



ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 17TH APRIL 2018.

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Ordinary Council Meeting

17 April 2018

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.01pm – *The Shire President, Cr Gearon, declared the meeting open.*

Cr Gearon acknowledged the land on which the meeting was being held and the traditional custodians of the land, the Bibbulman and Minang people.

Cr Gearon stated that she would also like to show her respect for elders past, present and emerging.

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr Peter Caron (Deputy Shire President)
- Cr Mark Allen
- Cr Kingsley Gibson
- Cr Jan Lewis
- Cr Ian Osborne
- Cr Janine Phillips
- Cr Roger Seeney
- Cr Rob Whooley

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Gilbert Arlandoo (Director Infrastructure and Assets)
- Mrs Annette Harbron (Director Sustainable Development)
- Mr Cary Green (Director Corporate and Community Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

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

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Allen	8.1.3	Financial	Cr Allen has a financial interest in Lot 1 Ocean Beach Road.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that the Council had received a letter of thanks from the Woodturners who had expressed their appreciation of Council’s support for the 2018 Woodturners Exhibition. Cr Gearon that she was aware that there had been a very high quality of work displayed and looked forward to their future exhibitions.

The Shire President announced that the Shire's Corporate Planning Officer, Teiga Murray, and the City of Albany's Corporate Planning Officer, Steve Grimmer, had recently been mentioned in Parliament for the work that they were doing around Integrated Planning and Reporting. Cr Gearon noted that both Teiga and Steve were working around the region providing support for other local governments and congratulated them on their efforts.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Brian Humphries – Potential Crisis in Traffic Management

Mr Humphries referred to the response to his previous questions on notice from February 2018 and in December 2017. Mr Humphries asked where the Chief Executive Officer quoted figures for visitor nights and growth rate came from.

The Chief Executive Officer stated that the figures had come from the Churchill Report.

Mr Humphries stated that the figures stated in the Chief Executive Officer's answer were in conflict with what the Tourism Alliance had publicly advised being to increase the number of visitors per night from 1.2 million to 3.0 million within 3 years over the entire region. Mr Humphries said that the projected increase of 1.8 million visitors/night over 3 years - or 600,000 visitors/night per year - represented a targeted increase of 50% annually and not the 2% that the Chief Executive Officer had advised.

Mr Humphries advised that he had spoken with a number of key people involved in providing short stay accommodation who had advised that, contrary to the Chief Executive Officer's advice of the current increase being 7% visitors/night, the actual numbers were either flat-lining or considerably below historical trends. Mr Humphries asked the Chief Executive Officer to please advise where his quoted 7% figure came from noting that there were no figures to show the actual profiles for Denmark itself but it assumed a comparable and proportionate projected increase.

Mr Humphries explained his interest in these issues was related to the consequential potential increase in vehicle numbers that are needed to be considered for the GHD Traffic Management Study into emergency evacuation planning and he asked what figures GHD were using.

The Chief Executive Officer advised that he hadn't seen a draft report yet but would look at the figures they used once the document was received.

Mr Humphries stated that he believed that the anomalies must be resolved before the Traffic Management Study concluded or else the Shire could be criticised for advising GHD of inappropriate, hypothetical and unsubstantiated figures which could heighten community anxiety, potentially waste time and ratepayer expense that could be avoided.

The Shire President thanked Mr Humphries and advised that she would take the questions on notice and they would be responded to in writing. Mr Humphries has been provided with the following written response.

“Response:

The Tourism Development Strategy suggests that the regions current performance measured at 2015/16 is 1,936,700 visitor nights per annum. The report suggests that to meet the goal of 3 million visitor nights, a growth rate of 9.1% per year is required (2.1% above the current growth rate). The figures contained within the Tourism Development Strategy were provided by Tourism WA.

My calculations suggest that report is correct. I apologise if inaccurate information was provided previously.

Year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Nights	1,936,700	2,112,940	2,305,217	2,514,992	2,743,856	2,993,547

I understand your concerns in relation to potential increases in vehicle numbers, however it is important to note that the Tourism Development Strategy shows that there are two ways that the region can reach the goal of 3 million visitor nights:

1. *By increasing the average number of nights per visitor, or*
2. *By increasing the number of visitors that stay the night*

The Tourism Development Strategy suggests that if the Alliance was able to increase the average stay from 3.6 nights to 4.2 nights per visitor, then 3 million visitor nights could be achieved without increasing the number of people that currently visit the region.

I have attached a copy of the Tourism Development Strategy for your information.”

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 Mavis Jones – Item 8.1.1 (Ocean Beach and Peaceful Bay Coastal Hazard Risk management and Adaptation Plan and Foreshore Concept Plans)

Mrs Jones stated that she was representing the Peaceful Bay Progress Association and Peaceful Bay community members. Mrs Jones advised that whilst they accepted most of the officer recommendations, they objected to the use of the carpark behind the sea rescue building noting that there were now public toilets at that location. Mrs Jones said that they did not support the additional pathway as it was considered superfluous and could negatively

impact stabilisation of the dunes. Mrs Jones stated that they would like to see the shop area retained as the main hub of Peaceful Bay.

Cr Caron stated that he believed that the Peaceful Bay Progress Association and community members had been consulted and asked whether the issues Mrs Jones had raised were the same as those noted in her submission.

Mrs Jones advised that they were similar and that whilst the issues had been raised during consultation they did not believe that they had been listened to and their concerns had been overridden.

The Director Sustainable Development responded that she believed that the concerns and suggestions had been considered and that the outcomes had been decided following lengthy discussion and debate over conflicting opinions.

Cr Gearon thanked Mrs Jones for her comments and apologised if she had felt that she hadn't been listened to during consultation.

4.2.2 Mr Geoff Bowley – Item 8.4.1 (Industrial Area Subdivision – No. 99 (Lot 556) McIntosh Road, Hay) & Item 6.2 (Strategic Briefing Notes)

Mr Bowley asked whether the residual impact of allocating the funds to the Industrial Area would be a reduction in funds available for the western precinct.

The Chief Executive Officer said that there could possibly be a negative impact however it had already been acknowledged that there was a significant gap between the funds available and the cost of building a bridge at the East River Road location. Mr Parker advised that the Council had not yet put any funds away for the construction of a second bridge.

Mr Bowley asked whether the timeframe for recouping some costs through the sale of industrial lots would match with the timeframe for when Council were ready to proceed with the western precinct.

The Chief Executive Officer responded that it would depend on the take up rates for the industrial lots.

Mr Bowley referred to the WALGA Elected Member and Council Advisor Program and asked whether Council had received any feedback from Cr Paul Omodei and whether that feedback would be provided to the community.

The Shire President responded that Cr Omodei had said that he had felt that the Council meeting had been run quite well however had expressed some reservations about the length of public question time.

The Chief Executive Officer added that Cr Omodei had been happy with the way it was chaired and had noted that the way that the Council's public question time had been interesting and different from other local government's he had been involved with.

4.2.3 Ms Beverley Ford – Item 8.1.4 (Proposed Small Bar / Restaurant and Two X Groped Dwellings – Not.89 (Lot 34) Strickland Street), Item 8.1.1 (Ocean Beach and Peaceful Bay Coastal Hazard Risk management and Adaptation Plan and Foreshore Concept Plans) & Art Prize

Ms Ford advised that she had just been appointed as interim Chair of the Denmark Residents and Ratepayers Association and commended the proponents on their proposal. Ms Ford stated that she believed the bar / restaurant would enhance tourism and improve the amenity of Strickland Street.

Ms Ford made reference to an investigation of the influence of the Wilson Inlet sandbar opening on coastal processes and noted that last year there had been some interest in having a round table discussion on the Wilson Inlet opening protocol and exploring the possibility of a dual opening.

Ms Ford asked whether the Council thought that this conversation should be had and the protocol reviewed prior to any investigation being done.

The Shire President stated that it was a separate issue and asked the Director Sustainable Development for comment.

The Director Sustainable Development advised that the Wilson Inlet opening was driven by catchment levels primarily and not influenced by coastal processes. However it was appropriate to undertake monitoring of what does occur on the adjoining foreshore, in particular noting the proposal for an access point from the Ocean Beach Lookout to the beach. Mrs Harbron said that consequently it had just been referenced as being added to the investigation areas for future beach and coastal monitoring work.

Cr Gearon said that the matter could be discussed when the item was debated.

Ms Ford commended Cr Lewis for including an Art Prize in the budget process stating that she believed it would be something that the community would welcome.

Cr Gearon congratulated Ms Ford on her election as interim chair of the Denmark Residents and Ratepayers Association and commended the work of the former chair.

4.2.4 Mr Brian Humphries – Previous Questions Taken On Notice & Item 4.1.1 (Mr Brian Humphries – Potential Crisis in Traffic Management)

Mr Humphries stated that he had not yet received a response to his questions taken on notice at the Annual Electors Meeting held on 20 March 2018 and wondered when he might receive a response.

The Chief Executive Officer apologised for the delay noting that a key staff member had been on leave and that now that that staff member was back a response would be provided.

Mr Humphries referred to the responses to his previous questions taken on notice that were recorded in the Agenda noting that his concerns were not just relating to visitors per night but also day visitors. Mr Humphries noted that the figures that had been provided were regional and asked what the figures for Denmark were.

The Chief Executive Officer stated that he would need to take the question on notice and request specific data from Tourism WA. Mr Parker noted that the traffic study being undertaken was looking at vehicle movements not beds per night.

Mr Humphries said that he believed the figures that Tourism WA had were based on accommodation and didn't include day visitors.

4.2.5 Ms Yasmin Bartlett – Local Planning Strategy Review, WALGA Awards and Developer Contributions Policy

Ms Bartlett noted that the resolution to remove the flagging of the Agricultural College land in the Local Planning Strategy (LPS) had not been done and requested that Council expedite the review of the LPS.

Ms Bartlett referred to awards that were given to a former Shire of Denmark CEO and asked whether the Shire could request WALGA to be more transparent and make decisions that reflect the criteria of any awards.

Ms Bartlett said that she believed that the 2010 policy on developer contributions had not been updated to reflect current road costs. Ms Bartlett requested that the Council review the policy so that adequate funds could be collected. Ms Bartlett noted that reference to an infrastructure developer contribution in the LPS had never been actioned.

The Chief Executive Officer said that if Ms Bartlett had any concerns about WALGA's awards then she would need to take those concerns directly to WALGA.

The Director Sustainable Development advised that in relation to the Agricultural College modification to the LPS that the Council resolution was that such modification would be progressed as part of any other amendments to the LPS arising from draft Local Planning Scheme No. 4 considerations. Mrs Harbron said that, in this regard, only minor progress had been made to draft Local Planning Scheme No. 4 on the basis that the Shire has been focussing its energies on a new Strategic Community Plan and that there was a need to ensure that the LPS review and new Local Planning Scheme were able to deliver on the vision, aspirations and objectives arising from the Strategic Community Plan. Mrs Harbron said that in order to prioritise this task, advertising would commence shortly for a Strategic Land Use Planner.

Mrs Harbron said that as per the developer contributions framework that was adopted by Council in April 2010, developers needed to pay the applicable developer contribution – with subdividers who have the condition imposed on their subdivision approval paying the applicable fee at the time of seeking clearance; with the current contribution amount being \$1,885 per new lot created. Mrs Harbron added that the fee is included in the Shire's Fees & Charges Schedule, it was reviewed annually and that the review had regard to WALGA's Road Construction CPI figures.

The Director stated that, in terms of seeking developer contributions for other community infrastructure outside of the scope of State Planning Policy 3.6: Development Contributions for Infrastructure (which was currently under review), as per the Planning and Development (Local Planning Scheme) Regulations 2015, there was a need to incorporate relevant provisions into the Local Planning Scheme and develop a Development Contribution Plan that

would then provide details on the infrastructure requirements and the contributions that would then apply accordingly for new developments.

4.2.6 Mr Geoff Bowley – Item 8.2.1 (Financial Statements for the Period Ending 28 February 2018)

Mr Bowley referred to Note 7 which had only one figure for the Denmark East Development Precinct Project and asked whether this figure could be split, reflecting the two Financial Assistance Grants that were now in place.

Cr Gearon advised that they were awaiting the traffic management study on vehicle movements and once it had been considered then the figure would be split in the Council’s budget documentation.

4.2.7 Dr Cyril Edwards – Traffic Management Study

Dr Edwards asked for an update on the Traffic Management Study and the Sport and Recreation Master Plan and asked when they might be available for the community to look at.

The Chief Executive Officer advised that there was still a fair bit of work to be done on the study and that the consultants were currently seeking data on vehicle movements during peak tourism periods. Mr Parker said that a model had been developed which would formulate population distribution once data was inputted into it.

Mr Parker advised that the Sport & Recreation Master Plan would likely be presented to Council in May 2018 and at that time it would be available to the public.

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.

COUNCIL RESOLUTION	ITEM 5
MOVED: CR GIBSON	SECONDED: CR ALLEN
That Cr Osborne be granted leave of absence for meetings held in November 2018.	
CARRIED UNANIMOUSLY: 9/0	Res: 010418

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR SEENEY	SECONDED: CR ALLEN
That the minutes of the Ordinary Meeting of Council held on the 20 March 2018 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 020418

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR CARON	SECONDED: CR LEWIS
That the Notes from the Strategic Briefing held on 20 March 2018 be received.	
CARRIED UNANIMOUSLY: 9/0	Res: 030418

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

8. REPORTS OF OFFICERS

8.1 Director Sustainable Development

8.1.1 OCEAN BEACH AND PEACEFUL BAY COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN AND FORESHORE CONCEPT PLANS

File Ref:	GRT.141
Applicant / Proponent:	Nil
Subject Land / Locality:	Ocean Beach (portion of Reserve 24913 and 20578) and Peaceful Bay (portion of Reserve 24510) foreshores
Disclosure of Officer Interest:	Nil
Date:	4 April 2018
Author:	Donna Sampey, Sustainability Officer
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.1a – Draft Coastal Hazard Risk Management and Adaptation Plan as advertised 8.1.1b – Draft Ocean Beach and Peaceful Bay Foreshore Concept Plans as advertised 8.1.1c – Schedule of submissions 8.1.1d - Draft Ocean Beach and Peaceful Bay Foreshore Concept Plans with proposed modifications

Summary:

A draft Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and associated foreshore concept plans have been developed for Ocean Beach and Peaceful Bay. The draft plans were subject to recent public advertising, with thirteen (13) submissions received.

Following review of the submissions by the Ocean Beach and Peaceful Bay Foreshore Concept Plan Working Group, it is recommended that Council adopt the plans with minor modifications.

