governance:**

The governance implications are standard to the running of a Council committee.

➤ **Environmental:**

The SAC will allow community and Council input into a range of strategic environment and sustainability-related topics relevant to the Shire, and have been reflected in the SAC Terms of Reference contained within the draft Charter.

➤ **Economic:**

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

➤ **Social:**

The SAC will facilitate community participation in a broad range of sustainability and environment related issues in the Shire of Denmark. Recommendations of the SAC may also relate to community engagement and education.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not support the formation of the SAC	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Continue with current engagement procedures

Comment/Conclusion:

The SAC aims to address strategic-level environment and sustainability issues within the Shire, noting this may then guide administration and operational related matters. It will replace the CCAC, which means that the CCAC should not be re-established. The SAC will have a broader terms of reference than the CCAC, but still includes climate change adaptation and mitigation.

A draft Charter for the SAC is attached at Attachment 8.1.1b. Crs. Lewis, Gearon and Caron are supportive of the draft Charter, except for paragraphs 6.1 (Terms of Reference) and 7.0 (Membership).

The Terms of Reference lists the issues and sustainable practices which may be addressed by the group. The Councillors prefer the following list:

- Biodiversity;
- Built environment;
- Natural resource management;
- Economic sustainability;

- Community information and engagement to increase sustainable practices;
- Air quality;
- Catchment management;
- Water use and conservation;
- Waste management;
- Chemical use and management;
- Renewable energy; and,
- Conservation.

Shire staff do not support the above list and consider the issues and practices in paragraph 6.1 of the draft Charter are more succinct, comprehensive and inclusive of those issues listed above anyway.

It should also be noted that while ‘waste management and resource recovery’ has been listed in the Terms of Reference of the draft SAC Charter, the SAC would only be providing recommendations to the Shire’s Waste Management Advisory Committee for their due consideration as appropriate.

In relation to membership of SAC, Councillors Gearon, Caron and Lewis have proposed the membership to include 3 x Councillors (one of whom is to be elected Presiding Person). Shire staff do not support the additional Councillor representative, given that other Council Committees, that have community membership, are represented by a maximum of two Councillors, the CCAC was represented by two Councillors and the fact that any recommendations arising from SAC go to Council for consideration anyway so having one third of the total Councillors on the SAC is considered Councillor dominant at this stage.

The following is proposed for scheduling the SAC and is reflected in the draft Charter where applicable, noting that the meeting schedule will be confirmed by the SAC at its first meeting:

Number of Suggested Councillor Members	2 Councillors
Usual meeting frequency	Not more frequently than every 3 months
Usual meeting duration	2 hours
Usual meeting day	To be decided at the first meeting
Usual meeting time	To be decided at the first meeting
Officer Secretariat	Director of Planning and Sustainability or nominee

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.1.1

That with respect to the Sustainability Advisory Committee, Council:

1. Establish a Sustainability Advisory Committee in accordance with the Charter in Attachment 8.1.1b.
2. That Council abolish the Climate Change Advisory Committee in favour of the Sustainability Advisory Committee, noting that the terms of reference still includes climate change.
3. Nominate Councillor _____ and Councillor _____ to the Sustainability Advisory Committee.
4. Advertise for a minimum of 14 days seeking five (5) community members to serve on the Sustainability Advisory Committee.

COUNCIL RESOLUTION

ITEM 8.1.1

MOVED: CR CARON

SECONDED: CR LEWIS

That with respect to the Sustainability Advisory Committee, Council:

1. Establish a Sustainability Advisory Committee in accordance with the Charter in Attachment 8.1.1b, subject to the membership being amended to include three (3) Councillors and a maximum of seven (7) community members; and
2. That Council abolish the Climate Change Advisory Committee in favour of the Sustainability Advisory Committee, noting that the terms of reference still includes climate change.
3. Nominate Councillor Gearon, Councillor Lewis and Councillor Caron to the Sustainability Advisory Committee.
4. Advertise for a minimum of 14 days seeking a maximum of seven (7) community members to serve on the Sustainability Advisory Committee.

CARRIED: 8/1

Res: 170716

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Gillies, Cr Whooley, Cr Seeney, Cr Lewis, Cr Caron, Cr Bartlett and Cr Allen.

AGAINST: Cr Morrell.

REASONS FOR CHANGE

Council amended the Membership by including one extra Councillor and two extra community members so that there would be appropriate Councillor representation if a Councillor could not attend a meeting and so that there was a good cross section of community expertise on the Committee.

8.2 Director of Community & Regulatory Services

8.2.1 DENMARK CBD LONG VEHICLE PARKING

File Ref:	HLTH.1
Applicant / Proponent:	Caravan Industry Association WA
Subject Land / Locality:	Denmark CBD
Disclosure of Officer Interest:	Nil
Date:	19 June 2016
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.1a – Maps 8.2.1b – Submission

Summary:

The officer report discusses the results of community feedback in regards to the list of proposed CBD long vehicle parking bays that was advertised and recommends that Council resolve to create parking stations for long vehicles in accordance with clause 2.1 of the Shire of Denmark Parking & Parking Facilities Local Law.

Background:

At its 7 July 2015 meeting Council considered the Caravan Industry Association WA's 'Community Welcomes Recreational Vehicles' program and resolved as follows (Resolution No. 060715):

"That with respect to the Caravan Industry Association WA's 'Community Welcomes Recreational Vehicles' program, Council adopt the program in terms of marketing the Shire of Denmark as a RV friendly destination and authorise the Chief Executive Officer (CEO) to;

1. *Enter into an agreement with the Caravan Industry Association WA; and*
2. *Seek comment for a period of 30 days from;*
 - a) *Denmark Chamber of Commerce;*
 - b) *Owners/operators of caravan park and campgrounds operating within the Shire of Denmark; and*
 - c) *Denmark Tourism Inc.;*

on whether the creation of the following designated recreational long vehicle parking areas in the Denmark CBD is supported;

 - i. *Entrance to Kwoorabup Park – Length of Research Station Avenue once it is into the park on both sides (ie: past the house at the corner of Hollings Rd) – 4 Hour Parking.*
 - ii. *North Rd – adjacent to the Fire Station equivalent to 3 normal bays – 2 Hour Parking.*
 - iii. *Annie Harrison Park – 2 Hour Parking. Area is already used for RV parking.*
 - iv. *Basket Ball Courts Berridge Park – 4 Hour Parking. Area is already used for RV parking.*
 - v. *Corner of Walker and Hollings (eastern side of Hollings Rd) – 2 Hour Parking.*
 - vi. *Denmark Visitors Centre – 4 Hour Parking is already in place and use.*
3. *Upon conclusion of the comment period, refer the matter back to Council with any recommended changes to any parking bays within the CBD area including compliance with the Shire of Denmark Parking & Parking Facilities Local Law and whether to proceed with formal advertising and broader community."*

In accordance with this resolution, letters were sent to the Denmark Chamber of Commerce; owners and operators of caravan park and campgrounds operating within the Shire of Denmark and Denmark Tourism Inc., asking them to provide any comments that they had by the 21 August 2015.

At the conclusion of this submission period and following favourable submissions Council again considered this proposal on the 29 September 2015 and resolved as follows (Resolution No. 130915):

“That with respect to long vehicle parking bays in the Denmark CBD, Council;

- 1) *Advertise the following proposed designated recreational long vehicle parking areas in the Denmark CBD for a 30 day period seeking public comment;*
 - a) *North Rd – adjacent to the Fire Station equivalent to 3 normal bays – 2 Hour Parking.*
 - b) *Annie Harrison Park – 2 Hour Parking. Area is already used for RV parking.*
 - c) *Basket Ball Courts Berridge Park – 4 Hour Parking. Area is already used for RV parking.*
 - d) *Corner of Walker and Hollings (eastern side of Hollings Rd) – 2 Hour Parking.*
 - e) *Denmark Visitors Centre – 4 Hour Parking is already in place and use.*
2. *Upon conclusion of the comment period, refer the matter back to Council with any recommended changes to any parking bays within the CBD area noting that a specific resolution to amend schedule 4 of Council’s Parking Local Law will be required to make any proposed recreational long vehicle parking bays legally enforceable.”*

This advertising process has been undertaken and the creation of long vehicle parking bays within the CBD is now being referred back to Council for a determination as per clause 2.1 of the Council’s Parking & Parking Facilities Local Law. Note: Resolution No 130915 refers to schedule 4 however upon review this is an incorrect reference).

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that the objectives of this policy have been satisfied through the following initiatives.

- 1) In accordance with Council’s 7 July 2015 resolution preliminary consultation was undertaken by writing to the Denmark Chamber of Commerce; Owners/operators of caravan park and campgrounds operating within the Shire of Denmark; and Denmark Tourism Inc.;
- 2) In accordance with Council’s 29 September 2015 resolution the proposed parking bays were advertised for 30 days. This process only solicited one supportive response and no objections so a decision was made to extend the comment period and to write to property owners within adjacent areas of the CBD. Council’s Rangers also hand delivered the letter to local businesses.

This consultation effort produced two further submissions one of which was from the Denmark Cottage Crafts (refer Attachment 8.2.1b) and a member of the public emailed in stating that the “Proposal looks eminently sensible to me”.

Statutory Obligations:

If Council chooses to proceed with the proposed long vehicle bays it will need to resolve as per clause 2.1 of the Shire of Denmark Parking & Parking Facilities Local Law to create the bays and then sign post them accordingly.