Background:

At the Ordinary Meeting of Council held on the 19 December 2017, Council considered the draft CHRMAP and foreshore concept plans and resolved as follows (No. 051217):

That with respect to the draft Ocean Beach and Peaceful Bay Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and Foreshore Concept Plans, Council adopt the draft CHRMAP and concept plans for the purposes of public advertising as per the following:

1. *Public advertising period for a minimum period of 42 days.*
2. *Advertising notice to be published in the Denmark Bulletin and Walpole Weekly newspapers inviting public comment.*
3. *Advertising notice, and the associated plans, inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public advertising period.*
4. *Media release.*
5. *Referral to the following government departments inviting comment (including but not limited to):*
 - *Department of Fire and Emergency Services;*
 - *Department of Local Government, Sport and Cultural Industries (Sport and Recreation);*
 - *Department of Planning, Lands and Heritage (Planning, Aboriginal Affairs and Lands);*
 - *Department of Water and Environmental Regulation (Water);*
 - *Department of Biodiversity Conservation and Attractions; and,*
 - *Department of Transport.*
6. *Referral to key external stakeholders inviting comment.*

Attached as Attachment 8.1.1a and 8.1.1b is the draft Ocean Beach and Peaceful Bay CHRMAP and Foreshore Concept Plans that were advertised for public comment.

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. During the advertising period, the following consultation took place:

- Public advertising period commenced on 4 January 2018 and concluded on 22 February 2018 (50 days).
- Advertising notice published in the Denmark Bulletin on 4 January and 15 February 2018 inviting public comment.
- Advertising notice published in the Walpole Weekly on 10 January and 17 February 2018 inviting public comment.
- Media release distributed on 12 January 2018. News articles were published in the Denmark Bulletin on 18 January and 15 February 2018.
- Advertising notice, and the associated plans, inviting public comment on the proposal displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public advertising period.
- Referral to twenty-eight respondents of the May 2017 CHRMAP community survey.
- Referral to the following government departments inviting comment:
 - Department of Biodiversity, Conservation and Attractions (Parks and Wildlife)
 - Department of Fire and Emergency Services
 - Department of Local Government, Sport and Cultural Industries (Sport)
 - Department of Transport
 - Department of Water and Environmental Regulation (Water)
 - Department of Planning, Lands and Heritage (Heritage)

- Department of Planning, Lands and Heritage (Land Use Management)
- Department of Planning, Lands and Heritage (Land Use Planning)
- Referral to the following community stakeholders comment:
 - Denmark Surf Life Saving Club
 - Denmark Boating and Angling Club
 - Denmark Sea Rescue Group
 - Peaceful Bay Sea Rescue Group
 - Peaceful Bay RSL Sub-Group
 - South Coast Surfing Lessons
 - Bevans Pty Ltd
 - Peaceful Bay Caravan Park
 - Peaceful Bay Progress Association
 - Green Skills Inc.
 - Denmark Weed Action Group
 - Denmark Tourism Inc.
 - Denmark Residents and Ratepayers Association
 - Denmark Environment Centre
 - Nornalup Residents and Ratepayers Association

At the close of the advertising period, a total of thirteen (13) submissions were received – ten (10) from the public/community stakeholder groups and three (3) from State Government Departments. Attached as Attachment 8.1.1c is the Schedule of Submissions, with all submissions received being entered into the schedule as verbatim.

Statutory Obligations:

The *State Planning Policy 2.6 State Coastal Planning Policy* requires coastal hazard risk management and adaptation planning (CHRMAP) to be undertaken in areas at risk of being affected by coastal hazards over a 100-year planning timeframe. The draft Ocean Beach and Peaceful Bay CHRMAP was compiled using the methodology and planning provisions outlined in SPP2.6. Adaptation options in the draft CHRMAP were evaluated using the adaptation hierarchy in the *Coastal Hazard Risk Management and Adaptation Planning Guidelines*.

A permit to clear native vegetation, under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, may be required prior to commencement of any works in the draft Foreshore Concept Plans which requires the removal of vegetation.

There will be lease amendments and/or new leases required for the relocation of the Denmark Surf Life Saving Club, Peaceful Bay RSL Memorial and the Peaceful Bay fishermen's area (Bevans Pty Ltd), in accordance with the *Land Administration Act 1997*.

Construction of new built assets on the relocated leases may require Development Approval in accordance with the *Shire of Denmark Town Planning Scheme No. 3* and the *Planning and Development Act 2005*.

Removal of buildings and built assets associated with the relocated/amended leases for the Denmark Surf Life Saving Club, Peaceful Bay RSL Memorial and the Peaceful Bay fishermen's area (Bevans Pty Ltd) may require a demolition permit in accordance with the *Building Act 2011*.

Relocation has been identified as one adaptation option for Old Peaceful Bay Road. This would require excising a portion of land from the surrounding A-class reserve for the relocated road. As such, approval as per the requirements of the *Land Administration Act 1997* may be required.

There are Registered Aboriginal Heritage Sites in the vicinity of the study areas at Ocean Beach and Peaceful Bay, which may be broadly affected by any development associated with

implementation of the draft Foreshore Concept Plans. As such, the project will need to consider requirements under the *Aboriginal Heritage Act 1972* and reference made to the *Cultural Heritage Due Diligence Guidelines*.

Policy Implications:

The Shire's *Coastal Reserves Management Strategy and Action Plan 2010 – 2020* provides information on the characteristics and prioritises management recommendations for each coastal reserve managed by the Shire of Denmark (including Ocean Beach and Peaceful Bay). Recommendations from the Coastal Reserves Plan that required further consideration were specifically addressed when compiling the Draft Foreshore Concept Plans.

Implementation point 15 of Part 1 Section 4.7 (Natural Resource Management) in the Shire's *Local Planning Strategy (2011)* states: *Council implement coastal development setbacks in accordance with requirements and recommendations provided by Western Australian Planning Commission's State Planning Policy 2.6: State Coastal Planning Policy*. It also makes provisions for managing recreational uses in the coastal zone, continuing to understand coastal processes and implementing development controls for coastal infrastructure and facilities. The draft CHRMAP and Foreshore Concept Plan's recommendations are in accordance with the intent of the Strategy.

Budget / Financial Implications:

Adoption of the draft CHRMAP will enable acquittal of a financial grant from the Department of Planning, Lands and Heritage (Planning) through the Coastal Management Plan Assistance Program.

There will be long-term financial implications associated with the protection of coastal assets, which will need to be considered as part of the Shire's Long Term Financial Plan. Refer to Figure 6.1 "Ten year works program for short-term planning horizon" in the draft CHRMAP (Attachment 8.1.1a) for the list of actions, their timing and cost. Implementation of the final CHRMAP recommendations and Concept Plans will be dependent upon access to grant funds and/or Council budget priorities to undertake the recommended works, noting that completion of the CHRMAP is a pre-requisite for some of the eligible funding.

A Coastal Adaptation and Protection Grant, administered by the Department of Transport, was submitted on 4 April 2018 to commence implementation of priority CHRMAP recommendations for Year 1.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

N2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.2 To promote and encourage responsible development.

N2.4 To acknowledge and adapt to climate change.

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community.

B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.

Corporate Business Plan

- 1.2.5 Maintain and plan parks, gardens, recreational areas and open space at standards acceptable to the community.
- 1.2.6 Establish outdoor amenities that suit the needs of the community.
- 1.10.3 Support the Denmark Surf Club Redevelopment/Upgrade.
- 1.10.6 Investigate improvements to parks and reserves and implement improvements where appropriate.
- 1.10.16 Maintain and improve sporting and recreation facilities (including dog parks) in the District based on catchment needs.
- 2.1.2 Manage natural resources in a sustainable manner on land owned or managed by the Shire.
- 2.2.9 Assess coastal vulnerability of high risk Shire assets along the coastline.
- 3.7.3 Continue to engage in the management of local natural areas with associated recreation and tourism uses.

Sustainability Implications:

➤ **Governance:**

The only governance implications relate to permits for the proposed commercial vehicle parking at Ocean Beach.

➤ **Environmental:**

The draft CHRMAP addresses on-going erosion of the primary dunes at Ocean Beach and Peaceful Bay. Options to adapt to coastal erosion seek to retain the beach and largely preserve the coastal dunes and surrounding vegetation. It also makes provisions for infrastructure that is more accommodating of the dynamic coastal environment in which it is located. In accordance with the results of the community survey, minimal new infrastructure has been recommended in the draft Foreshore Concept Plans for Ocean Beach and Peaceful Bay.

The draft Concept Plans recommends some clearing of native vegetation in order to expand car parking, improve vehicle access to the beach, relocate the Surf Life Saving Club at Ocean Beach and construct new pedestrian access to the beach at Peaceful Bay.

➤ **Economic:**

Refer to budget/financial implications above.

➤ **Social:**

The draft CHRMAP and concept plans seeks to retain and further develop the recreational opportunities offered at Ocean Beach and Peaceful Bay by protecting foreshore reserves and their associated infrastructure. It allows appropriate decisions to be made when planning for additional recreational opportunities in response to an increasing population and tourist numbers. The CHRMAP assesses of the real value of coastal assets to the community and ways to adapt to the coastal hazard risk over a 100 year planning timeframe.

➤ **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)
Council does not support the Ocean Beach and Peaceful Bay CHRMAP and Foreshore Concept Plans	Unlikely (2)	Moderate (3)	Moderate (5-9)	Damage to Physical Assets	Accept Officer Recommendation OR Manage by only undertaking routine and reactive maintenance at the Ocean Beach and Peaceful Bay foreshores

➤ **Comment/Conclusion:**

The Ocean Beach and Peaceful Bay Foreshore Concept Plan Working Group, Shire Officers and the project consultants, Seashore Engineering, reviewed all submissions received to determine a position on the issues/comments and guide the final CHRMAP and Foreshore Concept Plans to be submitted to Council for adoption. From the review process undertaken, the following modifications to the advertised draft plans are recommended:

CHRMAP

- Add a general reference to consideration of dune revegetation and rehabilitation where required for short-term adaptation (Section 5.6).
- Include information of the SBEACH parameters and 2007 storm event which was used to estimate S1 in the hazard assessment (Section 2).
- Add reference to the requirement for a monetary beach valuation in the implementation of the CHRMAP (Section 6).
- Add a note stating that current state government grant programs cannot be guaranteed as a permanent funding source for implementation of the CHRMAP in the future, as competition for funding exists (Section 6.4).
- Add to adaptation at Ocean Beach (Section 5.3.1) that alternative design options are available for observation areas for the Surf Life Saving Club (SLSC) if required and in the case of removal of the lower SLSC building. These options may accommodate coastal hazards better and be less expensive to maintain in the long term than retention of the lower SLSC building.
- Provide further clarification regarding exclusion of the Wilson Inlet influences in the coastal hazard assessment (Section 2).
- Add a specific reference to including investigation of the influence of the Wilson Inlet sandbar opening on coastal processes in the annual and detailed coastal monitoring (Section 6.1).
- Add the following new works to the ten year works program for the short term planning horizon (Figure 6.1):
 - Ocean Beach – traffic treatment at the intersection of Ocean Beach Road and the driveway to the main public car park. Estimated cost \$25,000. Timing: 2024.

Ocean Beach Foreshore Concept Plan (refer to Attachment 8.1.1d, noting that the modifications have been identified in yellow)

- Commercial vehicle parking:
 - Financial contributions may be sought from users of the parking towards cost of construction.
 - Should the parking area be compromised by coastal erosion, the provision of parking will be reviewed, with preference for removal or relocation.
- Car park extension increased slightly in area.

- Add consideration of reuse of materials from the demolition of the lower SLSC building.
- Traffic treatment to be installed at the intersection of Ocean Beach Road and the driveway to the main public car park.

Peaceful Bay Foreshore Concept Plan (refer to Attachment 8.1.1d, noting that the modifications have been identified in yellow)

- 'Formalisation' of the pedestrian access track to the beach refers to soft engineering options such as post and rail border fencing and soil stabilisation using brushing or matting as required, in order to mitigate degradation of the sandy path with continued use.
- The new pedestrian path from the car park adjacent to the Sea Rescue building has been realigned further west, in order to largely avoid the boat launch area.
- Reference to 'place activation' has been added to the car park adjacent to the Sea Rescue building, as a method for increasing its use.

It should be noted that M. Jones provided a public submission on the draft CHRMAP and Peaceful Bay Foreshore Concept Plan, but is also a member of the Working Group. This was declared to the Working Group and M. Jones did not participate in any discussion relating to her submission during the Working Group meeting.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.1

That with respect to the Ocean Beach and Peaceful Bay Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and Foreshore Concept Plans, Council

1. Note the submissions received.
2. Adopt Attachment 8.1.1a as the final CHRMAP, subject to the following modifications:
 - Add a general reference to consideration of dune revegetation and rehabilitation where required for short-term adaptation (Section 5.6).
 - Include information of the SBEACH parameters and 2007 storm event which was used to estimate S1 in the hazard assessment (Section 2).
 - Add reference to the requirement for a monetary beach valuation in the implementation of the CHRMAP (Section 6).
 - Add a note stating that current state government grant programs cannot be guaranteed as a permanent funding source for implementation of the CHRMAP in the future, as competition for funding exists (Section 6.4).
 - Add to adaptation at Ocean Beach (Section 5.3.1) that alternative design options are available for observation areas for the Surf Life Saving Club (SLSC) if required and in the case of removal of the lower SLSC building. These options may accommodate coastal hazards better and be less expensive to maintain in the long term than retention of the lower SLSC building.
 - Provide further clarification regarding exclusion of the Wilson Inlet influences in the coastal hazard assessment (Section 2).
 - Add a specific reference to including investigation of the influence of the Wilson Inlet sandbar opening on coastal processes in the annual and detailed coastal monitoring (Section 6.1).
 - Add the following new works to the ten year works program for the short term planning horizon (Figure 6.1):
 - a. Ocean Beach – traffic treatment at the intersection of Ocean Beach Road and the driveway to the main public car park. Estimated cost \$25,000. Timing: 2024.
 - Add information regarding the key assumption relating to the Factor of safety figure used in the hazard assessment (section 2.0); and

- Minor typographical and administration errors including the insertion of a table of acronyms to the report and updating the associated concept plans for Ocean Beach and Peaceful Bay.
3. Adopt Attachment 8.1.1d as the final Ocean Beach and Peaceful Bay Foreshore Concept Plans.
 4. Advise the submitters of Council's decision.
 5. Acknowledge the work of the Ocean Beach and Peaceful Bay Foreshore Concept Plan Working Group in the development of the CHRMAP and Foreshore Concept Plans.
 6. Formally cease the Ocean Beach and Peaceful Bay Concept Plan Working Group given the Working Group's aim to develop the Concept Plans is now complete.

The following Alternate Officer Recommendation includes an addition two dot points in Part 2 of the Officer Recommendation.