It should also be noted that these local laws allow for the creation of 4 hour bays at the Visitors Centre and at the Berridge Park Former Basket Ball Courts as they are parking stations as opposed to carriage way parking (sections 3.9 & 3.10 limit carriageway parking of long and vehicles in excess of 2 tonnes to 2 hours).

Policy Implications:

There are currently no Council policies in regard to this matter but Council's 7 July 2015 decision to join the RV Welcome Program is a statement of in principle support of providing long vehicle parking in the CBD.

Budget / Financial Implications:

There are no known major financial implications upon either the Council's current proposed Budget or Long Term Financial Plan in that adopting the Officer Recommendation will only involve signage and the utilisation of existing infrastructure. In addition to this Council can readily, by subsequent resolution, convert or revert any parking bays designated for long vehicle parking back to traditional car parking bays.

Strategic Implications:

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

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

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

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

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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

➤ Economic:

The provision of suitable long vehicle parking within close proximity to the Denmark town site CBD and Visitor Centre will have positive economic benefit to the community as it will promote as destination that is easy to navigate in long vehicle.

➤ Social:

The Council will need to manage expectations of retailers and the public in general regarding the perceived or actual positive or negative implications associated with converting any of the proposed current traditional parking bays near the CBD to long vehicle parking bays. These naturally will vary depending on whether the person regularly tows trailers or not.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That local residents and business may complain that they have lost normal parking bays to RV tourists	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Control through consultation with Chamber of Commerce.
That local residents will use the bays when towing their trailers and horse floats	Almost Certain (5)	Insignificant (1)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk as locals should be able to benefit from tourist infrastructure

Comment/Conclusion:

Given the absence of objections the next step is for Council to, if it chooses to do so, is to resolve in accordance with clause 2.1 of the Shire of Denmark Parking & Parking Facilities Local Law to create the bays and then sign post them accordingly.

Such an amendment will result in the creation of the following long vehicle parking bays:

Long Vehicle Park Sites in and around the Denmark CBD

- a) North Rd – adjacent to the Fire Station equivalent to 3 normal bays – 2 Hour Parking.
- b) Annie Harrison Park – 2 Hour Parking. Area is already used for RV parking.
- c) Basket Ball Courts Berridge Park – 4 Hour Parking. Area is already used for RV parking.
- d) Corner of Walker and Hollings (eastern side of Hollings Rd) – 2 Hour Parking.
- e) Denmark Visitors Centre – 4 hour long vehicle parking is already in place and use in this location.

** Note: This location is more accurately described as 'Eastern side of Hollings Road (between South Coast Highway and Walker Street).'*

The draft declaration map showing the areas are attached.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR SEENEY	SECONDED: CR CARON
That with respect to long vehicle parking bays in the Denmark CBD, Council resolve in accordance with clause 2.1 of the Shire of Denmark Parking & Parking Facilities Local Law to create the following bays and then sign post them accordingly:	
<ul style="list-style-type: none"> a) North Rd – adjacent to the Fire Station equivalent to 3 normal bays – 2 Hour Parking. b) Annie Harrison Park – 2 Hour Parking. Area is already used for RV parking. c) Basket Ball Courts Berridge Park – 4 Hour Parking. Area is already used for RV parking. d) Eastern side of Hollings Rd (between South Coast Highway and Walker Street) – 2 Hour Parking. e) Denmark Visitors Centre – 4 Hour Parking is already in place and use. 	
CARRIED UNANIMOUSLY: 9/0	Res: 180716

Prior to consideration of Item 8.2.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

The Director of Community & Regulatory Services is a member of the Denmark Riverside Club Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected. Mr Harwood declares that he will consider this matter on its merits and advise Council accordingly.

8.2.2 DENMARK RIVERSIDE CLUB INC. LEASE	
--	--

File Ref:	ORG.78, A3188, A3069, A5601
Applicant / Proponent:	Denmark Riverside Club Inc.
Subject Land / Locality:	Reserve 39066, Location 1002 & Portion of Reserve 20403, Lot 1110.
Disclosure of Officer Interest:	The Author declares an impartiality interest as he is a member of the Denmark Riverside Club Inc.
Date:	18 July 2016
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.2 – Draft Lease

Summary:

The officer report discusses the final step in the process of fulfilling a request from the Denmark Riverside Club Inc. for the amalgamation of the Bowling Club and Dragon Club leases into a new joint 21 year lease to provide security of tenure for the project and to enable them to satisfy grant funding conditions that have been approved in the name of Denmark Riverside Club Inc.

The officer report recommends that Council resolve to replace the existing amalgamated leases with a new 21 year lease now that the extent of the potential foreshore developments and public access issues associated with the stage 2 of the Riverside Club project have been researched via that process.

The resultant lease clarifies the public’s right of access through what was bandstand lease area for Mokare Trail users and returns the majority of the foreshore that is directly in front of the bowling greens to full public access.

Background:

In 2011 the Denmark Bowling Club and the Denmark Dragon Boating Club came together to form the Denmark Riverside Club and in the early 2013 it was formally incorporated.

This amalgamation of the clubs met four needs:

- 1) It enabled the Denmark Bowling Club to achieve a sufficient membership level and income capacity to enable it to accelerate the paying down of its synthetic green loans and to build up sufficient cash reserves to undertake the Riverside Club Stage 1 replacement of the exiting Bowling Club Building.
- 2) It gave the Denmark Bowling Club a sufficient diversity of age ranges to ensure the social and financial viability of their club and facility in the long term.
- 3) It provided a way for the Denmark Bowling Club to equitably share the privileged CBD riverside location that they currently enjoy.
- 4) It enabled the Denmark Dragon Boating Club and other groups such as canoeists and kayakers to be able to gain access to a foreshore facility and to be able enjoy a standard of club rooms that they could never afford to build.

In order to satisfy funding body requirements and to reflect the amalgamated status of the clubs involved Council adopted the following resolution at its 11 February 2014 meeting (Resolution No. 050214):

“That in respect to the Denmark Riverside Club joint lease request Council;

1. *Authorise the Chief Executive Officer to transfer the Bowling Club and Dragon Boat Club’s respective leases to the Denmark Riverside Club Inc. for the remainder of their current term in order to facilitate the construction of stage 1 of the Riverside Club Project.*
2. *Agree in principle to offering Denmark Riverside Club Inc. a replacement 21 year lease that nominally includes the current Bowling Club and Dragon Club lease areas once the foreshore developments and public access issues that are associated with the stage 2 of the Riverside Clubs project have been fully considered and resolved by Council.”*

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required for the following reasons:

Other than discussions with representatives of Denmark Riverside Club Inc. which have occurred, no other officer consultation needs to take place in regards to this matter because it seeks to maintain the current status quo. In regards to the usage of site the arrangement brings an added benefit in that it will reinforcing public access to the foreshore by formally recognising on the lease that the Mokare Trail passes through it.

Statutory Obligations:

The Management Orders granted to Council with respect to both Reserves all provide the Council “power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands”.

Sections 3.54 and 3.58 of the Local Government Act 1995 and Regulation 30 of the Local Government (Functions and General) Regulations 1996 relate.

Policy Implications:

Policy P110102 – Lease of Land and/or Buildings to Community Groups relates and reads (in part) as follows;

With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;

- a. *There be a signed lease based on Council’s standard ‘not for profit’ lease prior to occupation or upon renewal;*
- b. *Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);*
- c. *Contribution by Council towards legal costs (if required) by Council 100%;*
- d. *Have differing rentals discounted to market valuation depending upon the following factors;*
 - i. *To what degree the property is utilised for charitable, not for profit or sporting purposes;*
 - ii. *The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;*
 - iii. *The strategic value of the land in the short term to Council;*
 - iv. *To what degree if any that the use is competing with commercial enterprise;*
- e. *Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;*
- f. *Offer local authority rate exemption rebate donation (rather than exemption contra);*
- g. *Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first \$500 of any insurance excess on claims;*
- h. *All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;*

- i. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;
- j. Leases require endorsement of Council prior to signing;
- k. Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);
- l. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).
- n. Councils Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.
- o. The definition of 'exclusive occupation' does not include reference to yearly licenses to occupy storage space within a building such as at the Denmark Recreation Centre.

Budget / Financial Implications:

The annual rent recommended in the current leases (attached) is \$1.00 (peppercorn).

Councillors should also note the lease conditions require Council to insure the building and to pay for its structural and external upkeep including paint which will be a considerable cost given the building size and extensive use of timber cladding.

This is consistent with similar leases that Council has with other Community Groups such as community halls and sporting clubs and still represents a significant saving to Council when compared to the running costs of a council owned and staffed facility.

Peppercorn rentals are recognition of the valuable Council service that community groups and sporting clubs perform.

Strategic Implications:

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

SOCIAL OBJECTIVE

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

GOVERNANCE OBJECTIVE

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

A formal lease protects the rights of the Council and the Community Group and clearly marks out each party's obligations with respect to the property.

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

There are no known significant economic considerations relating to the report or officer recommendation other than the economic stimulus that these events bring.

➤ **Social:**

Lawn bowls and the various water based activities represented by Denmark Riverside Club Inc. bring important physical and mental health benefits to the community.