<p>COUNCIL RESOLUTION & ALTERNATE OFFICER RECOMMENDATION</p> <p>MOVED: CR GIBSON</p> <p>That with respect to the Ocean Beach and Peaceful Bay Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and Foreshore Concept Plans, Council</p> <ol style="list-style-type: none"> 1. Note the submissions received. 2. Adopt Attachment 8.1.1a as the final CHRMAP, subject to the following modifications: <ul style="list-style-type: none"> • Add a general reference to consideration of dune revegetation and rehabilitation where required for short-term adaptation (Section 5.6). • Include information of the SBEACH parameters and 2007 storm event which was used to estimate S1 in the hazard assessment (Section 2). • Add reference to the requirement for a monetary beach valuation in the implementation of the CHRMAP (Section 6). • Add a note stating that current state government grant programs cannot be guaranteed as a permanent funding source for implementation of the CHRMAP in the future, as competition for funding exists (Section 6.4). • Add to adaptation at Ocean Beach (Section 5.3.1) that alternative design options are available for observation areas for the Surf Life Saving Club (SLSC) if required and in the case of removal of the lower SLSC building. These options may accommodate coastal hazards better and be less expensive to maintain in the long term than retention of the lower SLSC building. • Provide further clarification regarding exclusion of the Wilson Inlet influences in the coastal hazard assessment (Section 2). • Add a specific reference to including investigation of the influence of the Wilson Inlet sandbar opening on coastal processes in the annual and detailed coastal monitoring (Section 6.1). • Add the following new works to the ten year works program for the short term planning horizon (Figure 6.1): <ol style="list-style-type: none"> a. Ocean Beach – traffic treatment at the intersection of Ocean Beach Road and the driveway to the main public car park. Estimated cost \$25,000. Timing: 2024. • Add information regarding the key assumption relating to the Factor of Safety figure used in the hazard assessment (section 2.0); and • Minor typographical and administration errors including the insertion of a table of acronyms to the report and updating the associated concept plans for Ocean Beach and Peaceful Bay. 3. Adopt Attachment 8.1.1d as the final Ocean Beach and Peaceful Bay Foreshore Concept Plans. 4. Advise the submitters of Council's decision. 5. Acknowledge the work of the Ocean Beach and Peaceful Bay Foreshore Concept Plan Working Group in the development of the CHRMAP and Foreshore Concept Plans. 	<p>ITEM 8.1.1</p> <p>SECONDED: CR CARON</p>
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6. Formally cease the Ocean Beach and Peaceful Bay Concept Plan Working Group given the Working Group's aim to develop the Concept Plans is now complete.

AMENDMENT

MOVED: CR PHILLIPS

SECONDED: CR WHOOLEY

That the following words be added to the end of part 3 to read, subject to the following additional notation on the Peaceful Bay Foreshore Concept Plan, "The location of pedestrian access way from the existing carpark behind the sea rescue building be reviewed at the time of detailed design to ensure potential conflict between boats and beach-goers is minimised."

CARRIED UNANIMOUSLY: 9/0

Res: 040418

AMENDMENT

MOVED: CR WHOOLEY

SECONDED: CR OSBORNE

That the word "final" be removed from parts 2 and 3.

CARRIED UNANIMOUSLY: 9/0

Res: 050418

AMENDED MOTION

That with respect to the Ocean Beach and Peaceful Bay Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and Foreshore Concept Plans, Council

1. Note the submissions received.
2. Adopt Attachment 8.1.1a as the CHRMAP, subject to the following modifications:
 - Add a general reference to consideration of dune revegetation and rehabilitation where required for short-term adaptation (Section 5.6).
 - Include information of the SBEACH parameters and 2007 storm event which was used to estimate S1 in the hazard assessment (Section 2).
 - Add reference to the requirement for a monetary beach valuation in the implementation of the CHRMAP (Section 6).
 - Add a note stating that current state government grant programs cannot be guaranteed as a permanent funding source for implementation of the CHRMAP in the future, as competition for funding exists (Section 6.4).
 - Add to adaptation at Ocean Beach (Section 5.3.1) that alternative design options are available for observation areas for the Surf Life Saving Club (SLSC) if required and in the case of removal of the lower SLSC building. These options may accommodate coastal hazards better and be less expensive to maintain in the long term than retention of the lower SLSC building.
 - Provide further clarification regarding exclusion of the Wilson Inlet influences in the coastal hazard assessment (Section 2).
 - Add a specific reference to including investigation of the influence of the Wilson Inlet sandbar opening on coastal processes in the annual and detailed coastal monitoring (Section 6.1).
 - Add the following new works to the ten year works program for the short term planning horizon (Figure 6.1):
 - a. Ocean Beach – traffic treatment at the intersection of Ocean Beach Road and the driveway to the main public car park. Estimated cost \$25,000. Timing: 2024.
 - Add information regarding the key assumption relating to the Factor of Safety figure used in the hazard assessment (section 2.0); and
 - Minor typographical and administration errors including the insertion of a table of acronyms to the report and updating the associated concept plans for Ocean Beach and Peaceful Bay.
3. Adopt Attachment 8.1.1d as the Ocean Beach and Peaceful Bay Foreshore Concept Plans, subject to the following additional notation on the Peaceful Bay Foreshore Concept Plan, "The location of pedestrian access way from the existing carpark behind the sea rescue

building be reviewed at the time of detailed design to ensure potential conflict between boats and beach-goers is minimised.”

4. Advise the submitters of Council’s decision.
5. Acknowledge the work of the Ocean Beach and Peaceful Bay Foreshore Concept Plan Working Group in the development of the CHRMAP and Foreshore Concept Plans.
6. Formally cease the Ocean Beach and Peaceful Bay Concept Plan Working Group given the Working Group’s aim to develop the Concept Plans is now complete.

THE AMENDED MOTION BECAME THE SUBSANTIVE MOTION WHICH WAS PUT AND CARRIED UNANIMOUSLY: 9/0 Res: 060418

8.1.2 DRAFT CLIMATE CHANGE POLICY STATEMENT

File Ref:	GOV.32
Applicant / Proponent:	WA Local Government Association
Subject Land / Locality:	Nil
Disclosure of Officer Interest:	Nil
Date:	5 April 2018
Author:	Donna Sampey, Sustainability Officer
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.2a WALGA Policy Statement on Climate Change June 2009 8.1.2b WALGA Climate Change Policy Statement Review Discussion Paper November 2017 8.1.2c WALGA Climate Change Policy Statement Draft March 2018

Summary:

The WA Local Government Association (WALGA) have recently released a draft *Climate Change Policy Statement* (draft Policy) and are seeking comments from Local Governments by 24 April 2018, prior to Policy being considered by the WALGA State Council.

Background:

WALGA’s current *Climate Change Policy Statement* was endorsed by State Council in 2009 (refer Attachment 8.1.2a). The Policy is used to inform WALGA’s advocacy position on climate change matters and its objective is:

To ensure that Local Government understands and addresses climate change impacts in a local, regional and international context, evaluates the climate change implications of operational decisions and policy positions, and is committed to greenhouse emissions reductions and risk management through appropriate mitigation and adaptation strategies (WALGA 2009).

In light of new climate change science, technological advances, and domestic and international agreements, such as the Paris Agreement, the 2009 Policy is considered by WALGA to be aging and requires updating to reflect these changes and contemporary views on climate change.

As such, in November 2017, WALGA released a Discussion Paper for the Climate Change Policy Statement Review (refer Attachment 8.1.2b) and encouraged Councillors, CEOs and Local Government Officers to provide input. The comment period closed on 15 December 2018 and 26 responses were received. While individual responses are not yet available, WALGA reports that the responses were:

“overwhelmingly supportive of producing a strong policy statement, that reflects the scientific consensus, international developments (e.g. the Paris Agreement and the UN Sustainable Development Goals) and most importantly, the fact that Local Governments are already experiencing climate change, and taking mitigation and adaptation action”. (WALGA 2018)

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. The Officer believes that no additional external/internal engagement or consultation is required.

Statutory Obligations:

The draft Policy supports Australia as a signatory to:

- The Paris agreement from the United Nations Framework Convention on Climate Change Conference in 2015, from which Australia nominated a post-2020 emission target of 5 per cent below 2000 values.
- The United Nation's Sustainable Development Goals in 2015. The Goals guide global action on sustainable development until 2030.

The WA *State Planning Policy 2.6 State Coastal Planning Policy* provides for adaptation to climate change and consequent coastal hazards on the coast.

Policy Implications:

The Shire signed WALGA's Declaration on Climate Change in 2010, and it was adopted by Council as Policy P100512 (Resolution No. 300610). The Declaration demonstrates the Shire's acknowledgement of the impacts of climate change and commitment to developing locally appropriate mitigation and adaptation strategies to manage climate change. 40 Local Governments are signatories to the Declaration.

It is not yet clear whether WALGA will revise the Declaration in light of changes to the *Climate Change Policy Statement*.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan in providing comments on the draft Policy.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

E2.0 Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

E2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy.

E2.4 To acknowledge and adapt to climate change.

Corporate Business Plan

2.2.1 Support community education and promotion of energy and water efficiency.

2.2.3 Reduce environmental impact and encourage sustainability in all aspects of Shire operations.

3.6.5 Work in collaboration with Local, State and private sectors to promote energy efficient measures and sources.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

Should Council offer support for the draft Policy, it is acknowledging that climate change is currently occurring and the urgent need to implement mitigation and adaptation activities.

➤ **Economic:**

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

➤ **Social:**

The draft Policy seeks to plan for and manage the effects of climate change on community assets, council services, Local Government budgets and community health.

➤ **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 does not support the draft WALGA Climate Change Policy Statement	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate natural environment management	Accept Officer Recommendation OR Develop Shire climate change policy independent to WALGAs statement

Comment/Conclusion:

The aim of the draft Policy (refer Attachment 8.1.2c) will be the same as the current Policy and:

“will provide the basis for WALGA’s climate change advocacy plan, which will detail how WALGA will promote and (advocate for) Local Governments’ key climate change priorities over the next one to three years (subject to changes / developments in this area).” (WALGA 2017).

Shire staff have reviewed the draft Policy and recommend the following comments form the shire’s submission to WALGA:

1. Policy statement (section 1.0) – needs to reflect that while local government is active in climate change mitigation and adaptation, it can and should be doing more, irrespective of the position/action of other levels of government, noting that higher level government support would make this action easier. This could also be better reflected in section 2.3.
2. Policy statement (section 1.0) – include a recognition of WALGA’s role in assisting local governments adapt to climate change.
3. Section 2.3 and 2.4 - Reference should be made to improving energy productivity as part of mitigation actions. Energy productivity is an indicator of the amount of economic output that is derived from each unit of energy consumed. Lifting Australia’s economic productivity has gained momentum and the current Australian Alliance for Energy Productivity project to double productivity by 2030 has gained Australian government, business and industry support and goes much further than improving energy efficiency (see <https://www.2xep.org.au/>).
4. There is a lot of emphasis throughout the draft Policy on lobbying the state and federal government in relation to all aspects of emissions reductions/mitigation and adaptation. There is less about what Local Government could or should be doing itself, in spite of the challenges

created by inaction from higher levels of government eg. ensuring adequate consideration of climate change is included in local emergency management plans (section 2.5).

5. The draft Policy could be simplified/shortened somewhat by removing references to some international impacts and goals where local government is unlikely to have any influence. For example: Global equity implications of adaptation; and, direct support for international agreements like the United Nations Sustainable Development Goals, when supporting Australia as a signatory to the goals is more relevant to this Policy.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR LEWIS	SECONDED: CR SEENEY

That with respect to the Draft *Climate Change Policy Statement* as prepared by the WA Local Government Association (WALGA), Council:

1. Support WALGA in addressing this issue; and,
2. Provide the following comments:
 - a. Policy statement (section 1.0) – needs to reflect that while local government is active in climate change mitigation and adaptation, it can and should be doing more, irrespective of the position/action of other levels of government, noting that higher level government support would make this action easier. This could also be better reflected in section 2.3.
 - b. Policy statement (section 1.0) – include a recognition of WALGA’s role in assisting local governments adapt to climate change.
 - c. Section 2.3 and 2.4 - Reference should be made to improving energy productivity as part of mitigation actions. Energy productivity is an indicator of the amount of economic output that is derived from each unit of energy consumed. Lifting Australia’s economic productivity has gained momentum and the current Australian Alliance for Energy Productivity project to double productivity by 2030 has gained Australian government, business and industry support and goes much further than improving energy efficiency (see <https://www.2xep.org.au/>).
 - d. There is a lot of emphasis throughout the draft Policy on lobbying the state and federal government in relation to all aspects of emissions reductions/mitigation and adaptation. There is less about what Local Government could or should be doing itself, in spite of the challenges created by inaction from higher levels of government eg. ensuring adequate consideration of climate change is included in local emergency management plans (section 2.5).
 - e. The draft Policy could be simplified/shortened somewhat by removing references to some international impacts and goals where local government is unlikely to have any influence. For example: Global equity implications of adaptation; and, direct support for international agreements like the United Nations Sustainable Development Goals, when supporting Australia as a signatory to the goals is more relevant to this Policy.

CARRIED: 7/2	Res: 070418
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Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;

FOR: *Cr Allen, Cr Caron, Cr Gibson, Cr Seeneey, Cr Gearon, Cr Phillips and Cr Lewis.*

AGAINST: *Cr Whooley and Cr Osborne.*

Prior to consideration of Item 8.1.3 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Allen declares a financial interest on the basis that he has a financial interest in Lot 1 Ocean Beach Road .

5.36pm - Cr Allen left the room and did not participate in discussion or vote on the matter.

<p>8.1.3 SCHEME AMENDMENT 140 – REZONING NO. 738 (LOT 1) OCEAN BEACH ROAD, OCEAN BEACH FROM “RURAL” TO “TOURIST”</p>

File Ref:	TPS3/SA140 (A790)
Applicant / Proponent:	Williams Consulting on behalf of S Allen
Subject Land / Locality:	No. 738 (lot 1) Ocean Beach Road, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	3 April 2018
Author:	Annette Harbron, Director Sustainable Development
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.3a – Advertised Scheme Text Provisions, Zoning Map and Local Development Plan 8.1.3b – Schedule of Submissions 8.1.3c – Updated Land Capability & Environmental Assessment Report & Updated Local Development Plan

Summary:

In January 2016 Council resolved to initiate Scheme Amendment 140 to Town Planning Scheme No. 3 (TPS No. 3) to rezone No. 738 (Lot 1) Ocean Beach Road, Ocean Beach from “Rural” to “Tourist” to facilitate a boarding house and chalet development on-site.

Scheme Amendment No. 140 was advertised for public comment, with eight (8) submissions received.

It is recommended that Council grant final approval with modifications to Scheme Amendment No. 140 and refer the document to the Western Australian Planning Commission/Minister for Planning for final approval.

Background:

At the Ordinary Meeting of Council held on 19 January 2016, Council considered initiating Scheme Amendment No. 140 wherein they resolved the following (Res No:050116):

That with respect to the request to initiate a Scheme Amendment to rezone No. 738 (Lot 1) Ocean Beach Road, Ocean Beach from “Rural” to “Tourist”, Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005 initiate Town Planning Scheme No. 3 Amendment No. 140 by:
 - a) Rezoning No. 738 (Lot 1) Ocean Beach Road, Ocean Beach from “Rural” zone to “Tourist (T13)” zone and amending the Scheme Maps accordingly.
 - b) Inserting Tourist T13 provisions in Appendix XIII – Schedule of Tourist Zones as follows:
 - Column 1 – Particulars of the Land
T12
No. 738 (Lot 1) Ocean Beach Road, Ocean Beach
 - Column 2 – Tourist Use
Notwithstanding any other provisions of the scheme, the following land uses are the only permitted (P) land uses and shall include:
 - i. Holiday Accommodation

- ii. *Holiday Home*
- iii. *Boarding House (maximum 30 guests)*
- iv. *Single House*

IP uses shall include:

- i. *Caretakers/Managers Residence*
 - ii. *Reception/Office*
- *Column 3 – Condition of Tourist Use*
 - i. *Development and subdivision shall generally be in accordance with the Local Development Plan (Ref:14-001-001D) dated 7 Sept 2015 or any minor variation to that plan approved by Council. Subdivision of Lot 1 shall be by way of strata title only.*
 - ii. *All development shall be connected to an on-site effluent disposal system installed to the satisfaction of the Health Department of WA and Council, and shall utilise multiple Alternative Treatment Units (ATU) or a central ATU(s) treatment system. All effluent disposal systems shall be situated a minimum of 100m from the Wilson Inlet high water mark.*
 - iii. *All development shall be connected to a reticulated potable water supply source to the satisfaction of Council.*
 - iv. *All new development shall be setback a minimum of:*
 - *50 metres from the front boundary*
 - *20 metres from all other boundaries.*
 - v. *All buildings within the zone shall be designed and constructed to be sympathetic to the existing landscape in terms of colour finishes, location and height, to the satisfaction of Council. Zinalume, white and off-white colours are prohibited.*
 - vi. *All building heights are limited to single storey.*
 - vii. *The development of all new buildings shall be undertaken to comply with the requirements of AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended).*
 - viii. *No development shall be permitted within the Development Exclusion Area(s), Tree Retention Area(s) or on land below 2.5m AHD as shown on the Local Development Plan with the exception of a boardwalk/pathway proposed in accordance with the recommendations of any Council approved Wetland Management Site for the site.*
 - ix. *The proponent shall implement the recommendations of the Bushfire Management Plan prepared by Bushfire Safety Consulting dated 24 September 2015 (or any approved amended bushfire management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.*
 - x. *The proponent shall prepare and implement the recommendations of an approved Stormwater Management Plan to the satisfaction of Council as a condition of development approval or subdivision approval.*
 - xi. *The proponent shall prepare and implement the recommendations of an approved Landscaping Plan to the satisfaction of Council as a condition of development approval or subdivision approval. Matters that the landscaping plan is to specifically address include:*
 - *Rehabilitation/replanting of the area identified as ‘Future Managed Wetland’; and*
 - *Future on-site landscaping to assist with screening the development from Ocean Beach Road.*
 - xii. *The proponent shall implement the recommendations of the Bushland Management Plan prepared by PGV Environmental, dated 25 September 2015 (or any approved amended bushland management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.*
 - xiii. *The proponent shall implement the recommendations of the Weed Management Plan prepared by PGV Environmental, dated 25 September 2015 (or any approved amended weed management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.*

- xiv. *All fencing (internal and boundary) shall be of rural construction such as pine/steel posts and wire to the satisfaction of Council.*
2. *Determine that Town Planning Scheme No. 3 Scheme Amendment No. 140 is a 'Standard Amendment' as per the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
 - a) *It is an amendment relating to the 'Tourist' that is consistent with the objectives identified in Town Planning Scheme No. 3 for the 'Tourist' zone;*
 - b) *It is an amendment that is generally consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission;*
 - c) *It is an amendment that is considered will have minimal impact on land in the scheme area that is not the subject of the amendment;*
 - d) *It is an amendment that is considered will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and*
 - e) *Is not a complex or basic amendment.*
 2. *Request the applicant to undertake the minor administrative modifications to the Scheme Text provisions and the Local Development Plan to ensure consistency with the initiation wording, where relevant, and compliance with the Local Development Plan framework provisions, to the satisfaction of the Director of Planning & Sustainability.*
 3. *Refer Town Planning Scheme No. 3 Scheme Amendment No. 140 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.*
Resolve to proceed to advertising of Town Planning Scheme Amendment No. 140 as per Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

In line with Council's resolution the documentation was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005* on 8 April 2016.

The EPA considered the proposal and determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it was not necessary to provide any advice or recommendations.

Consultation:

Public advertising of Scheme Amendment No. 140 (refer Attachment 8.1.3a for the advertised Scheme Text provisions, Zoning Map and Local Development Plan) commenced on 26 May 2016 and closed on 15 July 2016 (being 51 days; statutory requirement is minimum 42 days). During the advertising period the following consultation took place:

- Advertising notice in the Denmark Bulletin on 26 May 2016 inviting public comment;
- Referral of the Scheme Amendment documentation to the following government departments/servicing authorities inviting comment:
 - Department of Aboriginal Affairs
 - Department of Agriculture and Food WA
 - Department of Environment Regulation
 - Department of Fire and Emergency Services (Great Southern Region)
 - Department of Health
 - Department of Planning
 - Department of Water
 - Tourism WA
 - Telstra Corporation
 - Water Corporation
 - Western Power
- Referral to sixteen (16) landowners within 500m radius of the subject lot inviting comment; and

- Scheme Amendment documentation was available for viewing at the Shire Administration Office and on the Shire's website.

At the close of the advertising period, a total of eight (8) submissions were received – one (1) from the public and seven (7) from government departments/servicing authorities. Attached as Attachment 8.1.3b is the Schedule of Submissions – with all submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions and any modifications recommended as a result of submissions received.

The applicant was provided the opportunity to provide comments on the submissions received and aside from extensive consultation with the Department of Water and Environmental Regulation (Water) regarding their initial objection to the rezoning proposal as there was not a clear demonstration that Wilson Inlet would not be negatively impacted by the disposal of effluent generated by the development, the applicants did not have any further comments.

Specifically in relation to the Department of Water and Environmental Regulation (Water) submission, an updated Land Capability and Environmental Assessment document (dated 13/12/2017 Version 6 as prepared by Biodiverse Solutions) has been provided along with an updated Local Development Plan (Ref: 14-001-001D(G) dated 22 August 2017) – refer Attachment 8.1.3c for these two updated documents which are proposed by the applicant to be incorporated into the final Amendment 140 documentation to replace the advertised versions respectively.

As referenced above, there was extensive consultation between the applicant and the Department of Water and Environmental Regulation (Water) which resulted in a lengthy delay to get to the point whereby Council could consider the amendment further following the public advertising period. It was only in December 2017 that the issues were resolved satisfactorily, thus approval was granted by the Western Australian Planning Commission to the timeframe for consideration by Council in accordance with Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 being extended to 27 April 2018.

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- Town Planning Scheme No. 3 – the subject land is currently zoned “Rural”; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* – The Regulations set the procedure for amending a town planning scheme.

Policy Implications:

The following policies have been given due consideration in relation to this proposal:

- State Planning Policy No. 1: State Planning Framework Policy
- State Planning Policy No. 2.5: Land Use Planning in Rural Areas
- State Planning Policy No. 2.9: Water Resources
- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- Planning Bulletin 83/2013: Planning for Tourism
- Draft Government Sewerage Policy
- Town Planning Scheme Policy No. 5: Minimum Setbacks
- Town Planning Scheme Policy No. 7: Second Dwellings/Additional House and Chalet Development on Rural Zoned Lots
- Town Planning Scheme Policy No. 29: Rural Settlement Strategy
- Shire of Denmark Tourism Planning Strategy – Stage 1
- Council Policy P130201: Tourism

Budget / Financial Implications:

Fees associated with the amendment have been paid as per Council's operative Fees and Charges Schedule.

Strategic & Corporate Plan Implications:

The site is designated in the adopted Local Planning Strategy as 'General Agriculture'. Due regard has been given to the relevant Local Planning Strategy provisions within Scheme Amendment No. 140, noting previous advice on this matter that "as there is no agricultural use associated with this site, the use of the property for tourism purposes is deemed acceptable. Whilst not identified in the Strategy as a tourist site, the subject site is in close proximity to an existing tourist site and is ideally located for a tourism development of this nature".

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027*E1.0 Our Economy*

We are an attractive location to invest, study, visit and work.

E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.

N2.0 Our National Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.1 To preserve and protect the natural environment.

N2.2 To promote and encourage responsible development.

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

Corporate Business Plan

3.2.2 Work with other Government bodies on Local and State regional planning and development issues.

Sustainability Implications:➤ **Governance:**

All processes associated with Amendment 140 have been actioned as per the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation, noting that the proposed Scheme provisions address the relevant environmental related matters for the development of the site (e.g. identification of indicative building locations and associated Bushfire Protection Zone's, tree retention areas, wetland management, effluent disposal arrangements, fire protection measures etc.).

➤ **Economic:**

Tourism developments are recognised as major contributors to the local economy.

➤ **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 the WAPC/Minister for Planning do not support the Amendment proposal.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Having regard to the submissions received and a review of the Scheme Amendment documentation by Planning Services, the following modifications to the Local Development Plan, the Scheme Amendment report and/or the associated Scheme Amendment provisions are recommended:

- a) Replace the Local Development Plan documentation in the Scheme Amendment report to reflect the updated Local Development Plan (Ref: 14-001-001D(G) dated 22 August 2017) that has arisen as a result of the land capability assessment outcomes negotiated with the Department of Water and Environmental Regulation (Water); noting such plan is to be further updated such that the Development Guidelines bullet points on the plan are updated to reflect the updated Scheme Amendment provisions accordingly.
- b) Replace the Land Capability & Environmental Assessment Report in the Scheme Amendment Report to reflect the updated Land Capability & Environmental Assessment Report (Version 6 dated 13/12/2017) that has arisen as a result of the land capability assessment outcomes negotiated with the Department of Water and Environmental Regulation (Water).
- c) Amend the land uses in the Tourist Use column by:
 - a. Removing the ‘Holiday Home’ and ‘Boarding House’ land uses
 - b. Adding the words “incorporated into the same building as the caretaker’s/managers residence” to the ‘Reception/Office’ land use descriptor
- d) Amend Condition i. to modify the reference of “Local Development Plan (Ref: 14-001-001D) dated 7 Sept 2015’ to ‘Local Development Plan (Ref: 14-001-001D(G) dated 22 August 2017)’ such that this condition reflects the updated Local Development Plan for the site.
- e) Amend Condition ii. to reflect the updated Land Capability & Environmental Assessment Report provisions and in response to the submission received by the Department of Water & Environmental Regulations (Water) as per the following:

“All development shall be connected to an on-site effluent disposal system installed to the satisfaction of the Department of Health and the Shire of Denmark, and shall utilise multiple Alternative Treatment Units (ATU) or a central ATU(s) treatment system. Any ATU treatment system is to have regard to the following requirements:

 - All effluent disposal systems shall be situated a minimum of 100m from the edge of the tidal high water mark (1.2m AHD) of the Wilson Inlet.
 - The recommended disposal field area is as per the Land Capability & Environmental Assessment Report as prepared by Biodiverse Solutions (Version 6 dated 13/12/2017).
 - The discharge point for on-site effluent disposal will need to have a separation distance of 1.5m from the highest known groundwater level.”

- f) Amend Condition iv. in response to Submission S1 to modify the setback provision of “20 metres from all other boundaries” to “40 metres from the western and northern boundaries and 20 metres from the southern boundary.”
- g) Amend Condition viii. to modify “2.5m AHD” to “3.5m AHD (unless fill is imported to increase the finished floor level of the buildings to 3.5m AHD)” to reflect the updated Land Capability & Environmental Assessment Report provisions and in response to the submission received by the Department of Water & Environmental Regulations (Water).
- h) New Condition xv. in response to the updated Land Capability & Environmental Assessment Report provisions and the submission received by the Department of Water & Environmental Regulations (Water) as per the following:
“Prior to any development or subdivision proposed being approved by the Shire of Denmark and the Western Australian Planning Commission respectively, implementation of the approved groundwater monitoring program as contained in the Land Capability & Environmental Assessment Report prepared by Biodiverse Solutions (Version 6 dated 13/12/2017) is to be undertaken to ensure adequate separation between groundwater and the proposed effluent disposal system.”
- i) New Condition xvi. in response to the updated Land Capability & Environmental Assessment Report provisions and the submission received by the Department of Water & Environmental Regulations (Water) as per the following:
“The requirement for ongoing groundwater monitoring works as referenced in the Land Capability & Environmental Assessment Report prepared by Biodiverse Solutions (Version 6 dated 13/12/2017) is to be included as a condition of development approval for the site”.
- j) New Condition xvii. in response to the updated Land Capability & Environmental Assessment Report provisions and the submission received by the Department of Water & Environmental Regulations (Water) as per the following:
“The proponent shall prepare and implement an Irrigation Management Plan to the satisfaction of the Department of Water and Environmental Regulation (Water) and the Department of Health as a condition of development or subdivision approval. Such plan is to ensure it includes contingencies for storage of wastewater during wet periods when it is unsuitable to irrigate.”
- k) New Condition xviii. in response to the updated Land Capability & Environmental Assessment Report provisions and the submission received by the Department of Water & Environmental Regulations (Water) as per the following:
“Maximum occupancy of the Holiday Accommodation units on-site (i.e. collectively) is not to exceed 48 persons.”
- l) New Condition xix. in response to Submission S1 to read as per the following:
“Notifications to be placed on titles under Section 165 of the Planning and Development Act 2005 advising prospective purchasers that the land is located in the vicinity of a rural area and rural activities may result in potential noise, dust and odour nuisances that may affect the use or enjoyment of the land.”

Overall from a Planning Services perspective it is considered that subject to the above modifications being incorporated, Amendment 140 provisions and the associated Local Development Plan will provide for an appropriate development form for the site.

Voting Requirements:

Simple majority.

5.40pm – *The Director Infrastructure and Assets left the room.*

5.44pm – *The Director Infrastructure and Assets returned to the room.*

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.3

MOVED: CR GIBSON

SECONDED: CR CARON

That with respect to the request to Scheme Amendment No. 140 to rezone No. 738 (Lot 1) Ocean Beach Road, Ocean Beach from “Rural” to “Tourist”, Council:

1. Notes the submissions received.
2. Require the following modifications be undertaken to the Local Development Plan and/or the associated Scheme Amendment No. 140 report documentation:
 - a) Replace the Local Development Plan documentation in the Scheme Amendment report to reflect the updated Local Development Plan (Ref: 14-001-001D(G) dated 22 August 2017) that has arisen as a result of the land capability assessment outcomes negotiated with the Department of Water and Environmental Regulation (Water); noting such plan is to be further updated such that the Development Guidelines bullet points on the plan are updated to reflect the updated Scheme Amendment provisions accordingly.
 - b) Replace the Land Capability & Environmental Assessment Report in the Scheme Amendment Report to reflect the updated Land Capability & Environmental Assessment Report (Version 6 dated 13/12/2017) that has arisen as a result of the land capability assessment outcomes negotiated with the Department of Water and Environmental Regulation (Water).
3. Adopts Scheme Amendment No. 140 for final approval with modifications by:
 - a) Rezoning No. 738 (Lot 1) Ocean Beach Road, Ocean Beach from “Rural” zone to “Tourist (T13)” zone and amending the Scheme Maps accordingly.
 - b) Inserting Tourist T13 provisions in Appendix XIII – Schedule of Tourist Zones as follows:
 - Column 1 – Particulars of the Land
T12
No. 738 (Lot 1) Ocean Beach Road, Ocean Beach
 - Column 2 – Tourist Use
Notwithstanding any other provisions of the scheme, the following land uses are the only permitted (P) land uses and shall include:
 - i. Holiday Accommodation
 - ii. Single House
 IP uses shall include:
 - i. Caretakers/Managers Residence
 - ii. Reception/Office (incorporated into the same building as the caretaker’s/managers residence)
 - Column 3 – Condition of Tourist Use
 - i. Development and subdivision shall generally be in accordance with the Local Development Plan (Ref:14-001-001D(G) dated 22 August 2017) or any minor variation to that plan approved by Council. Subdivision of Lot 1 shall be by way of strata title only.
 - ii. All development shall be connected to an on-site effluent disposal system installed to the satisfaction of the Department of Health and the Shire of Denmark, and shall utilise multiple Alternative Treatment Units (ATU) or a central ATU(s) treatment system. Any ATU treatment system is to have regard to the following requirements:
 - All effluent disposal systems shall be situated a minimum of 100m from the edge of the tidal high water mark (1.2m AHD) of the Wilson Inlet.
 - The recommended disposal field area is as per the Land Capability & Environmental Assessment Report as prepared by Biodiverse Solutions (Version 6 dated 13/12/2017).
 - The discharge point for on-site effluent disposal will need to have a separation distance of 1.5m from the highest known groundwater level.