Given Council has a track record of recognising the significant community value of both organised competitive sport and less formal passive and active recreational activities consideration should be given to approving the officer recommendation.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not enter into a Lease with the Denmark Riverside Club Inc. and they continue to occupy and manage the two sites.	Rare (1)	Minor (2)	Low (1-4)	Ineffective Management of Facilities and Events	Accept Officer Recommendation

Comment:

Currently there are two leases in place that relate to the Denmark Riverside Club project which are as follows:

1) The former Denmark Bowling Club Inc. lease

This lease is for the whole of Reserve 39066 and covers the current Bowling Club area. It is a 21 year lease that expires on 30 October 2029.

2) The former Denmark Dragon Boating Club Inc. lease

This lease is for a portion of Reserve 20403 and covers the John Clark Memorial Bandstand and a small section of the surrounding area. It is a 5 year lease that expired on 14 July 2015.

Neither of these leases covers the issue of public access to the foreshore or to the Mokare Trail that passes through that area. The attached draft lease addresses these issues and takes into account the deliberations of the Riverside Stage 2 Project Team and the feedback that they received from their extensive community consultation process.

Riverside Stage 2 Project report is currently waiting on final comments from aboriginal elders and will be brought to Council for consideration prior to being advertised for public comment by Council later this year. The August 2016 completion of the clubrooms development has necessitated the replacement lease being required to be in place at the time of occupation.

In considering the draft lease Councillors should note that the draft lease contains the following clauses that specifically relate to the Riverside stage 1 development.

Clause 9.1 c) vi)

Given that the visual impact and iconic nature of Clubhouse and the visibility of the grounds and their presence on the Denmark main road entrance makes them in effect a community entry statement, the Denmark Riverside Club is to develop and maintain its grounds to reflect this status.

Clause 9.1 d)

Given the land parcel's foreshore location the lessee is not permitted to fence the bowling green foreshore boundary or the boundaries that surround the bandstand or take other measures that unreasonably prevent public access to these areas.

Clause 9.1 e)

Where incidental use of the facility involves a profit to an individual or business rather than community group activities;

- i. That these uses are infrequent and minor and/or of a business incubator environment.*
- ii. That where such uses are more regular and/or ongoing that the rents, fees and charges proposed are structured to ensure that the Council and community is not seen as providing an unfair or subsidised facility that competes with private enterprise (a level playing field) and that Lessor permission will be sought who may impose conditions or limitations on that proposed use and or may refuse that use if in the opinion of the Lessor it is inconsistent with the principal community activities intended for the Club House.*

These clauses and the lease in its entirety have been discussed with the club and they are supportive of them as they will give their successors and future Council staff guidance so that they can ensure that the buildings is used and maintained in such a way that it benefits the wider Denmark community.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.2.2

That Council agree to enter into a lease with the Denmark Riverside Inc. for a term of 21 years with respect to Portion of Reserve 20403, Lot 1110, 1.1105ha, and Portion of Reserve 39066, Lot 1002, as per the attached draft lease (Attachment 8.2.2).

COUNCIL RESOLUTION

ITEM 8.2.2

MOVED: CR LEWIS

SECONDED: CR SEENEY

That Council defer the item to 6 September 2016 and discuss the matter with the Riverside Club Inc. at the Briefing Forum to be held on 16 August 2016.

CARRIED UNANIMOUSLY: 9/0

Res: 190716

8.3 Director of Infrastructure Services

8.3.1 OCEAN BEACH ALTERNATE BOAT LAUNCHING FACILITY STUDY

File Ref:	GRT.36
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	McGeary's Rock, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	14 July 2016
Author:	Wei Kit Fan, Engineering Technical Officer
Authorising Officer:	Gilbert Arlandoo, Director of Infrastructure Services
Attachments:	8.3.1 - MP Rogers & Associates PI Report

Summary:

This item recommends Council not proceed with the proposed construction of an ocean going vessel launch and retrieval facility at the north-west of McGeary's Rock based on the recently completed investigative study by MP Rogers & Associates PI.

Background:

In 2015, the Shire of Denmark received grant funding of \$19,500 from the Department of Transport Western Australia and Department of Recreational Development's Royalties for Regions Funding to undertake an investigative study in identifying alternate locations for an ocean going vessel launch and retrieval facility for the locality of Ocean Beach, immediately north-west of McGeary's Rock.

MP Rogers and Associates was appointed by the Shire of Denmark as the coastal engineering consultant to undertake the discussed investigative study based on the approved scope of the planning study by the Planning branch of the Department of Transport Western Australia.

Consultation:

- Department of Transport Western Australia
- Department of Recreational Development's Royalties for Regions Funding

Statutory Obligations:

- AS4997-2005: Guidelines for Design of Maritime Launching Structures
- AS3296-2001: Guidelines for Design of Materials

Policy Implications:

The proposed boat launching facility at McGeary's Rock would require additional:

- Safety policies, including the development of an emergency management plan;
- Insurance policies, including the registration of both assets and public liability insurance.

Budget / Financial Implications:

The estimated costs for the breakwaters and parking areas at McGeary's Rock are:

- Construction costs ranging from \$22.40 million to \$37.90 million;
- Annual maintenance costs between \$10,000 and \$15,000
- 5-10 yearly monitoring/maintenance costs ranging from \$167,500 to \$284,625.

The cost of providing the consultant's report was provided for in the 2015/16 Budget, which was a total of \$26,000 made up through a \$19,500 grant through the Department of Transport and a \$6,500 Council contribution.

Strategic Implications:

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

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

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

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

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

Structure: ...ensures that it has a structure that is transparent, trustworthy, flexible, consultative and collaborative, and is able to attract and retain a high standard of Councillors and Senior Management.

Funding: ...be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding, which will benefit the community and assist in meeting its aims and obligations.

Co-operation & Community Input: ...acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community.

Sustainability Implications:**➤ Governance:**

In the event the proposed ocean going vessel launch and retrieval facility is constructed, it would be registered as a marine asset owned by the Shire of Denmark and operates under a license issued by the Department of Transport Western Australia.

➤ Environmental:

The construction of the proposed ocean going vessel launch and retrieval facility, including breakwaters, will have potential impacts on:

- the surrounding aquatic habitat, flora and fauna;
- the coastal sediment dynamics in terms of both littoral and cross shore sediment transportation;
- the currents and waves which could also lead to the changes of bars and rips at the southern end of Ocean Beach;
- the water quality as a result of reduced littoral transportation along the foreshore.

➤ Economic:

There are significant economic implications relating to the proposed options for the proposed construction of the boat launching facility at McGeary's Rock.

➤ **Social:**

In the event that the ocean vessel launch and retrieval facility is constructed at McGeary’s Rock, the Shire of Denmark would have to conduct extensive consultation with the affected stakeholders such as the local community, Denmark Sea Rescue Group, Department of Transport Western Australia and state government authorities.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council decide to proceed with the construction of the alternate boat launching facility	Unlikely (2)	Major (4)	High (10-16)	Inadequate Natural Environ.Man agement Practices	Accept Officer Recommendation

Comment/Conclusion:

Three conceptual plans have been prepared for the proposed boat launching facility based on the numerical and graphical wave modelling outputs from the Simulating Waves Nearshore (SWAN) software. The conceptual plans have indicated the construction of breakwaters, access road, parking areas, boat ramp and jetty. The investigative study is also developed based on the assumption of rock quarrying is being done on-site on the basis that they are suitable to be used for the construction works.

Three options were considered and the estimated construction costs for the breakwaters and parking areas at McGeary’s Rock for these options are \$22.40 million, \$36.70 million and to \$37.90 million respectively. The breakwater component is the primary factor contributing to the huge construction costs for all three options assuming the rock quarrying is sourced on-site. Larger construction costs would be required if the rock quarrying has to be obtained from other alternative sources. Further investigation would also be required to determine the suitability of the on-site rocks for the construction of the breakwaters.

Besides that, there will also be ongoing monitoring and maintenance costs for the breakwaters, boat ramp and jetty. It has been estimated that the breakwater maintenance costs for Option 1, 2 and 3 are approximately \$167,500, \$275,200 and \$284,625 based on an average of 0.75% of the total involved construction costs for the analysed options. The maintenance of the breakwaters are to be carried out within a timeframe of every five to ten years.

The estimated annual maintenance costs for the boat ramp and finger jetty for all analysed options are between \$10,000 and \$15,000 which would progressively increase in every financial year. These would involve algae cleaning and replacement of damaged components of the boat ramp and finger jetty.

It has to be noted that the discussed cost estimates in the prepared investigative study are derived from the developed conceptual plans. Definite cost estimates would be derived in the event that detail design works are undertaken in the future. To facilitate the proposed construction of the ocean going vessel launch and retrieval facility, the Shire of Denmark would have to apply for external funding and the remaining balance of the construction costs would have to be sourced internally through the revenues received by the Shire of Denmark and/or financial banking loans.

The investigative study also recommends that other suitable potential locations are to be further investigated as alternative boat launching sites in the Denmark region.

The proposed ocean going vessel launch and retrieval facility at the north-west of McGeary's Rock would involve large construction and maintenance costs which are not financially feasible for the Shire of Denmark in the near future. In addition, the proposed construction of the ocean going vessel launch and retrieval facility at McGeary's Rock is also geographically challenging with environmental, coastal dynamics and climate change impacts not examined at the present stage.

The Officer recommends the non-construction of the proposed ocean vessel launch and retrieval facility at McGeary's Rock due to;

- High construction costs which stem from the breakwater and quarrying components.
- The existing rocky on-site geographical constraints at McGeary's Rock may need extensive re-contouring, clearing and coastal stabilisation works to facilitate a safe boat launching facility for construction purposes.
- The high post-construction maintenance and monitoring costs for the breakwaters, boat ramp, jetty and rock quarry which may be uneconomical financially in the long term future.
- The impacts of the proposed ocean vessel launch and retrieval facility towards the environmental and coastal dynamics factors have not been examined thoroughly at this point of time.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.1
MOVED: CR GILLIES	SECONDED: CR LEWIS
That, with respect to the Ocean Beach alternate boat launching facility, Council	
1. Take note of the recently completed investigative study by MP Rogers and Associates.	
2. Not proceed with the construction of an ocean going vessel launch and retrieval facility at the north-west of McGeary's Rock.	
CARRIED UNANIMOUSLY: 9/0	Res: 200716

8.4 Director of Finance & Administration

Nil

8.5 Chief Executive Officer

Cr Bartlett declared a financial interest in that she was a member of the Denmark Tourism Inc. and felt that she had an interest in common with other members. Cr Bartlett requested that Council consider her request to remain in the room pursuant to section 5.68 (1) (a) (ii) (II) of the Local Government Act 1995.

COUNCIL RESOLUTION	
MOVED: CR CARON	SECONDED: CR GEARON
That Council agree that Cr Bartlett’s declared interest is common to a significant number of electors or ratepayers and permit Cr Bartlett to remain in the room during discussion and voting on Item 8.5.1.	
CARRIED UNANIMOUSLY: 9/0	Res: 210716

8.5.1 DENMARK TOURISM INC.

File Ref:	A3186
Applicant / Proponent:	Denmark Tourism Inc.
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	14 July 2016
Author:	Cliff Frewing, Chief Executive Officer
Authorising Officer:	Cliff Frewing, Chief Executive Officer
Attachments:	8.5.1 – Email of Marketing Proposal

Summary:

This report recommends that Council resolve a final position in relation to the annual subsidy provided to Denmark Tourism Inc. (DTI) following its submission for funding assistance for 2016/17.

Background:

At its meeting held on 5 July 2016 Council resolved the following (Resolution No. 090716):

“Council is prepared to make available funds for the following purposes:

- *\$85,000 Operating contribution;*
- *A further \$30,000 for marketing proposals on application to Council; and*
- *A further \$10,000 is to be made available for the development of a Denmark Tourist Strategic Plan in conjunction with the Denmark Tourism Inc. (DTI), Denmark Chamber of Commerce, Denmark Arts, the Shire and the community generally.*

In addition and in accordance with the Agreement between the Shire and DTI the following KPI’s are provided for discussion:

- *Opening hours of the Denmark Visitors Centre remain at 9am to 5pm Monday to Sunday*
 - *A quarterly activity report to be provided to Council;*
 - *The \$10,000 marketing contribution, together with the GWN Advertising Award of \$25,000 offered to the Alliance remains intact;*
 - *DTI Staff to be present at major WA Tourist Promotions;*
 - *DTI to work with the Denmark Chamber of Commerce, Denmark Arts, the Shire and the community generally to develop a Denmark Tourist Strategic Plan (including a survey of members); and*
- Training to be provided to DTI members re use of BookEasy and to staff to ensure they are more familiar with tourist operator members businesses.”*

Council normally considers a budget request from DTI in the lead up to its Budget adoption process. On the 21 June 2016 the Chief Executive Officer of DTI made a presentation to Council which included a request for an allocation of funds for operating and marketing purposes required for the 2016/17 Budget. Subsequent to this Council adopted the above resolution which was conveyed to DTI for information.

DTI responded to the second part of the first resolution i.e. "*A further \$30,000 for marketing proposals on application to Council;*" and provided additional information as required. This information was tabled at the Strategic Briefing Session held on the 12 July 2016. Councillors at that meeting did not believe that the information provided was sufficient and required additional information for the subsidy sought. This request was subsequently communicated to DTI and a further response has now been received – attachment 8.5.1.

With this information now received, Council should now be in a position to determine the level of grant applicable for the DTI for the 2016/17 financial year.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and that no additional external/internal engagement or consultation is required.

Statutory Obligations:

Nil

Policy Implications:

Council's Tourism Policy P130201 relates and reads as follows;

Objectives

- A. *To recognise tourism as a social and economic force and as a major or potential major employer within the Shire of Denmark.*
- B. *To foster and create a community awareness of the benefits of tourism within the Shire of Denmark.*
- C. *To ensure that Council will guide and influence the development of tourism in the Shire of Denmark.*
- D. *To provide the basic facilities and infrastructure sufficient to encourage development.*
- E. *To ensure that facilities within the Shire are adequate to cater for visitors and residents.*
- F. *To ensure that the attributes of the natural environment within the Shire are managed sustainably so as to maintain and enhance the resource base on which the tourism industry relies.*

Guidelines

1. *Council will work closely with the Denmark Tourism Inc, Tourism WA, Australia's South West and regional industry associations in all aspects of tourism development.*
2. *Council will endeavour to provide an adequate budget allocation for tourism expenditure.*
3. *Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Great Southern region.*
4. *Council will seek active representation locally, through the organisation Denmark Tourism Inc. and regionally, through relevant tourism associations.*
5. *In the formulation of its planning regulations, Council will have regard to the requirements of tourism development.*
6. *Council, in its review of planning instruments, ie Strategic Plans, Town Plans and Development Central Plans, will take into consideration policies on tourism and other leisure related issues.*
7. *In the preparation of local laws and regulations, Council will have regard to their impact on tourism and balanced development within the Shire.*

8. Council will encourage tourism product development and investment throughout the area and will facilitate the development application process.
9. Council will encourage a high standard of design and aesthetics in all forms of tourism development.
10. Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
11. When considering tourism developments, Council will consider the social, cultural, economic and environmental impact of the proposal within the area.
12. Council will ensure that where sensitive environmental, historic or cultural areas exist, these areas will be adequately protected in relation to development or usage.
13. Council will initiate the provision of facilities or lobby for the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within the Shire boundaries.
14. Council will seek financial involvement from other sources wherever possible in the provision of tourism facilities.
15. Council will encourage the landscaping of residential and commercial centres within the Shire.
16. Council will, where practicable, support the establishment of National Parks, enhancement of specific natural features, conservation areas of outstanding beauty, and recognise items of heritage significance.
17. Council will support a World Heritage nomination of the Walpole Wilderness Area and participate and assist in the community consultation process in the development of a nomination.

Budget / Financial Implications:

Funds allocated in the 2016/17 financial year to DTI will need to be reflected in the Council's 2016/17 Budget. At the present time the draft Council budget provides for an operating budget subsidy of \$95,000 and a budget provision for marketing has been allowed (\$30,000) for which Councils specific approval is required before release to DTI. (In accordance with the 5 July 2016 Resolution No. 090716). If Council now believes it has sufficient information to approve the marketing subsidy, the later restriction can be removed.

Strategic Implications:

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

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

ECONOMIC GOAL

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not provide adequate funding to the Denmark Tourism Inc. (DTI) to enable them to carry out their function.	Possible (3)	Moderate (3)	Moderate (5-9)	Business Disruption	Manage by negotiation with DTI.

Comment/Conclusion:

In recent years Council has made the following subsidies to the DTI upon request and after negotiation.

Financial Year	Operating	Marketing	Total
2008/09	\$90,000	\$20,000	\$110,000
2009/10	\$70,000	\$20,000	\$90,000
2010/11	\$80,000	\$20,000	\$100,000
2011/12	\$80,000	\$20,000	\$100,000
2012/13	\$70,000	\$25,000	\$95,000
2013/14	\$80,000	\$25,000	\$105,000
2014/15	\$85,000	\$30,000	\$115,000
2015/16	\$85,000	\$30,000	\$115,000

As it can be seen from the above table the total amount contributed to DTI since 2008/09 has been relatively stable and has not generally increased over this period of time. The total amount sought by DTI for 2016/17 is \$125,000 for both operations and marketing which is \$15,000 greater than that which was allocated in 2008/09. This represents an increase of 13.6% over the amount allocate 9 years ago.

The amount sought by DTI in relation to the marketing budget is \$30,000 in relation to the 2016/17 financial year the details of which are follows:

- Development, printing and distribution of the Denmark Holiday Planner;
- Attendance at tourism consumer events;
- Additional TV footage specifically related to Denmark to build upon the GWN air time credit;
- Partnering with Australia’s South West campaign as part of the Great Southern campaign.

Correspondence received from DTI (attachment 8.5.1) provides the additional information requested by Council in relation to each of these marketing proposals.

In summary the proposed marketing budget for DTI and its uses for which the subsidy is sought is very consistent with previous years and should be supported to enable DTI to commence the marketing activities with certainty.

At the Strategic Briefing Session held on the 12 July 2016 it was agreed to re-instate the requested operating budget to \$95,000 for 2016/17 financial year (subject to Council approval).

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That Council:

1. Increase the operating contribution to DTI by \$10,000 to \$95,000 for the 2016/17 year; and
2. Approve the marketing budget proposed by DTI for \$30,000 for 2016/17 financial year as outlined in this report and that payment be made upon request.

COUNCIL RESOLUTION

ITEM 8.5.1

MOVED: CR CARON

SECONDED: CR GEARON

That Council:

1. Increase the operating contribution to DTI by \$10,000 to \$95,000 for the 2016/17 year; and
2. Approve the marketing budget proposed by DTI for \$30,000 for 2016/17 financial year as outlined in this report and that payment be made upon request to the Chief Executive Officer.
3. Finalise and approve Key Performance Indicators (KPIs) in accordance with the Agreement between the Shire of Denmark and the Denmark Tourism Inc. by 30 September 2016.