- iii. All development shall be connected to a reticulated potable water supply source to the satisfaction of Council.
- iv. All new development shall be setback a minimum of:
 - 50 metres from the front boundary
 - 40 metres from the western and northern boundary
 - 20 metres from the southern boundary.
- v. All buildings within the zone shall be designed and constructed to be sympathetic to the existing landscape in terms of colour finishes, location and height, to the satisfaction of Council. Zinalume, white and off-white colours are prohibited.
- vi. All building heights are limited to single storey.
- vii. The development of all new buildings shall be undertaken to comply with the requirements of AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended).
- viii. No development shall be permitted within the Development Exclusion Area(s), Tree Retention Area(s) or on land below 3.5m AHD (unless fill is imported to increase the finished floor level of the buildings to 3.5m AHD) as shown on the Local Development Plan with the exception of a boardwalk/pathway proposed in accordance with the recommendations of any Council approved Wetland Management Site for the site.
- ix. The proponent shall implement the recommendations of the Bushfire Management Plan prepared by Bushfire Safety Consulting dated 24 September 2015 (or any approved amended bushfire management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.
- x. The proponent shall prepare and implement the recommendations of an approved Stormwater Management Plan to the satisfaction of Council as a condition of development approval or subdivision approval.
- xi. The proponent shall prepare and implement the recommendations of an approved Landscaping Plan to the satisfaction of Council as a condition of development approval or subdivision approval. Matters that the landscaping plan is to specifically address include:
 - Rehabilitation/replanting of the area identified as 'Future Managed Wetland'; and
 - Future on-site landscaping to assist with screening the development from Ocean Beach Road.
- xii. The proponent shall implement the recommendations of the Bushland Management Plan prepared by PGV Environmental, dated 25 September 2015 (or any approved amended bushland management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.
- xiii. The proponent shall implement the recommendations of the Weed Management Plan prepared by PGV Environmental, dated 25 September 2015 (or any approved amended weed management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.
- xiv. All fencing (internal and boundary) shall be of rural construction such as pine/steel posts and wire to the satisfaction of Council.
- xv. Prior to any development or subdivision proposed being approved by the Shire of Denmark and the Western Australian Planning Commission respectively, implementation of the approved groundwater monitoring program as contained in the Land Capability & Environmental Assessment Report prepared by Biodiverse Solutions (Version 6 dated 13/12/2017) is to be undertaken to ensure adequate separation between groundwater and the proposed effluent disposal system.
- xvi. The requirement for ongoing groundwater monitoring works as referenced in the Land Capability & Environmental Assessment Report prepared by Biodiverse Solutions (Version 6 dated 13/12/2017) is to be included as a condition of development approval for the site.

- xvii. The proponent shall prepare and implement an Irrigation Management Plan to the satisfaction of the Department of Water and Environmental Regulation (Water) and the Department of Health as a condition of development or subdivision approval. Such plan is to ensure it includes contingencies for storage of wastewater during wet periods when it is unsuitable to irrigate.
 - xviii. Maximum occupancy of the Holiday Accommodation units on-site (i.e. collectively) is not to exceed 48 persons.
 - xix. Notifications to be placed on titles under Section 165 of the Planning and Development Act 2005 advising prospective purchasers that the land is located in the vicinity of a rural area and rural activities may result in potential noise, dust and odour nuisances that may affect the use or enjoyment of the land.
4. Authorises the Shire President and Chief Executive Officer to execute the documentation for forwarding to the Western Australian Planning Commission seeking final approval by the Minister for Planning.
 5. Advises the submitters of Council's resolution.

AMENDMENT

MOVED: CR SEENEY

SECONDED: CR OSBORNE

Add new condition xx to read "Notifications to be placed on titles under Section 165 of the Planning and Development Act 2005 advising prospective purchasers that the land is neighbouring a working rural property and it is normal farming practice to employ the use of electrified boundary fencing that may affect the use or enjoyment of the land."

LOST: 6/2

Res: 080418

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

FOR: Cr Seeneey and Cr Osborne.

AGAINST: Cr Caron, Cr Gibson, Cr Gearon, Cr Phillips, Cr Whooley and Cr Lewis.

THE ORIGINAL MOTION WAS THEN PUT AND CARRIED UNANIMOUSLY: 8/0

Res: 090418

6.02pm – The Chief Executive Officer left the room.

6.03pm – Cr Allen returned to the room

6.03pm – The Chief Executive Officer returned to the room.

6.03pm - Public Question Time

The Shire President stated that the second public question time would commence & called for questions from members of the public.

Mr Brian Humphries – Use of Colours within the CBD

Mr Humphries stated that the Strategic Community Plan noted that the community would like to maintain a village atmosphere for the Denmark CBD. Mr Humphries referred to recent artwork which had been painted on a building in Strickland Street and the colours used to paint the buildings. Mr Humphries asked what Council's policy was on use of colours in the CBD and how the mural proposal had been approved.

The Director Sustainable Development advised that the proposal had been circulated to Councillors and had been signed off as public art. Mrs Harbron said that there were no colour restrictions and noted that adjacent owners and occupants had been consulted prior to approval.

Mr Humphries asked what the term village meant.

Cr Gearon responded that it would need to be part of a broader discussion.

6.05pm – The Chief Executive Officer left the room.

6.07pm – The Chief Executive Officer returned to the room.

8.1.4 PROPOSED SMALL BAR/RESTAURANT AND TWO X GROUPED DWELLINGS – NO. 89 (LOT 34) STRICKLAND STREET, DENMARK

File Ref:	A1462 (2017/188)
Applicant / Proponent:	Michael Bradshaw
Subject Land / Locality:	No. 89 (Lot 34) Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	3 April 2018
Author:	Jasmine Tohill, Senior Planner
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.4a – Development Application Documentation 8.1.4b – Photo Montage 8.1.4c – 3D Images 8.1.4d – Schedule of Materials

Summary:

The applicant is seeking Development Approval for a Small Bar/Restaurant and Two (2) x Grouped Dwellings on No. 89 (Lot 34) Strickland Street, Denmark.

The residential component of the development consists of two (2) x two storey dwellings abutting the Barnett Street road reserve (noting that the Barnett Street road reserve incorporates the physical extension of Laverack Lane through to Strickland Steet), with the carparking area/service area accessed off Laverack Lane (on the eastern boundary of the site). The commercial component of the development comprises a small bar/café fronting Strickland Street that will provide café service in the morning and a small bar serving alcohol and snack style food (tapas) after 4pm.

After assessment of the proposal having regard to the relevant requirements of Town Planning Scheme No.3 (TPS No.3), relevant Town Planning Scheme Policies and the Residential Design Codes it is recommended that the application be approved subject to appropriate conditions being imposed, including requirements relating to the commercial car parking shortfall.

Background:

Current Application

An application for Development Approval was lodged with Planning Services in December 2017 for a Small Bar/Restaurant and Two (2) x Grouped Dwellings.

At its meeting of 20 February 2018, Council considered the preliminary matter of assigning an appropriate density code for the residential component of the development; noting that the proposal is seeking to apply an R40 Coding to comply with the minimum and average site area requirements under the Residential Design Codes, wherein Council resolved as follows (Res No: 060218):

“That with respect to the development application for the proposed Small Bar/Restaurant and Two x Grouped Dwellings on No. 89 (Lot 34) Strickland Street, Denmark, Council:

1. *Advertise the development proposal for a minimum period of 21 days in light of the ‘Small Bar’ component of the development being a ‘Use Not Listed’ as per Town Planning Scheme No. 3 and the proposed R40 density coding*

to apply, with the application to be referred back to Council accordingly for final consideration; and

2. *Advise the proponent that a full assessment of the development application having regard to the relevant provisions of Town Planning Scheme No.3, the Residential Design Codes and any submissions received on the proposal will be undertaken in due course – with the 'R40' density code forming the basis for the assessment considerations."*

It should be noted that amended plans were submitted on 5 April 2018 to correct minor anomalies between the original floor plans and elevations (refer Attachment 8.1.4a); noting the amendments do not materially affect the built form or planning assessment and are not considered to warrant re-advertising. Additional supporting information to assist in Council's consideration of the proposal is provided at Attachment 8.1.4b – (Photo Montages), 8.1.4c – (3D Images) and Attachment 8.1.4d – (Schedule of Materials).

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal, including Council's Community Engagement Policy P040123, the associated Framework, and Council's resolution of 20 February 2018.

The development application was subject to public advertising from 1 March 2018 to 23 March 2018 (being 22 days) as per the following:

- Advertising notice in the Denmark Bulletin on 1 March 2018 inviting public comment;
- Referral to 49 landowners within the area bound by Mitchell Street/Walker Street, Hollings Road, Barnett Street and Tucker Lane inviting comment;
- Sign on-site inviting public comment;
- Development application was available for viewing at the Shire Administration Office and on the Shire's website inviting public comment.

At the close of the advertising period no submissions had been received.

Statutory Obligations:

TPS No. 3 and the Residential Design Codes specify the planning provisions pertinent to the proposed development.

In accordance with TPS No. 3, the subject site is zoned "Commercial (R25)". As per Clause 5.3.3 of TPS No.3, given that the proposal includes a residential development component in conjunction with non-residential development in the Commercial Zone Council is required to determine an applicable density code that is to apply (irrespective of the R-Code designation on the Scheme map).

Policy Implications:

Town Planning Scheme Policy No.15: Townscape Policy, Town Planning Scheme Policy No.31: Commercial Strategy and Town Planning Scheme Policy No.42: Public Art are relevant to this development application and have been considered in the formal assessment of the application.

Schedule 2, Part 2, Clause 3(5) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:

In making a determination under this Scheme the local government must have due regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

As per Council's 2017/2018 Fees and Charges Schedule, cash in lieu of carparking is to be calculated as per the following:

Shortfall x [(Bay Size x Land Value per m²) + Construction Cost]

Definition of formula terms:

- "Bay Size" = 27m²
- "Construction Cost" = \$2,255 per bay
- "Land Value per m²" = as determined by a licensed valuer and agreed to by the Shire of Denmark
- "Shortfall" = difference between the number of car parking bays required to be provided on-site as per TPS3 and the number of car parking bays to actually be provided.

The car parking shortfall for this development is three (3) car parking bays (refer 'Comment/Conclusion' section of this report) and Planning Services are recommending that Council require a cash-in-lieu payment for the entire shortfall.

For Council's information in considering the likely figure that would apply in this instance, a commercial development in Strickland Street recently paid \$10,250 for a shortfall of one (1) car parking bay, therefore utilising this as an indicative figure, this would result in a cash-in-lieu payment of \$30,750.

As at April 2018 the Shire has \$20,565.00 held as 'Restricted Cash' as cash-in-lieu payments received from other commercial developments in the CBD area (noting in the last four (4) years cash-in-lieu funds totalling \$205,803.17 have been utilised for provision of public car parking at Randall Park and Millars Creek/North Street). Noting that the Plane Tree Precinct project is commencing shortly given all external funding arrangements have been finalised and there is car parking to be provided within this precinct, Council may wish to give consideration to allocating cash-in-lieu car parking funds to this project as part of 2018/2019 budget considerations as opposed to allocating general municipal funds.

Strategic & Corporate Plan Implications:

The site is designated 'Town Centre – Inner Core' in the Local Planning Strategy. One of the 'Future Retail' objectives of the Local Planning Strategy is *"To ensure that the Denmark town centre continues to be the focus for all forms of commercial activity that support a vibrant town centre and to ensure that future development enhances its village character."*

As per the Local Planning Strategy (2011), a guiding principle for Economic Development is: *"To provide a (Denmark) town centre that continues to be the focus for all forms of commercial activity that supports a vibrant town centre and meets the diverse needs of the community and contributes towards a high level and range of employment opportunities for local residents."*

The report and officer recommendation is consistent with Council's adopted Strategic Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

B3.0 Our Built Environment:

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.
- B3.5 To have diverse and affordable housing, building and accommodation options.

Corporate Business Plan

3.2.6 Provide supportive planning and development guidance on appropriate major land developments.

3.2.7 Guide local development and require compliance in accordance with the Planning Scheme policy.

4.1.1 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.

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; noting that should the development proposal be granted Development Approval then appropriate conditions can be imposed to address the environmental related matters (e.g. stormwater management etc).

➤ **Economic:**

There are no known significant economic implications relating to the report or officer recommendation; noting, however, that the development both during and after construction will provide local employment opportunities and assist in supporting commercial diversification/ viability of the town centre.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation; noting that it is recommended Development Approval conditions be imposed to address social issues such as car parking.

➤ **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)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal or to impose conditions on the approval that the applicant is aggrieved by.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer recommendation as the decision is based on sound planning grounds. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant

Comment/Conclusion:

The proposal has been assessed having regard to the relevant provisions of TPS No.3, relevant Town Planning Scheme Policies and the Residential Design Codes and the proposal is generally

compliant with, or can be conditioned to comply with, the relevant requirements with the exception of the following matters that require Council's determination:

- Acceptability of the Small Bar component being a 'Use Not Listed' in the Scheme;
- The density coding that is to be applied to the Residential component;
- The car parking requirements that are to apply;
- Street surveillance;
- Retaining walls exceeding 500mm at the street boundary and front fences with a solid (non- visually permeable) component greater than 1.2 metres high.

Each of these issues is discussed in detail below.

Small Bar Component

Notwithstanding that a "Small Bar" is not currently listed in the Scheme, the use class of "Small Bar" is defined in the Model Provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as "a premises the subject of a small bar licence granted under the Liquor Control Act 1988".