Cr Caron requested that his words be recorded in the Minutes to which the Shire President permitted. Cr Caron's words were as follows;

"This Council supports development of the tourism sector and our tourism operators.

*Council resolved Resolution No. 090716 (5 July 2016) to fund DTI to same amount as last financial year. This resolution was brought to Council prior to budget discussions being finalised. Two things have occurred since that time: 1) DTI have requested that Council fund the full amount they have requested, and 2) the budget process has **completed**.*

*The Director of Finance and Administration and his team deserve credit for their work during the budget. Considerable effort to reduce burden on ratepayers and significant savings **has** been made. Because of these savings, and because of Council's desire to support the tourism industry in Denmark, I support awarding the full funding requested by DTI.*

The service agreement with DTI states that KPIs should be set. These KPIs help assure Council that ratepayer money is spent appropriately in order to provide maximum benefit. A set of KPIs has been developed for discussion but not finalised. Ideally, KPIs would be finalised prior to funding being awarded. However, DTI have indicated that funding is urgently required to progress their activities. Therefore, I move that funding is awarded as per the proposed motion, and that Council work with officers to finalise KPIs by the 30th September 2016."

CARRIED UNANIMOUSLY: 9/0

Res: 220716

8.5.2 PROPOSED NAMING OF RESERVE 41884 – NO. 27 (LOT 2369) MACPHERSON DRIVE, NORNALUP
--

File Ref:	A2479
Applicant / Proponent:	Not applicable
Subject Land / Locality:	No. 27 (Lot 2369) Macpherson Drive, Nornalup (Reserve No. 41884)
Disclosure of Officer Interest:	Nil
Date:	13 July 2016
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Cliff Frewing, Chief Executive Officer
Attachments:	8.5.2a – Map of Reserve 8.5.2b – Submissions

Summary:

Council is asked to consider the submissions received with respect to its intention to name Reserve 41884, located at 27 Macpherson Drive, Nornalup, “Kwakoorillup”.

Background:

Reserve No. 41884 is a 9,288m² parcel of land managed by the Shire of Denmark with a designated purpose of “Public Recreation”.

At its meeting held 12 April 2016 Council resolved as follows (Resolution No. 080416):

“That with respect to the naming of Reserve No. 41884 at No. 27 (Lot 2369) Macpherson Drive, Nornalup;

1. *Council advertise for a period of 28 days its intention to submit the indigenous name “Kwakoorillup Park” (meaning “place of the quokka”) to Geographic Names for consideration and request specific comment from the following;*
 - *Local Noongar Elder, Wayne Webb;*
 - *The Department of Aboriginal Affairs;*
 - *The South West Aboriginal Land and Sea Council;*
 - *The Nornalup Residents & Ratepayers Association;*
 - *All Nornalup Ratepayers;*
 - *The Denmark Historical Society.*
2. *Should there be no adverse submissions received, authorise the Chief Executive Officer to refer the suggested name to Geographic Names Committee for consideration and should it be approved, arrange for appropriate signage to be erected.”*

Consultation:

Following Council’s Resolution in April 2016, a letter was sent out to all the Residents and Ratepayers of Nornalup seeking feedback on the proposed naming of the Reserve. A general advertisement was also placed in the Denmark Bulletin, Walpole Weekly, Council’s website and Noticeboards. 21 submissions were received and are attached (refer Attachment 8.5.2b). In summary 12 supported the proposal, 8 were opposed to it and one submission supported a dual name of “Ian Macpherson Park” and “Kwakoorillup Park”.

The Department of Parks & Wildlife and the Department of Aboriginal Affairs have advised that they support the name. Whilst no written submission was received, the Officer had a verbal conversation with Toni Webb who indicated that that her and Wayne Webb (local Noongar Elder) also supported the name being used for the Reserve, given its proximity to the River.

Statutory Obligations:

Landgate’s Geographic Names Committee’s (GNC) *Policies and Standards for Geographical Naming in Western Australia* relate and have been developed under the Land Administration Act 1997 and the Land Information Authority Regulations 2007.

In consideration of the *Policies and Standards for Geographical Naming in Western Australia* the Author believes that any of the suggested names would be considered by GNC.

Policy Implications:

- Policy P100603 – Road & Reserve Naming within the Shire reads as follows;

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;

The Policy includes a list of names suitable for open space / public reserves only which is as follows;

Names suitable Open Space / Public Reserves only			
Name	Code	Landgate Approved	Suggested Locality
ALFRED SALMON	LI	15 March 2012	Denmark
CLARK	LI	15 March 2012	Denmark
FOWLER	LI	15 March 2012	Denmark
HENDERSON	LI	15 March 2012	Denmark
MACKENZIE	LI	15 March 2012	Denmark
NICHOLS	LI	15 March 2012	Denmark
WICKS	LI	29 July 1998	
WIULLEMIN	LI	29 July 1998	
WOLSELEY	LI	29 July 1998	

Key

LI Local Identity

There is nothing preventing Council from choosing a name which is not on the above list.

- Policy P110706 – Aboriginal Heritage reads as follows;

“ABORIGINAL RECONCILIATION

That the Shire of Denmark make the following statement in support of reconciliation with the indigenous people of this country, especially those from the south coast of Western Australia–

- *Aboriginal Reconciliation is an issue in which each and every Australian has a choice: to silently ignore injustice and inequality, or lend their voice to the growing call to face the truth of the past treatment of indigenous people.*
- *What was done to Aboriginal people in the past was unjust and regrettable – particularly the taking of Aboriginal children from their families.*
- *The Noongar people’s historical presence in and special attachment to this district is acknowledged, as is their right to continue living according to their own values and customs, within the law.*
- *The special places, culture and history of the Noongar people are respectfully recognised.*

- *Changes brought to this district by early white European Settlers were dramatic, imposed without regard for the indigenous people and frequently damaging to them, through the taking of their land, their health and sometimes their lives.*
- *This Council expresses sorrow at these injustices, and commits itself to participating in a future in which all people enjoy mutual respect, full recognition and equal rights.*

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Shire of Denmark acknowledges Indigenous Australians (Aboriginal and Torres Strait Islanders) as the first inhabitants and traditional owners of Australia, their presence and contributions to the history of Denmark, both in the past and into the future.

In this regard, the Shire of Denmark will;

1. *Through the flying of the Aboriginal Flag at its administration building, recognise and observe;*
 - a) *National Aboriginal and Islanders' Day Observance Committee (NAIDOC) Week (in the first full week of July); and*
 - b) *The anniversary of the High Court decision in the Eddi Koiki Mabo land rights case of 1992 (3 June 1992); and.*
2. *Incorporate and co-ordinate at appropriate Council coordinated functions and events that bring people together to that event from outside of our District, either;*
 - a) *An Aboriginal 'Welcome to Country' Ceremony (it is noted that a Welcome to Country Ceremony will be subject to the consideration of the Budget of the particular event, the cost of performing the Ceremony (should the ceremony attract a fee for service) and the availability of local recognised Elders, with the Ceremony based on the South West Aboriginal Land & Sea Council's Welcome to Country (Noongar Protocols) publication); or*
 - b) *An Acknowledgement of Country – in accordance with the South West Aboriginal Land & Sea Council's Welcome to Country (Noongar Protocols) publication."*

Budget / Financial Implications:

Should Council resolve to name the Reserve, the purchase and installation of appropriate signage can be accommodated within Council's existing Budget. An appropriate plaque could be placed at the site to provide further information on the origin of the name (or names), which could also be accommodated within Council's existing parks and reserves budget line.

Strategic Implications:

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

MISSION – The Shire of Denmark aims, through vision and integrity, to serve its whole community and value its natural environment.

GOVERNANCE GOAL

Co-operation & Community Input: ...acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

GNC policies and standards highlight the importance of any naming being in the interests of the wider community and should have broad community support.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council resolve not to name the Reserve.	Possible (3)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

A slight majority of respondents favoured the name “Kwakoorillup Park” and whilst those who did not support this name preferred other names, but not necessarily the same name. On a simple numerical basis, the name “Kwakoorillup Park” is preferred.

Some common themes arising from the submissions were as follows;

- “Park” not “Reserve”;
- Commemorative plaque – for the indigenous name and/or in commemoration of other significant, local descendent such as “Ian Macpherson”;
- Possible confusion of using the word “up” in the name for a park given that the suffix generally means “water” in indigenous language;
- Concerns about current maintenance & general condition of the Reserve.
- Support for “Ian Macpherson Park”;
- Alternative suggestion of honouring the late Dr Bruce Burnside – the first Doctor in the district.

Council has the option to:

- Name the park “Kwakoorillup Park”;
- Name the park “Ian Macpherson Park”;
- Name the park “Burnside Park”;
- Consider an alternative name and advertise it for public consultation;
- Leave the Reserve unnamed.

In the Officer’s opinion, given that the community consultation has occurred with respect to naming the Reserve, it would be advisable to now name the Reserve rather than not. If the Reserve remains unnamed it is likely that the matter will be raised again sometime in the future and the process will be gone through once more, which could, of course, be Council’s preference.