No submissions were received during the submission period with respect to the proposed use. The Small Bar/ Restaurant component is considered compatible with the broad range of land uses normally expected within a town centre location, including objectives of the Local Planning Strategy and associated policies relating to growth, activation and redevelopment of the CBD.

Density Coding

As per Clause 5.3.3 of TPS No.3 the council is required to determine the density code that is to apply in the Commercial zone where residential development is proposed in conjunction with other development, notwithstanding the R25 code designation on the Scheme map.

In determining the appropriate density coding to apply Council should have regard to the current 'R25' designation provided on the Scheme map and consider whether the proposal warrants application of a variation having regard to the desirability of land use and built form outcomes.

In order to support two (2) grouped dwellings in the configuration proposed an R40 Coding will need to be applied. The following are relevant considerations in supporting the requested R40 density code:

- The R40 Coding is necessary to accommodate the required minimum and average site area per grouped dwelling as follows:

	R25 required	R40 required	Proposed
Minimum Site Area per Dwelling	300m ²	180m ²	200m ²
Average Site Area per Dwelling	350m ²	220m ²	345.66m ² (based on equivalent 2/3 share of common property)

- Council has no ability to vary minimum or average site requirements should a lower density code be retained.
- In the context of the current proposal, the R40 coding does not seek to alter the building bulk, size or dwelling yield from that which could otherwise be achieved under an R25 Coding.
- The reduced site area per dwelling is cognisant of the additional land take necessary to accommodate the commercial development component, including commercial parking, deliveries, refuse, storage and disability access.

- The proposed R40 Coding will not increase the two storey height limit that would otherwise apply under an R25 Coding.
- Council has previously supported an R40 density code as part of ‘The Gables’ mixed use development at No.3 Strickland Street, Denmark, albeit that it was to facilitate residential development in a multiple dwelling configuration (being residential development above commercial development).
- The development is considered sympathetic to surrounding development, whilst acknowledging it occupies an important ‘bookend’ position at the intersection of Strickland Street and Barnett Street and should reflect this in terms of its scale and design.
- The proposal represents a reasonable development outcome within the context of the town centre, providing for increased housing choice and facilitating a new commercial venture that will support activation at the southern end of Strickland Street.

Having regard to the above it is recommended that Council acknowledge that an R25 Coding represents a limiting factor for encouraging mixed use development of the site, and based upon the merits of the current application an R40 density code should be applied.

Carparking Requirements

As per TPS No.3 and the Deemed-to-Comply criteria C3.1 of Clause 5.3.3 Parking of the R-Codes, the on-site car parking requirements for the development are as follows:

Land Use	Applicable Scheme or R-Code Provision	Required No. of Bays	Proposed No. of Bays
Small Bar/Restaurant	1 bay per 4 persons (Maximum patronage 32)	8	5 <i>(inclusive of 1 disability compliant bay)</i>
Grouped Dwellings	2 bays per 2+ bedroom dwelling	4	4
TOTAL		12	9

NB: A separate loading bay is nominated on the plan in compliance with Clause 5.14 of TPS 3.

Based upon the above a shortfall of 3 on-site car parking bays will apply. In this instance it is recommended that the parking shortfall be supported subject to a condition requiring a cash-in-lieu payment as per Clause 5.23 of TPS 3 noting the following:

- Permanent residential parking bays are to be provided on-site in compliance with R-Code standards.
- Short stay (time restricted) on-street parking and a limited number of long term bays are available within the town centre to accommodate spill-over demand from commercial uses.
- The small bar/restaurant will introduce additional commercial activities in the evening, encouraging street activation and better use of available street parking outside of peak periods.
- Any cash-in-lieu funds received will be available for expenditure in direct proximity to the development site, either through upgrades to existing car parking areas within the CBD area or the provision of new car parking associated with the Plane Tree Precinct Project (refer comment in ‘Budget/Financial Implications’ section of this report).

Surveillance

The Deemed to Comply standards for Street Surveillance under 5.2.3 of the R-Codes require a clearly definable entry point visible and accessed from the street and at least one major opening facing the vehicle approach to the grouped dwellings. Where this is not achieved the Design Principles (P3) require the following to be demonstrated:

“Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.”

The Grouped Dwellings are to obtain frontage access via the central common carpark area rather than Barnett Street/ Laverack Lane and as such assessment is to be considered in accordance with the relevant Design Principle outlined above. In this regard it is recognised that the ability for the dwellings to front Barnett Street are limited due to natural ground level differences, potential conflicts between vehicles in the adjoining portion of Laverack Lane and a high bushfire attack level rating (BAL 40), that otherwise limits opportunities for extensive glazing/ openings.

Fencing adjacent to Barnett Street and a portion of Laverack Lane has been designed to incorporate a low wall allowing visual surveillance from the groundfloor kitchen windows and adjacent outdoor living/ garden areas. Although upperfloor windows on the Barnett Street elevation provide no practical surveillance opportunities (servicing light wells and a stairwell) they will offer a perceived sense of surveillance from ground level.

Surveillance of the common property area will be achieved from upper floor courtyard areas, vegetable garden decks and windows/ roof terraces of the commercial building. To address the requirement for access and surveillance associated with the Grouped Dwellings it is recommended that a condition be applied to ensure a component of permeable fencing is provided near the entry point/ gates of the residential dwellings. Retention of the bulk of solid fencing is supported noting shared commercial use of the common area and associated privacy/ security concerns.

Street Walls, Fencing & Boundary Retaining

To accommodate ground level differences and proposed finished floor levels boundary retaining walls up to 1.7 metres high are proposed along a section of Barnett Street/ Laverack Lane (eastern corner), which tapers to natural ground level at the Strickland Street frontage. In conjunction with a component of solid boundary fencing the overall wall height would extend up to 2.8 metres from the adjacent natural ground level at its highest point.

Whilst this does not meet the deemed to comply standards of the R-Codes relative to retaining wall heights (maximum 500mm at boundary) or fencing (visually permeable 1.2 metres above natural ground level) it is recommended that the variance be supported having regard to:

- The commercial context of the site and scheme/ policy provisions which support development achieving a nil setback;
- Existing site level differences between the site and Barnett Street/ Laverack Lane;
- The visual buffer afforded by the adjoining Barnett Street verge, due to its width, slope and established vegetation; and
- The precedent set by established retaining walls on Barnett Street and Hollings Road.

Conclusion

The proposed mix of land uses is compliant with that identified in the Shire’s Commercial Strategy for the core CBD. Whilst the design of the building/s represents a more contemporary approach, the built form is sympathetic to the traditional scale of buildings within the CBD, incorporating a variety of materials such as zincalume, timber and exposed/painted brickwork representative of traditional elements in the locality. The Strickland Street façade has been designed to provide for articulation, surveillance and activation of the streetscape, including an open courtyard, street awning, low walls and glazing elements which meet the built form guidelines of the Commercial Strategy.

Having regard to assessment of the proposal in line with the intent and objectives of TPS No. 3, Policy Requirements and the R-Codes, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.4

MOVED: CR GIBSON

SECONDED: CR CARON

That with respect to the development application for the proposed Small Bar/Restaurant and Two x Grouped Dwellings on No. 89 (Lot 34) Strickland Street, Denmark, Council:

1. Determine, as per Clause 5.3.3 of Town Planning Scheme No.3, that the appropriate density code to apply for residential development requirement purposes for the subject site is "R40".
2. Grant development approval subject to the following:

Conditions

- a) The development shall be carried out and fully implemented in accordance with the stamped approved plans dated 5 April 2018 and schedule of materials dated 8 January 2018.
- b) The "Additional Street Parking" as shown within Strickland Street does not form part of this approval (refer Advice Note i).
- c) The Alfresco Dining shown within Strickland Street does not form part of this approval (refer Advice Note ii).
- d) The residential component of the development to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-40).
- e) Fencing treatment between the grouped dwellings and common property area is to demonstrate that surveillance of the pedestrian approach to the Grouped Dwellings is achieved by incorporating a visually permeable component to the satisfaction of the Shire of Denmark (Planning Services).
- f) Seating occupancy for the small bar/restaurant component of the development being limited to 32 persons (refer Advice Note iii).
- g) Prior to issuance of a Building Permit, additional details are to be approved for proposed walls/screening treatments on the commercial vegetable garden sun deck and such works thereafter implemented to the satisfaction of the Shire of Denmark (Planning Services).
- h) Prior to issuance of a Building Permit, a schedule of colours is to be submitted for approval and thereafter implemented to the satisfaction of the Shire of Denmark (Planning Services).
- i) Prior to issuance of a Building Permit, engineering plans providing details on crossovers, car parking, vehicle accessways, associated signage and/or line marking, footpaths (internal and external of the site), bicycle racks and associated infrastructure works being submitted to and approved by the Shire of Denmark (Infrastructure Services).
- j) Prior to issuance of a Building Permit, details being submitted to demonstrate that the development will maintain adequate sight lines between the public footpath and vehicles exiting Laverack Lane onto Strickland Street to the satisfaction of the Shire of Denmark (Infrastructure Services).
- k) The vehicular crossover to Laverack Lane (noting right out only turn movement is permitted) is to be constructed, drained and sealed (concrete, asphalt or brick paved) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
- l) A minimum of nine (9) car parking bays (inclusive of one (1) disabled car parking bay) and one (1) loading bay being provided on-site, with all car parking bays and vehicle accessways complying with the requirements of Australian Standard AS2890.1:2004 *Parking Facilities – Off Street Car Parking*, the Building Code of Australia and Australian

Standard AS2890.6:2009 Parking Facilities Part 6: Off –Street Parking for People with Disabilities.

- m) Prior to the issuance of a Building Permit, a cash-in-lieu contribution for the shortfall of three (3) car parking bays on-site is to be paid to the Shire of Denmark with such payment to be calculated as per Council's operative Schedule of Fees & Charges applicable at the time of payment (refer Advice Note iv).
- n) All vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, kerbed, marked, signed (where required) and thereafter maintained.
- o) All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
- p) No parking or display of vehicles and/or equipment shall occur within the adjoining road verge area(s) at any time.
- q) The loading and unloading of goods to and from the premises shall be carried out entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- r) The installation of any outdoor lighting on the building and/or in the car parking area(s) shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
- s) The existing driveway/ crossover onto Strickland Street being removed and the verge and footpaths being reinstated at the developer's expense such that the paving treatment is contiguous with the footpath on adjacent properties, from the road carriageway through to the property boundary line, with all required modifications being approved by the Shire of Denmark (Infrastructure Services).
- t) Existing infrastructure located within the Strickland Street, Barnett Street and Laverack Lane road reserves shall be retained and protected during the construction period with any damage to the infrastructure to be repaired by the developer at their expense to the satisfaction of the Shire of Denmark (Infrastructure Services).
- u) The cantilevered awning over the Strickland Street footpath having a minimum height of 2.75 metres.
- v) Prior to issuance of a Building Permit, a Waste Management Plan shall be submitted and approved by the Shire of Denmark (Infrastructure Services/Health Services). Such plan is to detail how all refuse generated from the site will be dealt with, including the location and design of all refuse storage areas having regard to the requirements of the Shire of Denmark's Health Local Laws 2008 (as amended) and the means by which waste disposal vehicles will access the bins (noting that generally the Shire's rubbish collection service does not extend to utilising private property for rubbish collection and that initial preference is for all waste (commercial and residential waste) to be collected by a private operator as collection areas from Laverack Lane and Strickland Street are limited).
- w) All bin storage/ rubbish enclosure areas required to service the development in accordance with the approved Waste Management Plan are to be provided on-site and screened from public view in accordance with the Shire of Denmark Health Local Laws 2008 to the satisfaction of the Shire of Denmark (Environmental Health Services).
- x) The provision of all services, including augmentation of existing services necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Denmark.
- y) The development is to be connected to a reticulated water supply provided by a licensed water provider.
- z) The development shall be connected to sewer.
- aa) Prior to issuance of a Building Permit, a Stormwater Management Plan being submitted to and approved by the Shire of Denmark (Infrastructure Services), with such stormwater plan to be in accordance with water sensitive urban design principles and thereafter implemented.

- bb) Prior to issuance of a Building Permit, a landscaping plan shall be submitted to and approved by the Shire of Denmark (Sustainability Services). The landscaping plan shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:
- i. Proposed trees and shrubs to be planted including species, number and size of plants (NB: emphasis should be on native plants because of their general hardiness and low water requirements). Trees and plants are to be shown in their exact location using clear symbols.
 - ii. Site layout and context including property boundaries, street names, building/s parking areas, paved areas, adjacent verges, existing trees and vegetation to be retained.
 - iii. Reticulation methods.
 - iv. Maintenance arrangements.
 - v. Weed control measures (if applicable) associated with any existing weed infestations on-site.
 - vi. Details of any hard landscaping, paving materials, street furniture, bollards, bins, lighting etc.
- cc) Prior to occupancy of the development, all landscaping shall be carried out in accordance with the approved landscaping plan and thereafter shall be maintained as landscaping at all times.
- dd) Rainwater Tanks (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the development and screened from public view to the satisfaction of the Shire of Denmark.
- ee) Rainwater tanks intended for use as a potable water supply shall be installed in accordance with the Department of Health's standard on water tanks. This includes but is not limited to a "First Flush Water Diverter" (for detailed information see 'Water' link at <http://www.public.health.wa.gov.au>).
- ff) A Construction Management Plan shall be submitted to and approved by the Shire of Denmark (Planning/Building Services) as part of the Building Permit application, with such plan to address the following:
- a) Access to and from the site.
 - b) The delivery of materials and equipment to the site
 - c) The storage of materials and equipment on the site.
 - d) The parking arrangements for contractors and sub-contractors.
 - e) Management of construction waste.
 - f) Dust and sand mitigation measures.
 - g) Construction times (if proposing different times to the relevant Regulations) and associated noise prevention measures.
 - h) Other matters likely to impact on surrounding properties.
- gg) External clothes drying area(s) appurtenant to the dwelling(s) shall be provided in a location such that they are screened from public view from the street. Mechanical driers are available to be used as an alternative to external clothes drying area(s).
- hh) With the exception of screening associated with the proposed service yard of the small bar/restaurant, any fencing proposed on-site in the vicinity of the Strickland Street and Barnett Street frontage is to remain open/visually permeable 1.2 metres above the proposed finished ground level.
- ii) At the time of lodgement of the Building Permit application, the developer to pay the Development Contributions for Road Infrastructure fee as per the Shire of Denmark's Operative Fees and Charges Schedule (refer Advice Note v).
- jj) As per Town Planning Scheme Policy No.42: Public Art, the developer shall incorporate public art within the development or contribute financially to the Shire's Public Art Fund, with the value being determined on the basis of 0.5% of the value of the construction cost of development.

Should the developer seek to comply with this condition by incorporating public art within the development, prior to the issuance of a building permit, details of the proposed public

artwork/s (having regard to Clause 6.3.1 of Town Planning Scheme Policy No.42: Public Art) are to be submitted to and approved by the Shire of Denmark (Planning Services).

Should the applicant/developer seek to comply with this condition via a financial contribution, such payment shall be made prior to the issuance of a building permit.