With respect to “Kwakoorillup”, the Officer notes comments in relation to using the suffix “up” and agrees that this could be seen as unusual however if an appropriate plaque was placed near the name on the site then this could alleviate any confusion. One suggestion was to use the name for the existing canoe launching area. Whilst this could be an option, it would be at the discretion of the Department of Parks & Wildlife as the land manager.

With respect to “Ian Macpherson”, as stated in the previous report, there is a “Macpherson Drive” in Nornalup which is adjacent this Reserve. Geographic Names have advised that the origin of

this name is “Early Settler” which could either be in recognition of the late Ian Macpherson (*b. 1948 d. 1977*) as this name was approved in 1990, however, the name could be in recognition of the Macpherson family as whole and not just Ian. Whilst duplication of names is not preferred, Geographic Names ‘will consider naming a park or recreational reserve to that of an adjacent road as long as it is satisfied that the duplication will not cause confusion’.

The name “Burnside” was approved by Geographic Names in 1998 and is allocated to “Burnside Road” in Nornalup which is an unmade road reserve off Station Road. The origin of the name (sourced through Geographic Names) is “Doctor Burnside was the first doctor in Nornalup. Lived in Nornalup until his death in 1958. He was the only Doctor servicing the area, working at the Nornalup Cottage Hospital as well as servicing the Walpole area. Founding member of the Walpole Ambulance A”. The Officer notes that the site of the former Nornalup Hospital is No. 6676 (Lot 150) South Coast Highway, Nornalup, which is located to the south west of the Reserve, adjacent to the site.

There were a number of comments made about maintenance and weed control on the Reserve and the Officer advises that these concerns have been referred to the Director of Infrastructure Services to investigate and schedule works if required.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.2

That with respect to the naming of Reserve No. 41884 at No. 27 (Lot 2369) Macpherson Drive, Nornalup, Council;

1. Note the submissions received.
2. Seek to apply the indigenous name “Kwakoorillup Park” (meaning “place of the quokka”) and lodge to Geographic Names Committee for approval and if approved arrange for suitable signage to be erected on the site; and
3. Agree to install appropriate plaques commemorating the late Ian Macpherson and Dr Bruce Burnside at a suitable location in liaison with known descendants, the Nornalup Residents & Ratepayers Association and affected landowners where relevant.

COUNCIL RESOLUTION

ITEM 8.5.2

MOVED: CR GILLIES

SECONDED: CR SEENEY

That with respect to the naming of Reserve No. 41884 at No. 27 (Lot 2369) Macpherson Drive, Nornalup, Council;

1. Note the submissions received; and
2. Agree to install appropriate plaques commemorating the late Ian Macpherson and Dr Bruce Burnside at a suitable location in liaison with known descendants, the Nornalup Residents & Ratepayers Association and affected landowners where relevant.

AMENDMENT

MOVED: CR WHOOLEY

SECONDED: CR MORRELL

That part 2 be removed.

CARRIED: 7/2

Res: 230716

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Whooley, Cr Morrell, Cr Lewis, Cr Caron, Cr Bartlett and Cr Allen.

AGAINST: Cr Gillies and Cr Seeney.

AMENDED MOTION

That with respect to the naming of Reserve No. 41884 at No. 27 (Lot 2369) Macpherson Drive, Nornalup, Council note the submissions received.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND

CARRIED: 8/1

Res: 240716

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Gearon, Cr Whooley, Cr Morrell, Cr Lewis, Cr Caron, Cr Bartlett, Cr Gillies and Cr Allen.

AGAINST: Cr Seeney.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 WASTE MANAGEMENT ADVISORY COMMITTEE – CHANGES TO WASTE MANAGEMENT OPERATIONS

File Ref:	COMM.WMAC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	14 July 2016
Authors:	Gilbert Arlandoo, Director of Infrastructure Services Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Cliff Frewing, Chief Executive Officer
Attachments:	Nil

Summary:

This item recommends to the Council to support the following recommendations from the Council's Waste Management Advisory Committee as part of the proposed changes to the current waste management operations in the Shire of Denmark;

- The Shire of Denmark is to advise the City of Albany on its potential withdrawal from its current waste acceptance Memorandum of Understanding between the Shire of Denmark and City of Albany once a waste acceptance with the Shire of Plantagenet has been formalised.
- The Shire of Denmark would seek to use a Western Australian Local Government Association (WALGA) panelled contractor process to determine the prices and eventually appointing a joint domestic recycling waste service for both the Shire of Denmark and Shire of Plantagenet. In doing so, both Shires may or may not embark in a joint venture with the City of Albany.
- The Chief Executive Officer be authorised to negotiate a three to five year open book cost joining waste disposal agreement with the Shire of Plantagenet on the basis that the Shire of Denmark would be assisting the Shire of Plantagenet with their adjoining land swapping, design of landfill and upgrading of the existing waste site wherever it is practical to do so. In doing so, the City of Albany is to be advised on the new waste disposal agreement.
- The Shire of Denmark is to utilise a WALGA panelled contractor process to test the pricing of the current waste collection service against the market and if this service can be performed at least 5% cheaper, a joint Municipal Waste Collection Service contractor for the Shire of Denmark and the Shire of Plantagenet would be appointed. In doing so, both Shires may or may not embark in a joint venture with the City of Albany.
- The existing current waste collection operators are to be redeployed and adsorbed into the Council's Works team in the event that a decision is made to outsource the current waste collection service.

Background:

In 2013, the Shire of Denmark negotiated a three year waste acceptance Memorandum of Understanding with the City of Albany which has provided the Shire of Denmark with security of access to the Hanrahan Road putrescible waste (class 3) landfill at the commercial waste disposal rate of the City of Albany. The current waste acceptance agreement between the Shire of Denmark and the City of Albany is expiring soon. City of Albany has indicated that it will continue to receive the waste generated from the Shire of Denmark, but will prefer the idea of redirecting the incoming waste from the Shire of Denmark to other alternative landfill sites.

The reason for the above pressure is due to the increasing stricter licensing conditions imposed by the Department of Environmental Regulations towards the City of Albany as the existing Hanrahan Road landfill site is located on the side of a granite hill which drains into the water

bodies along Princess Royal Harbour. As a result, the City of Albany will be relocating its landfill site to Many Peaks within a timeframe of four to six years.

As a consequence, there would be an additional 90km of lead on the Shire of Denmark's waste transfer bin and rubbish truck leads. Furthermore, the new site at Many Peaks will almost certainly need to be lined which would increase the disposal costs to \$200 – \$300 per tonne, excluding cartage as opposed to the current disposal rate of \$105 per tonne.

SHIRE OF PLANTAGENET

Over the past few months, there have been ongoing discussions between the Shire of Denmark and the Shire of Plantagenet regarding the following matters:

- Disposing of Shire of Denmark's putrescible waste (domestic & commercial rubbish) that is currently carted through to Hanrahan Rd to the Shire of Plantagenet's site in O'Neil Rd. Council currently spends \$180,000 (excluding cartage) disposing waste in Albany at \$105 per ton. By accessing the Shire of Plantagenet's site at \$45 per tonne the cost excluding cartage would be \$77,130 per year. This means that Council would stand to save \$102,870 per year on disposal costs.
- Shire of Denmark undertaking Shire of Plantagenet's residential collection service in exchange as the amounts involved were perceived to be somewhere comparable. The Shire of Plantagenet currently pays \$112,665 per year to Warren Blackwood Waste to perform their waste collection service. A trial to perform the same service using Council's current cost factors and real life collection of the Shire of Plantagenet's collection round produced a quote which is significantly more than what they are currently paying.
- Shire of Denmark and Shire of Plantagenet going to a joint tender (benefits of WALGA panel process discussed below) on waste collection. Given the above cost scenarios the common sense way to move forward is for Council to test Shire of Denmark's collection service against the market to see if similar savings can be achieved. Hence, the opportunity to enter into a waste disposal joint venture with the Shire of Plantagenet and for both Shires to contract out their collection service to private operators. This will also involve looking into any possible joint venture with City of Albany, subject to necessary waste collection contract variation, if attractive. This would involve appointing a joint Municipal Waste Collection Service contractor for the Shire of Denmark and the Shire of Plantagenet in the event that the contracted waste collection services can be done for at least 5% cheaper than the current in-house services.
- The Shire of Denmark's current recycling contract with Cleanaway expired in 2009 and has been renewed periodically via annual agreements between both parties. This contract is outdated and there are opportunities for Council to achieve significant cost savings and/or service level improvements by taking a modern specification. It so happens that the Shire of Plantagenet's recycling contract has also come up for renewal. The situation currently exists where Warren Blackwood Waste and Recycling has the contract for all of the lower Great Southern with the exception of the City of Albany and the Shire of Denmark which is done by Cleanaway who are keen to expand from their Albany base. It is also proposed to use a joint tender arrangement through the WALGA Tender panel to obtain prices for this service.

Having considered these factors the Waste Management Advisory Committee made the following recommendations to Council at its 5 July 2016 meeting:

RECOMMENDATION 1

"That the Waste Management Advisory Committee (WMAC) recommends to Council that:

The City of Albany be formerly advised that Council intends to withdraw from its current waste acceptance MOU once a waste acceptance agreement with the Shire of Plantagenet has been formalised.

RECOMMENDATION 2

“That the Waste Management Advisory Committee to recommends that:

Council use a WALGA panelled contractor process to seek prices for and eventually appoint a joint appoint Domestic Recycling Collection Service for the Shire of Denmark and the Shire of Plantagenet.”

RECOMMENDATION 3

“That the Waste Management Advisory Committee recommends that:

- 1) Council authorise the CEO to negotiate a 3 - 5 year open book, at cost joint waste disposal agreement with the Shire of Plantagenet on the basis that Shire of Denmark staff will assist them where it is practical to do so with their adjoining land swap, landfill design and DER licencing upgrades of their current waste site.*
- 2) Advise the City of Albany of its intent to enter into this arrangement.”*

RECOMMENDATION 4

That the Waste Management Advisory Committee (WMAC) recommends:

That Council ask the CEO to commence consultation regarding the possible transfer of current waste collection operators to the Works Team.

Note: Potentially affected Council Staff have been consulted with prior to this report being prepared for Council's consideration. As this is operational, this recommendation has not been included as a recommendation to Council.

RECOMMENDATION 5

That the Waste Management Advisory Committee (WMAC) recommends that Council

- 1) Use a WALGA panelled contractor process to test the pricing of Council's current waste collection service against the market and if this service can be performed at least 5% cheaper appoint a joint Municipal Waste Collection Service contractor for the Shire of Denmark and the Shire of Plantagenet.*
- 2) That in the event that a decision is made the contract out the Waste Collection Service that the existing staff be redeployed to Works Team.*

Consultation:

The officer recommendation in relation to this item is the result of the Waste Management Advisory Committee's 5 July 2016 consideration of these matters and their recommendations to Council.

Consultation has also taken place with potentially affected staff and the Shire of Plantagenet and the City of Albany.

Statutory Obligations:

Environmental Protection Act 1986 and associated regulations, the Waste Avoidance and Resource Recovery (WARR) Act 2007 and the Health Act 1911.

Policy Implications:

Regional Waste Strategic Plan (Joint City of Albany, Shires of Denmark & Plantagenet document) supports cooperation and resource sharing between the three Council's

Budget / Financial Implications:

Potentially, successful changes in waste management operations within the Shire of Denmark could result in the following financial gains:

- Saving of over \$100,000 of waste disposal expenses per year;
- Saving of over 5% of current of waste collection expenses per year;
- Saving of over \$10,000 in administrative costs involved in tendering process;
- Estimated \$250,000 for the selling of a waste collection truck.

Strategic Implications:

There would be a great strategic value for both the Shire of Denmark and Shire of Plantagenet under the circumstances that the waste collection and recycling contracts are offered together, with or without a joint venture with the City of Albany.

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

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

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

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

Structure: ...ensures that it has a structure that is transparent, trustworthy, flexible, consultative and collaborative, and is able to attract and retain a high standard of Councillors and Senior Management.

Funding: ...be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding, which will benefit the community and assist in meeting its aims and obligations.

Co-operation & Community Input: ...acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community.

Sustainability Implications:**➤ Governance:**

As part of the proposed arrangement, Shire of Denmark staff will assist Shire of Plantagenet with an adjoining land swap, landfill design and licencing upgrades of their current waste site in Mount Barker as part of the three to five year open book system.

➤ Environmental:

There would be minimal environmental impacts on the operations of the McIntosh Road and Peaceful Bay transfer stations.

➤ Economic:

The proposed new waste arrangement and outsourcing of the waste collection services would have an impact on caravan park businesses in Denmark. These businesses would have to deal directly with the competing commercial operators such as Cleanaway, Warren Blackwood and Great Southern Sands on a fee for service basis.

➤ **Social:**

There would be minimal impacts on the residential and commercial communities as a whole.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Council decide not to formalise an agreement with the Shire of Plantagenet for waste disposal.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Accept recommendation from the Officer and Waste Management Advisory Committee
That the Council decide not to use a WALGA panelled contractor process for a joint Domestic Recycling Collection Service for the Shire of Denmark and the Shire of Plantagenet.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Procurement , Disposal, Tender Practice	Accept recommendation from the Officer and Waste Management Advisory Committee
That the Council decide not to use a WALGA panelled contractor process for a joint waste collection service if this service can be performed at least 5% cheaper than current Municipal Waste Collection Service.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Procurement , Disposal, Tender Practice	Accept recommendation from the Officer and Waste Management Advisory Committee
That the Council decide not to investigate possibility of joint venture with City of Albany jointly with Shire of Plantagenet.	Possible (3)	Minor (2)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept recommendation from the Officer and Waste Management Advisory Committee

Comment/Conclusion:

It is anticipated that the proposed changes to the waste management operations would provide for Shire of Denmark’s waste needs for a longer period and more cost effectively.

There are benefits of going to a joint tender / WALGA panel process for waste services. A WALGA Panel process replaces a traditional Local Government tender process by enabling Council staff to negotiate directly with a group of “panelled” competing companies on a set of clearly described contract parameters and quantities. Once a preferred company has been identified the contract parameters and quantities and any additional services that are offered by that company become an addendum to a standard WALGA recycling collection service contract. It saves Council in the range of \$10 – 30,000 cost of writing up its own detailed brief and contract. This will also involve investigating any possible joint venture with City of Albany, subject to necessary recycling services contract variation, if attractive.

On the basis of the above, Shire of Denmark may need to;

- Negotiate a three to five year open book cost joining waste disposal agreement with the Shire of Plantagenet on the basis that the Shire of Denmark would be assisting the Shire of Plantagenet with their adjoining land swapping, design of landfill and upgrading of the existing waste site wherever it is practical to do so subject to the finalisation of negotiations between both parties.

- Terminate the current waste arrangement with the City of Albany once the outcome of the negotiations between the Shire of Denmark and the Shire of Plantagenet are known.
- Use a WALGA panel contractor process to test the pricing of the current waste collection service of the Shire of Denmark against the market value to determine the best contractor to facilitate a joint municipal waste collection service with the Shire of Plantagenet.
- Investigate the possibility of both Shire of Denmark and Shire of Plantagenet embarking on joint venture with City of Albany, subject to successful contract variation of their waste collection and recycling services contract, should this be more attractive.
- Depending on the outcome of the above, undertake internal reshuffling between the waste collection operators and works team without making staff redundant, and sell the relatively new 'Dennis' waste collection truck (estimated value \$250,000)

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

RECOMMENDATION 1

“That the Waste Management Advisory Committee (WMAC) recommends to Council that:

The City of Albany be formally advised that Council intends to withdraw from its current waste acceptance MOU once a waste acceptance agreement with the Shire of Plantagenet has been formalised.”

RECOMMENDATION 2

“That the Waste Management Advisory Committee to recommends that:

Council use a WALGA panelled contractor process to seek prices for and eventually appoint a joint appoint Domestic Recycling Collection Service for the Shire of Denmark and the Shire of Plantagenet.”

RECOMMENDATION 3

“That the Waste Management Advisory Committee recommends that:

- 1) *Council authorise the CEO to negotiate a 3 - 5 year open book, at cost joint waste disposal agreement with the Shire of Plantagenet on the basis that Shire of Denmark staff will assist them where it is practical to do so with their adjoining land swap, landfill design and DER licencing upgrades of their current waste site.*
- 2) *Advise the City of Albany of its intent to enter into this arrangement.”*

RECOMMENDATION 4

That the Waste Management Advisory Committee (WMAC) recommends:

That Council ask the CEO to commence consultation regarding the possible transfer of current waste collection operators to the Works Team.

RECOMMENDATION 5

That the Waste Management Advisory Committee (WMAC) recommends that Council

- 1) *Use a WALGA panelled contractor process to test the pricing of Council's current waste collection service against the market and if this service can be performed at least 5% cheaper appoint a joint Municipal Waste Collection Service contractor for the Shire of Denmark and the Shire of Plantagenet.*
- 2) *That in the event that a decision is made the contract out the Waste Collection Service that the existing staff be redeployed to Works Team.*

The Officer has provided the following revised recommendation as it combines the Committee's Recommendation and reflects the current status of the matter.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1
MOVED: CR GILLIES	SECONDED: CR CARON
That, with respect to the proposed changes in waste management operations, Council:	
<ol style="list-style-type: none"> 1. Authorise the Chief Executive Officer to negotiate a 3 - 5 year open book, at cost joint waste disposal agreement on the basis that Shire of Denmark staff will assist them where it is practical to do so with adjoining land fill design and Department of Environmental Regulations licencing upgrades of their current waste site. 2. Use a WALGA panelled contractor process to seek prices for and a joint Domestic Recycling Collection Service for the Shire of Denmark and the Shire of Plantagenet. 3. Use a WALGA panelled contractor process to test the pricing of Council's current waste collection service against the market. 4. Authorise the Chief Executive Officer to formerly advise the City of Albany that the Shire of Denmark intends to withdraw from its current waste acceptance Memorandum of Understanding once a waste acceptance agreement with the Shire of Plantagenet has been formalised. 5. Authorise the Chief Executive Officer to advise the City of Albany of its intent to enter into a joint venture agreement with City of Albany for waste collection and/or recycling services should a contract variation be deemed more attractive. 6. Note that the Chief Executive Officer has commenced consultation regarding the possible transfer of current waste collection operators to the Works Team. 	
DEFERRAL MOTION	
MOVED: CR WHOOLEY	
That the item be deferred.	
LAPSED FOR WANT OF A SECONDER	
THE ORIGINAL MOTION WAS THEN PUT AND CARRIED UNANIMOUSLY: 9/0	
	Res: 240716

9.2 BUSH FIRE ADVISORY COMMITTEE - MANAGEMENT OF TOWNSITE UNALLOCATED CROWN LAND (UCL)

File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	11 June 2016
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	9.2 – Ocean Beach UCL Map

Summary:

The officer report recommends that Council resolve to adopt BFACs recommendation that it not proceed with Mr Brian Humphries proposal regarding allowing adjoining property holders to peppercorn lease parcels of Unallocated Crown Land (UCL) that adjoin their residential property so that they are more likely to perform fire fuel reduction work on it.