- kk) Immediately prior to the occupation of the development for its approved purpose, the developer shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained in this Development Approval.
- ll) No signage has been approved as part of this application.

Advice Notes:

- (i) In relation to Condition b) the location and design of any off-site car parking bays will be reviewed as part of the Shire's expenditure of cash-in-lieu parking contributions.
- (ii) In relation to Condition c) applications for Alfresco Dining are subject to separate approval requirements in accordance with Town Planning Scheme Policy No.17.1 – Alfresco Dining and Trading in Public Places. Please liaise with Health Services on 9848 0312 regarding the requirements relating to Alfresco Dining.
- (iii) In relation to Condition f), the seating capacity of the small bar/restaurant (café) has been determined on the basis of car parking requirements. Should the small bar/restaurant (café) wish to seek approval to increase seating capacity in the future (assuming toilet numbers allow for consideration of such), then it is likely that additional car parking requirements will apply (being in the form of cash-in-lieu given that there is no ability to provide additional car parking on-site).
- (iv) In relation to Condition m), in accordance with Council's 2017/2018 Fees & Charges Schedule, cash in lieu of carparking is to be calculated as per the following:

Shortfall x[(Bay Size x Land Value per m²) + Construction Cost]

Definition of formula terms:

- "Bay Size"= 27m²
 - "Construction Cost" = \$2,255 per bay
 - "Land Value per m²" = as determined by a licensed valuer and agreed to by the Shire of Denmark
 - "Shortfall"= difference between the number of car parking bays required to be provided on-site as per TPS3 and the number of car parking bays to actually be provided.
- (v) In relation to Condition ii) as per the Council's 2017/18 Fees & Charges Schedule, the applicable development contribution fee is \$1885 per residential dwelling and \$1885 per 1000m² of land or commercial floorspace, whichever is greater.
- (vi) In relation to Condition ll), signage proposed to be erected on-site may require the separate approval of the Shire of Denmark (Planning Services). Please liaise with Planning Services on 9848 0313 regarding what approvals (if any) may be required once signage proposals are progressed further having regard to Town Planning Scheme No.3 and Town Planning Scheme Policy No.32: Signs.
- (vii) The premises will need to comply with Standard 3.2.3 (Food Premises & Equipment) of the Australia New Zealand Food Standards Codes. For further information in relation to these requirements, please contact Health Services on 9848 0312.
- (viii) It is the responsibility of the developer to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.

<p>(ix) It is the responsibility of the developer/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.</p> <p>(x) This is not a Demolition Licence. In accordance with the provisions of the <i>Building Act 2011</i>, an application for a Demolition Licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to the demolition of any existing building(s) on-site.</p>	<p>CARRIED UNANIMOUSLY: 9/0</p> <p>Res: 100418</p>
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8.1.5 DENMARK INDUSTRIAL AREA ROAD NAMING PROPOSAL – MYCENA STREET

File Ref:	PLN.74; GOV.49; WAPC155620
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	
Disclosure of Officer Interest:	Nil
Date:	9 April 2018
Author:	Annette Harbron, Director Sustainable Development
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.5a Plan showing Approved and Proposed Road Names 8.1.5b Information about Mycena 8.1.5c Road and Reserve Name List from Council Policy P100603

Summary:

As subdivision works are proceeding on Stage 1 of the Denmark Industrial Area, road names are required to be provided to two (2) new roads within the subdivision.

The road name of ‘Corymbia Crescent’ applying to the primary road within the subdivision area has already been put forth and approved by Landgate (Geographic Names Team) having regard to Council Policy P100603: Road and Reserve Naming Within the Shire and Landgate’s Policies and Standards for Geographical Naming in Western Australia. As part of the original naming proposal, the secondary (east-west) road in the subdivision area was proposed to be named ‘Marri Street’ however due to over use of the name ‘Marri’ throughout the state (especially in the southern rural areas), it was not supported by Landgate (Geographic Names Team).

As a result, the road name of ‘Mycena Street’ has been proposed for Council’s due consideration; noting this proposed name has been referred to Council for after following the consideration process provided for within Council Policy P100603: Road and Reserve Naming Within the Shire, one (1) request by a Councillor for the matter to be referred to Council was received.

Background:

Subdivision approval for Stage 1 of the Denmark Industrial Area was granted on 28 November 2017 and works have commenced accordingly.

Two unnamed roads are provided for within the subdivision, and prior to lodgement of Deposited Plan(s) for clearance of conditions associated with the subdivision, road names are required to be approved by Landgate (Geographic Names Team).

Corymbia Crescent has already been approved to apply to the primary road within the subdivision area, whilst renaming of portion of McIntosh Road to East River Road has also been approved (refer Attachment 8.1.5a). Advice of the new road name and associated new numbering to apply to the affected lots will only take place once the road is fully trafficable and accessible from the South Coast Highway end.

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.

The proposed road name of 'Mycena Street' was referred to all Councillors for comment as per the process provided for within Council Policy P100603: Road and Reserve Naming Within the Shire, with five (5) Councillors supporting the proposed name, one (1) requesting the matter be referred to Council for consideration and three (3) others providing no comment.

The name 'Mycena' is on the list of road and reserve names and was in-principally approved for use (no locality identified) by Council in May 1998 (following consultation with the public) and subsequently by Landgate in July 1998.

Statutory Obligations:

Section 26 and Section 26A of the Land Administration Act 1997 applies to the official naming of features, localities and roads in Western Australia.

Landgate (Geographic Names) has the delegated authority from the Minister for Lands to administer daily naming actions as per the Land Administration Act 1997. Proposals that comply with the "Policies and Standards for Geographical Naming in Western Australia" are considered by the Geographic Names Team, with all non-compliant proposals to be considered by the Geographic Names Committee who make a recommendation to the Minister for Lands.

Policy Implications:

Council Policy P100603: Road and Reserve Naming Within the Shire provides a list of road and reserve names that have been previously considered by Council for consideration of applying to new roads or those that require a new name or to be named for the first time.

The name 'Mycena' is on the list of road and reserve names and was in-principally approved for use (no locality identified) by Council in May 1998 (following consultation with the public) and subsequently by Landgate in July 1998.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027*L5.0 Our Local Government*

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.3 To be decisive and to make consistent and well considered decisions.

Corporate Business Plan

4.4.2 Collaborate with the State Government to ensure that local planning development and long term growth needs are met.

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:**

The road and reserve names included within Council Policy P100603: Road and Reserve Naming Within the Shire, have over the years, arisen via community nominations for road names that have some relationship to the Shire of Denmark.

➤ **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 support the road name of 'Mycena' Street; nor another name from the current register of names as contained in Council Policy P100603.	Possible (3)	Moderate (3)	Moderate (5-9)	Errors, Omissions or Delays (delay in naming can result in delays to obtain clearances for the subdivision works)	Accept Officer Recommendation

Comment/Conclusion:

The road name of 'Mycena Street' is proposed to apply to the secondary (east-west) road within Stage 1 of the Denmark Industrial Area (refer Attachment 8.1.5a) for the following reasons:

- It is a 'fungi' genus that is commonly found in the Denmark Shire – refer Attachment 8.1.5b.
- The original intent was to have a flora theme for the Denmark Industrial Area to emphasise that this is a 'Denmark' industrial area not a Perth-like heavy industrial area and in recognition of the existing flora theme that applies to the nearby Airport Estate and Springdale Beach;
- The short name is consistent with the short length associated with the road to be named, with 'Street' being the most appropriate "road type" suggestion given the nature/type of road; and
- It is a name provided for within Council Policy P100603: Road and Reserve Naming with the Shire of Denmark, thus ensuring there are no delays experienced by the Project Team in obtaining clearances for the Denmark Industrial Area subdivision works.

Should Council not support the road name of 'Mycena' it is strongly recommended that a name be chosen from the current list provided for within Council Policy P100603: Road and Reserve Naming Within the Shire (refer Attachment 8.1.5c) so that there are no delays experienced by the Project Team in obtaining clearances for the Denmark Industrial Area subdivision works.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.1.5
 MOVED: CR SEENEY SECONDED: CR LEWIS

That with respect to the proposed name of 'Mycena Street' to apply to the new Denmark Industrial Area road, Council:

1. Endorses the name; and
2. Requests that Landgate (Geographic Names Team) approve the name accordingly.

CARRIED: 8/1 Res: 110418

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

FOR: Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon, Cr Phillips, Cr Lewis and Cr Osborne.

AGAINST: Cr Whooley.

8.2 Director Infrastructure and Assets
 Nil

8.3 Director Corporate and Community Services

8.3.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2018

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	7 April 2018
Author:	Scott Sewell, Acting Accountant
Authorising Officer:	Cary Green, Director of Corporate and Community Services
Attachments:	8.3.1 – February Monthly Financial Report

Summary:

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

The attached financial statements and supporting information are presented for the consideration of Elected Members.

Background:

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

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.

- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

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

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

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

A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic & Corporate Plan Implications:

The report and officer recommendation are consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.4 To be fiscally responsible.

Corporate Business Plan

4.4.12 Provide Statutory and other relevant information to internal and external stakeholders on a timely basis.

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)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

Comment/Conclusion:

As at 28 February 2018 total cash funds held total \$14,079,690 (Note 4).

Shire Trust Funds total \$201,285.

- \$181,179 of this is invested for 6 months with the National Bank, maturing 18 June 2018 at the quoted rate of 2.40%.

Reserve Funds (restricted) total \$10,752,855

- \$7,125,078 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$3,036,345 has been invested with the National Bank, maturing 24 March 2018 at the quoted rate of 2.35% and
- \$591,432 has been invested with the National Bank, maturing 3 May 2018 at the quoted rate of 2.45%.

Municipal Funds (unrestricted) total \$3,125,550

- \$2,716,107 of this is invested with the National Bank, maturing on various dates up to the 22 March 2018 at an average rate of 2.26% (refer note 4 for detail).

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2018 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).

- Operating revenue and expenditure is generally in line with year to date budget predictions for 28 February 2018 (Statement of Financial Activity).
- The Rates Collection percentage currently sits at 82.15% which is approximately 5% lower than for the same period last year (Note 6).
- The 2017/18 Capital Works Program is 29.09% complete utilising actual year to date figures and the total committed cost is 43.75% as at 28 February 2018 (Note 12).
- Various transfers to and from Reserve Funds have not been made for 2017/18 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

Refer to more detailed information contained in Note 5a of the attachment.

Other Information

- Outstanding Rates

The administration is currently taking action to follow up all outstanding rates owed to Council, with the exception of properties owned by eligible pension or other concession entitlement holders. This process may include referral of any or all amounts overdue to debt recovery specialists for action, and, where necessary, will result in legal proceedings being initiated to assist in pursuing full settlement of the debt.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.1
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
That with respect to Financial Statements for the period ending 28 February 2018, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for the months of February 2018 and March 2018 as listed.	
CARRIED UNANIMOUSLY: 9/0	Res: 120418

8.4 Chief Executive Officer

8.4.1 INDUSTRIAL AREA SUBDIVISION – NO. 99 (LOT 556) MCINTOSH ROAD, HAY

File Ref:	A5604; WAPC155620; PLN.74
Applicant / Proponent:	Shire of Denmark and Landcorp
Subject Land / Locality:	No. 99 (Lot 556) McIntosh Road, Hay
Disclosure of Officer Interest:	Nil
Date:	9 th April 2018
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.1 – Proposed Subdivision Plan - No. 99 (Lot 556) McIntosh Road, Hay

Summary:

The Shire of Denmark, in partnership with Landcorp has recently commenced the industrial development at No. 99 (Lot 556) McIntosh Road, Hay. The development has been scheduled to occur in two stages, with Landcorp responsible for stage 1 and the Shire of Denmark stage 2.

With a contractor recently appointed to undertake the construction contract, the Shire has an opportunity to undertake the stage two works and capitalise on various efficiencies.

This item seeks to authorise this expenditure in advance in accordance with section 6.8 of the Local Government Act 1995.

Background:

In July 2017, it was resolved (Council Resolution No.140717);

That in relation to the Denmark East Development Precinct Project, Council agree;

1. *To split the project into mutually exclusive components under two separate Financial Assistance Agreements (FAA) being;*
 - a. *Eastern Precinct (Service roads and a new industrial area); and*
 - b. *Western Precinct (Bridge over the Denmark River).*
2. *To a redistribution of the project budget allocations (section 4.4 of the existing FAA) to ensure that the Eastern Precinct is fully completed, using the remaining allocations as leverage to complete the Western Precinct.*
3. *To immediately recommence construction of the Eastern Precinct with the assistance and support of Landcorp.*
4. *Continue working on the Western Precinct to determine a preferred crossing point of the Denmark River.*

Since this decision, the Shire has worked tirelessly to ensure that the eastern precinct is completed in accordance with the relevant Financial Assistance Agreement.

The service road associated with the eastern precinct is progressing well, with Landcorp recently announcing Palmer Earthmoving as the successful contractor to undertake the civil works associated with the industrial area.

The subdivision plan associated with the industrial area provides for Lot 556 on Deposited Plan 77512 accommodating 11 lots, with Landcorp developing 6 lots in the initial stage for sale.

At the completion of the initial subdivision, Landcorp will transfer two lots to the Shire with lot 3 earmarked as the Shire's future depot site and lot 8 capable of being further developed into 4 lots. It is important to note that Council has progressed a lease arrangement over a portion of lot 8.

The Shire has subsequently been approached by Landcorp to undertake the earthworks and pre-servicing requirements for stage 2, whilst undertaking the works associated with the initial stage.

This expenditure was not included in the annual budget. For Council to accept Landcorp's offer, Council needs to authorise the expenditure in advance.

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.

Statutory Obligations:

Section 3.57 and 6.8 of the Local Government Act 1995 and associated regulations apply to this item;

Local Government Act 1995

3.57. Tenders for providing goods or services

1. A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
2. Regulations may make provision about tenders.

6.8. Expenditure from municipal fund not included in annual budget

1. A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Local Government (Functions and General) Regulations 1996

11. When tenders have to be publicly invited

1. Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.
2. Tenders do not have to be publicly invited according to the requirements of this Division if —

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The costs associated with the works include;

<u>Civil Works</u>	<i>(all estimates GST excl)</i>
Administration	\$ 15,000
Water Main extensions for Lots 8,9,10 and 11	\$ 30,282
Install underground power for lots 8,9,10 and 11	\$ 100,000
Earthworks to level Lot 3*	\$ 106,000
Drainage Lots 8, 9, 10 and 11	\$ 24,720

Contingency (5%)		\$ 13,800
	SUB-TOTAL	\$ 289,802

<u>Consultancy Cost:</u>		
Electrical Engineer		\$ 8,000
Civil Engineer		\$ 8,500
Contract Administration		\$ 10,000
Project Management		<u>\$ 5,000</u>
	SUB-TOTAL	\$ 31,500

<u>Fees and Charges:</u>		
Western Power (inclusive of Gifted Asset Tax)		\$ 75,000
NBN		\$ 3,000
Water Corporation		\$ -----
Main Roads Intersection contribution		<u>\$ 30,000</u>
	SUB-TOTAL	\$ 108,000

Surveying (assuming second stage approvals done as separate process):

Peg additional lots, drafting DP and administration		\$ 8,000
Fees and Charges to secure clearance		\$ 1,300
Lodgement fees to place DP in order for dealing		\$ 1,700

TOTAL **\$ 440,302**

**Due to timing and other circumstances, the Shire declined the offer to undertake the earthworks to level Lot 3. This will be completed at a later date when the Shire has a better understanding of the future design of the depot site.*

Therefore, discounting the costs associated with lot 3, the total financial implications associated with the work is \$334,302.