The primary reasons for this recommendation are as follows:

- 1) That Shire staff have already achieved the fuel reduction of the lands in question by working in conjunction with DFES and the Department of Lands.
- 2) The Department of Lands have advised that the parcels of land in question are all Right of Ways (ROWs) vested in the Crown pursuant to section 152 of the Planning and Development Act 2005 and as such cannot be leased.
- 3) The control and management of all ROWs rests with the Shire of Denmark section 3.53 Local Government Act 1995. This means Council has a mandate to manage the land and leases are not needed.

Background:

At its 2 June 2016 meeting BFAC moved the following recommendation to Council:

“That BFAC recommends to Council that it not proceed with Mr Brian Humphries proposal of peppercorn leasing Unallocated Crown Land (UCL) to adjoining private land holders in residential areas for the following reasons:

- 1) *It will potentially force an unwelcome extra task onto adjoining property owners who have chosen to live in residential because they expect Council to ‘fix’ these types of problems and are rated accordingly.*
- 2) *The setting up of the leases would cause Council considerable costs in administrative time.*
- 3) *The leases would fragment the management of the land. Currently Council’s rangers only have to deal with one property owner the Department of Lands. If the land is leased to adjoining property owners Council’s rangers would need to be dealing with an additional 200 plus property lessees.*
- 4) *The system would require a 100% take up rate to be successful.*

Consultation:

Consultation with brigade leaders is being achieved by referring this matter to BFAC and LEMC.

The matter has also been raised with the Department of Lands (DoL) who have advised as follows:

“In relation to the matters you raise below I can provide the following comment:

- a. *We have checked the relevant Deposited plans and Diagrams for the various ROW's. All were created under subdivision (section 152 of the Planning and Development Act 2005 (including section 20A of the former TPD Act) and vested in the Crown by virtue of that section. The titles for the land are in the name of the State of Western Australia. None are unallocated Crown land;*
- b. *ROWs vested in the Crown pursuant to section 152 of the PDA are not subject to private access rights in favour of adjoining landowners under section 167A of the Transfer of Land Act 1893 (TLA). Section 167A(2) confirms this position;*
- c. *Pursuant to section 3.53 Local Government Act 1995 control and management would sit with the Shire of Denmark;*
- d. *If leasing or licensing to adjoining owners were to be envisaged the titles would need to be revested to Crown land under the Land Administration Act 1997 (LAA) and reserved with a management order to the Shire with powers to achieve that outcome. Given that the land was vested under conditions of subdivisions DoL would not support such an approach at least without the support of the Department of Planning."*

Statutory Obligations:

Council's statutory obligations relating to the report or officer recommendation are clearly mapped out in the above response from the Department of Lands.

Policy Implications:

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

Budget / Financial Implications:

There are known financial costs upon the Council's current budget as Council will have to bear the full costs of keeping these lands in a fuel reduced state now that the Department of Lands has confirmed that they are right of ways.

Strategic Implications:

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

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

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

Sustainability Implications:

➤ **Governance:**

There are no known governance implications relating to the report or officer recommendation other than that it avoids the need to prepare and hold 200 plus leases and to deal with those lessees from time to time.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That unmanaged reserves in residential areas will create a fire fuel risk.	Almost Certain (5)	Catastrophic (5)	Extreme (20-25)	Damage to Physical Assets	Accept Officer Recommendation
That some recipients of peppercorn leases will not actually maintain that land.	Almost Certain (5)	Major (4)	Extreme (20-25)	Damage to Physical Assets	Accept Officer Recommendation
That some property holders may choose to opt out leaving a patch of unreduced land	Likely (4)	Major (4)	High (10-16)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

Comment/Conclusion:

The fire management of UCL land within urban areas comes under the management of DFES who rely on funding allocations from Department of Lands to allow mitigation work to be carried out. The Department of Parks and Wildlife undertakes a similar role in rural areas.

Of the total sum that was requested in 2015/2016 by the DFES Great Southern Office for all Local Governments under their care, only 50% was received.

The Shire of Denmark received \$4,000 of this money which was spent on parkland clearing a gazetted, (but not yet developed) road reserve to the rear of properties on Chiltern and Minsterly Rds in Ocean Beach. The balance of the work was completed using Council funds.

DFES Great Southern has already submitted a request for funding for the 2016/17 year and Denmark is requesting a \$12,000 portion of this to manage fire fuel loadings on urban UCL land.

At a Public Question Time earlier in the year Mr Brian Humphries raised some issues in regard to fire risk relating to what was thought at the time to be urban Unallocated Crown Land (UCL) which in his opinion was not currently being managed from a fire perspective.

Mr Humphries house backs onto one of these parcels and he has taken it upon himself to manage the land by maintaining it in a fuel reduced state; some of his neighbours have done the same. Mr Humphries has also paved the area that he has fuel reduced.

Mr Humphries has suggested that landowners adjacent to these reserves could enter into a lease agreement with the Department of Lands so that the landowners could take necessary measures to mitigate the fire risk posed by this land. The lease agreement would be between the Landowner and Department of Lands.

While there is some merit in this suggestion it is not considered to be a practical nor feasible solution for the following reasons:

- 1) The Department of Lands have advised that the various parcels of land have been vested with Council as Right of Ways and can be leased out without a reversioning which is highly unlikely given the land's status as a subdivisional right of way.

- 2) If the land were able to be revested it would still depend on all of the landholders being prepared to come on board.

The Community Emergency Services Manager and BFAC have also considered the matter and are not supportive of the concept of leasing penny packets of residential reserves that have been set aside for usage as future road reserves for the following reasons:

- 1) It is potentially forcing an unwelcome extra task on adjoining property owners who have chosen to live in residential areas because they expect Council to 'fix' these types of problems and are rated accordingly.
- 2) The setting up of the leases would cause Council considerable costs in administrative time.
- 3) The leases would fragment the management of the land. Currently Council's Rangers only have to deal with one property owner being the Shire of Denmark. If the land is leased to adjoining property owners they will be dealing with an additional 200 plus property owners who may well have 200 plus opinions.
- 4) The system would require a 100% take up rate to be successful.
- 5) The proposal does not take into account properties used for home holiday accommodation and long term rentals. The owners and occupants of these properties are not likely to participate in the proposed scheme.

In addition to this the fire fuel reduction on the areas of land that Mr Humphries has been referring has already been completed by utilising funds that have been made available through DFES. This work involves engaging contractors to conduct mechanical fuel reduction work in those places where burning is not an option, and firebreak clearing by hand in areas where burning cannot be carried out.

The progress that has been achieved to date is as follows;

- Road reserve to the rear of properties on Chiltern and Minsterly Rds. in Ocean Beach.
- Road reserve off Marlow Rd and to the rear of properties on Minsterly Rd.
- Road reserve off Ocean Beach Rd and to the rear of properties on Cotswold Dr.

These works address all of the urban reserve areas that Mr Humphries has raised.

Over the coming years, as funding allows, a systematic approach will be taken to address the ongoing fire fuel loads on all of the reserves that are in the Shire's built up areas.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.2

That Council not proceed with Mr Brian Humphries proposal of peppercorn leasing Unallocated Crown Land (UCL) to adjoining private land holders in residential areas for the following reasons:

1. It will potentially force an unwelcome extra task onto adjoining property owners who have chosen to live in residential areas because they expect Council to 'fix' these types of problems and are rated accordingly.
2. The setting up of the leases would cause Council considerable costs in administrative time.
3. The leases would fragment the management of the land.
4. The system would require a 100% take up rate to be successful.

Reason for revised Officer Recommendation:

The revised officer recommendation takes into account the Department of Lands' advice regarding the subject land's tenure.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2
MOVED: CR SEENEY	SECONDED: CR CARON
<p>That Council not proceed with Mr Brian Humphries proposal of peppercorn leasing Unallocated Crown Land (UCL) to adjoining private land holders in residential areas for the following reasons:</p> <ol style="list-style-type: none"> 1. The parcels of land in question are actually Right of Ways (ROWs) which cannot be leased without a change to their vesting and the Department of Lands has advised that they not be prepared to review that vesting because they are the result of a subdivisional process. 2. Council already has the legal capacity to enter ROWs and to maintain them under section 3.53 Local Government Act 1995 so the concept of lease is unnecessary. 3. The creation of the leases will potentially force an unwelcome extra task onto adjoining property owners who have chosen to live in residential areas because they expect Council to 'fix' these types of problems and are rated accordingly. 4. The setting up of the leases would cause Council considerable costs in administrative time. 5. The leases would fragment the management of the land. If the land if leased to adjoining property owners Council's Rangers would need to be dealing with an additional 200 plus property lessees. 6. The system would require a 100% take up rate to be successful. 	
CARRIED UNANIMOUSLY: 9/0	Res: 250716

10. MATTERS BEHIND CLOSED DOORS
Nil

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

12. CLOSURE OF MEETING

5.58pm – There being no further business to discuss the Shire President, Cr Morrell, declared the meeting closed.

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

Signed: _____
Cliff Frewing – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

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