For the lots to be released to the market, the Shire will be required to spend approximately \$40,000 on Landgate / Solicitor fees to secure new titles and Real Estate Fees (assumed to be 3%).

The Shire has sufficient untied funds (\$580,000) within the Denmark East Development Reserve to undertake the work this financial year.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council’s adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work.

E1.1 To have a locally supported resilient, stable and innovative business community that embraces creativity, resourcefulness and originality.

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

L5.4 To be fiscally responsible

Corporate Business Plan

3.2.1 Finalise the Demark East Development Precinct industrial land subdivision works.

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:**

Undertaking the works whilst a contractor is on site will achieve various economic efficiencies.

➤ **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 decides not to undertake the works	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment/Conclusion:

Landcorp’s offer is very attractive and offers the Shire numerous efficiencies including;

- a. Taking advantage of the competitive unit rates submitted during the tender process for stage 1.
- b. Given Landcorp’s Government agency status, the Shire is not required to go to tender for the works saving significant time and resources.
- c. Undertaking some of the pre-work will allow the Shire to release the lots to the market very quickly to capitalise on market opportunities.

For clarification purposes, the work proposed will not complete the stage two development. The Shire will be required to spend approximately \$40,000 on Landgate / Solicitor fees to secure new titles and Real Estate Fees (assumed to be 3%).

In assessing this opportunity, the Shire has been unable to identify any significant downside. The major issue is the initial cost, with a financial return unlikely to be received for a number of years. In saying this, the Shire does have untied funds within the Denmark East Development Reserve and therefore has the financial capacity to undertake the works this year.

Voting Requirements:

Absolute majority.

6.34pm – The Executive Assistant left the room.

6.38pm – The Executive Assistant returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.4.1
MOVED: CR ALLEN		SECONDED: CR LEWIS
That in accordance with section 6.8 of the Local Government Act 1995, Council;		
1. Accept Landcorp’s offer to undertake the civil works associated with stage 2 of the industrial development, under the contract for stage 1.		
2. Authorise expenditure of up to \$350,000 for civil works, consultancy, survey, fees and charges to be funded from the Denmark East Development Reserve.		
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0		Res: 130418

8.4.2 APPOINTMENT OF COMMUNITY MEMBERS ON AUDIT, CEMETERY AND DISABILITY ADVISORY COMMITTEES AND THE LIGHTS BEACH CONCEPT PLAN WORKING GROUP

File Ref:	PLN.82, COMM.DSC, COMM.CAC
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 March 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.2a - Community Member Nominations 8.4.2b - Lights Beach Concept Plan Working Group Terms of Reference 8.4.2c - Audit Advisory Committee Charter 8.4.2d - Cemetery Advisory Committee Charter 8.4.2e - Disability Services Advisory Committee Charter

Summary:

This report recommends that Council appoint community members to the Audit, Cemetery and Disability Advisory Committees and the Lights Beach Concept Plan Working Group.

Background:

Following the meeting held on 21 November 2017, community member vacancies were advertised for Council Committee and Working Groups and the South Coast Management Group. In February 2018, Council considered the nominations received and resolved to re-advertise for community vacancies that had not been filled (Resolution No. 100218).

The following vacancies were re-advertised.

Committee / Working Group	Number of Vacancies
Audit Advisory Committee	3
Cemetery Advisory Committee	2
Disability Services Advisory Committee	2
Lights Beach Concept Plan Working Group	2

Advertising commenced on 6 March 2018 (Denmark Bulletin from 15 March 2018) with the closing date being 30 March 2018.

Consultation:

The vacant Community Member positions were advertised in the Denmark Bulletin, Shire of Denmark Notice Boards, Website and Facebook page.

Statutory Obligations:

Section 5.10 of the Local Government Act 1995 relates to the appointment of committee members.

- “5.10. Committee members, appointment of*
 (1) *A committee is to have as its members —*
 a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
 a) *to be a member of the committee; or*
 b) *that a representative of the CEO be a member of the committee,*
the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.”

Policy Implications:

Policy P040235 - Presiding Members of Council Committees relates and reads as follows;

Objectives

- *To maximise the adherence of Council Committees and Working Groups to adopted policies and procedures;*
- *To maximise the likelihood of Council Committees and Working Groups having continuity of a Presiding Person for the duration of its term; and*
- *To maximise the efficiency and effectiveness of Committees and Working Groups by ensuring that the Chairperson has the appropriate training and support.*

Policy

Wherever there is one or more Elected Members appointed to a Council Committee or Working Group, then it is Council Policy that the members of the Committee should elect one of those Elected Members to the role of Presiding Person.

A Presiding Person, and if required a Deputy, is to be elected using the same method as detailed in Section 5.12 of the Local Government Act 1995.

A deputy of a member of a Committee or Working Group may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause and a deputy of a member of a Committee or Working Group, while acting as a member, has all the functions of and all the protection given to a member (Section 5.11A of the Local Government Act 1995)."

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively management Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.3 To be decisive and to make consistent and well considered decisions.

Corporate Business Plan

4.1.2 Ensure that a system of processes through which the Shire conducts its decision making and directs, controls, and monitors the operation of the organisation, is implemented and maintained.

4.2.2 Ensures that agendas and minutes are prepared and Council and Committee meetings are held in accordance with the appropriate legislation, Local Law, policies and corporate standards.

4.4.6 Support strategic alliances, community groups, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.

Sustainability Implications:

➤ **Governance:**

Council Committee and Working Groups provide consultative structure to assist the Council with its decision making and its delivery of projects and provision of services and facilities.;

➤ **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:**

Community members on Council Committees and Working Groups provide an important 'community' perspective on Council functions, service provisions and strategic direction.

➤ **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 choose not to appoint Community Members.	Rare (1)	That Council choose not to appoint Community Members.	Rare (1)	That Council choose not to appoint Community Members.	Rare (1)

Comment/Conclusion:

Copies of the nominations are attached (refer Attachment 8.4.2a). Copies of the Committee Charters and Working Group Terms of References are attached as Attachment 8.4.2b,c,d,e.

Where there are fewer nominations than vacant positions Council have the option to;

- Appoint the members who have nominated and advertise for the outstanding vacant positions; or
- Appoint the members who have nominated and amend the Committee Charter(s) or Working Group Terms of Reference to reduce the number of community member vacancies; or
- Not appoint members and re-advertise all or some of the positions.

Committee / Working Group	Number of Vacancies	Number of Nominations Received	Nominees
Audit Advisory Committee	3	Nil	-
Cemetery Advisory Committee	2	1	Judith Ross
Disability Services Advisory Committee	2	3	Bradley Goode Alicia Wood Helen Spencer
Lights Beach Concept Plan Working Group	2	3	Patricia Beaulieu Helen Heydenrych Jesz Fleming

Given there are only two Community Member vacancies but three nominations on Lights Beach Concept Plan Working Group and Disability Services Advisory Committee, Council have the option to select their two preferred members, based on the information contained in the nominations or increase the number of community members in the Working Group’s Terms of Reference.

It is recommended that the remaining vacancies on the Cemetery Advisory Committee be left vacant, noting that the Committee will still have a quorum with their current active membership.

Given the three community vacancies, it is possible that a quorum would not be achieved if elected members are unavailable/unwell. It is recommended that Council amend the terms of reference for the Audit Advisory Committee by reducing the total number of members, given the lack of community interest.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.4.2

That with respect to the nominations received for Community Member vacancies, Council:

1. Appoint the following community members;
 - a) Judy Ross to the Cemetery Advisory Committee and leave the remaining community member position vacant, unless a community member requests to be considered as a member of the Committee;
 - b) _____ and _____ to the Disability Services Advisory Committee and thank the third nominee for their interest;
 - c) _____ and _____ to the Lights Beach Concept Plan Working Group and thank the third nominee for their interest;
2. Amend the Terms of Reference for the Audit Advisory Committee by reducing the membership to six (6) Councillors.

COUNCIL RESOLUTION

ITEM 8.4.2

MOVED: CR LEWIS

SECONDED: CR GIBSON

That with respect to the nominations received for Community Member vacancies, Council:

1. Appoint the following community members;
 - a) Judy Ross to the Cemetery Advisory Committee and leave the remaining community member position vacant, unless a community member requests to be considered as a member of the Committee;
 - b) Alicia Wood and Helen Spencer to the Disability Services Advisory Committee and thank the third nominee for their interest;
 - c) Patricia Beaulieu, Helen Heydenrych and Jesz Fleming to the Lights Beach Concept Plan Working Group and amend the Terms of Reference to allow for an additional community member;
2. Amend the Terms of Reference for the Audit Advisory Committee by reducing the membership to six (6) Councillors.
3. Offer the additional vacancy on the Cemetery Advisory Committee to Bradley Goode and should he accept, appoint Bradley Goode as a member of that Committee.

AMENDMENT

MOVED: CR WHOOLEY

SECONDED: CR SEENEY

That part 3 be removed and Bradley Goode be appointed as an additional member of the Disability Services Advisory Committee and the Charter membership be amended accordingly.

LOST: 6/3

Res: 140418

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

FOR: Cr Whooley, Cr Seeney and Cr Phillips.

AGAINST: Cr Allen, Cr Caron, Cr Gibson, Cr Gearon, Cr Lewis and Cr Osborne.

THE ORIGINAL MOTION WAS THEN PUT AND CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0

Res: 150418

REASONS FOR CHANGE

Council saw the diversity and specific experience of the applicants for the Lights Beach Concept Plan Working Group as beneficial and therefore increased the community member positions to accommodate the additional nominee.

Council appreciated Mr Goode's application however were not prepared to increase the community members positions for the Disability Services Advisory Committee and therefore

wished to extend an invitation to Mr Goode for the vacant position on the Cemetery Advisory Committee.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 WASTE MANAGEMENT ADVISORY COMMITTEE - HAZARDOUS HOUSEHOLD WASTE MEMORANDUM OF UNDERSTANDING

File Ref:	COMM.WMAC
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	6 th April 2018
Author:	Ariadne Macleod, Technical Officer Waste
Authorising Officer:	Gilbert Arlandoo, Director of Infrastructure & Assets
Attachments:	Attachment 9.1 - Memorandum of Understanding

Summary:

The item recommends the endorsement of a Memorandum of Understanding (MOU) with the City of Albany for the process of disposing of materials under the Household Hazardous Waste program.

Background:

The Shires of Denmark and Plantagenet and the City of Albany entered into a MOU for Waste Minimisation in July 2015 to further economic development in the sub-region. The MOU aims for:

“Collaborating in the management of resources and knowledge to increase efficiency and provide consistency in planning and resource sharing across the region”.

This MOU includes: *“Developing a consistent approach to the collection, treatment and disposal of domestic and commercial waste”.*

The City of Albany is the regional location for a Hazardous Household Waste collection facility. This facility is funded via the Waste Authority and WALGA with annual funding provided to cover collection of materials accepted into the facility.

The City of Albany manages this facility and accepts waste under the scheme from the Shire of Denmark and Shire of Plantagenet. A MOU has been established to outline the acceptance of HHW from councils to the facility. The processes stated in this MOU will need to be followed by all staff involved with storing, transporting or disposing of items to the HHW collection at the Albany tip shop.

The Memorandum of Understanding was reviewed by the Waste Management Advisory Committee (WMAC) and the following recommendations were made to Council at the 27 March 2018 meeting:

“That the Waste Management Advisory Committee recommends to Council, that with respect to the Household Hazardous Waste Memorandum of Understanding, Council:

1. *Endorse the Household Hazardous Waste Memorandum of Understanding between the City of Albany, Shire of Plantagenet and Shire of Denmark.*
2. *Authorise the CEO to sign the Memorandum of Understanding on behalf of the Shire of Denmark”.*

Consultation:

The attached MOU has been discussed and agreed upon by representatives of Shire of Plantagenet, Shire of Denmark and the City of Albany at the Regional Waste Alliance Group and all Councils will be operating under the same processes.

The Officer has consulted with staff at the McIntosh Waste Facility and has provided a copy of the MOU to all staff who are involved in the delivery of items under the Household Hazardous Waste Program.

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.

Community Engagement Policy & Framework**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:

There are no policy implications.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

N2.0 Our Natural Environment.

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy.

Corporate Business Plan

2.1.9 Ensure Shire's waste management site is environmentally compliant and operating at best practice.

2.1.10 Promote waste minimisation through education and improved infrastructure and resources within the waste management site.

4.4.1 Actively work with neighbouring Councils on a regional approach to relevant Local Government issues.

Sustainability Implications:➤ **Governance:**

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

➤ **Environmental:**

The MOU for the Household Hazardous Waste Program will provide better guidance for the disposal of hazardous wastes and will ensure materials are disposed of correctly.

➤ **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)
1. The proposed MOU is not endorsed by Council and that Council's regional working relations are damaged.	Unlikely (2)	Moderate (3)	High (10-16)	Inadequate Natural Environ. Management Practices	Accept recommendation from the Officer and Waste Management Advisory Committee.
2. Staff do not follow necessary procedure	Rare (1)	Minor (2)	Moderate (5-9)	Business Disruption	Manage by providing relevant staff with a copy of the MOU

Comment/Conclusion:

Ensuring correct disposal of hazardous materials is in line with the objectives of the Shire of Denmark under the Corporate Business Plan and the Strategic Community Plan as well as the Regional Waste Strategic Plan. Fostering productive partnerships is a key driver to delivering these objectives and an MOU will therefore support this process.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That the Waste Management Advisory Committee recommends to Council, that with respect to the Household Hazardous Waste Memorandum of Understanding, Council:

1. Endorse the Household Hazardous Waste Memorandum of Understanding between the City of Albany, Shire of Plantagenet and Shire of Denmark.
2. Authorise the CEO to sign the Memorandum of Understanding on behalf of the Shire of Denmark.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1
MOVED: CR CARON	SECONDED: CR SEENEY
That, with respect to the Household Hazardous Waste Memorandum of Understanding, Council	
<ol style="list-style-type: none"> 1. Endorse the Household Hazardous Waste Memorandum of Understanding between the City of Albany, Shire of Plantagenet and Shire of Denmark. 2. Authorise the CEO to sign the Memorandum of Understanding on behalf of the Shire of Denmark. 	
CARRIED UNANIMOUSLY: 9/0	Res: 160418

10. MATTERS BEHIND CLOSED DOORS
Nil

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

12. CLOSURE OF MEETING

7.08pm – There being no further business to discuss the Shire President, Cr Gearon, declared the meeting closed.

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

Signed: _____
Bill Parker – 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.)