

# Shire of Denmark

## Ordinary Council Meeting MINUTES

21 May 2019



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK  
ON TUESDAY, 21 MAY 2019.



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## Strategic Community Plan (snapshot)

### 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
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

### 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*

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- 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
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

### C4.0

#### Our Community

*We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit*

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

### L5.0

#### Our Local Government

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

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency

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**DISCLAIMER**

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

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

## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – *The Shire President, Cr 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 Cary Green (Director Corporate and Community Services)  
Mr David King (Director Assets and Sustainable Development)  
Ms Jasmine Tohill (Senior Planner)  
Ms Claire Thompson (Executive Assistant & Governance Coordinator)

### APOLOGIES:

Nil

### ON APPROVED LEAVE(S) OF ABSENCE:

Nil

### ABSENT:

Nil

### VISITORS:

Members of the public in attendance at the commencement of the meeting: 20

### DECLARATIONS OF INTEREST:

Nil

## 3. ANNOUNCEMENTS BY THE PERSON PRESIDING

*The Shire President presented a framed poster of the movie “Breath” to the Corporate and Community Services Team who had put in so much time effort to ensure that Denmark had six free viewings of the movie last year. Cr Gearon acknowledged the efforts of, particularly, the Manager of Community Services, David Schober and the Community Development Officer, Claudia Simpson. Cr Gearon stated that not only had Shire Officers lobbied to have the viewings in Denmark, they had also made the event accessible for all and sent out invitations to local people who had had some involvement in the film when it was made in Denmark.*

*The Shire President announced that the Chief Executive Officer and herself had recently met with the Minister for Transport who had confirmed that \$2.5 million towards the upgrades at Greens Pool and Elephant Rocks was contained in the State Budget. Cr Gearon said that the Department of Transport would also be providing \$27,000 towards the cost of upgrading the lighting at the Denmark Airport. Cr Gearon acknowledged the State Government’s contribution to both projects.*

## 4. PUBLIC QUESTION TIME

### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

#### 4.1.1 MR THORNTON – DEVELOPER CONTRIBUTIONS

At the meeting held on 19 March 2019, Mr Thornton sought answers to the following questions. The response which has been provided to Mr Thornton in writing is copied below.

1. What rationale and authority does the Shire of Denmark have to impose a developer contribution fee on a simple subdivision?  
*Answer: Developer contributions are a valid exercise of the Shire's power to impose conditions associated with any development on a case by case basis. As a matter of law, conditions on a development remain in effect until found to be invalid by a Court of State Administrative Tribunal.*
2. Given that SPP3.6 [*State Planning Policy 3.6*] is the enabling document to set up developer contribution schemes, through designating development contribution areas in the town planning scheme, and establishing a need and nexus relationship, why does Shire of Denmark levy this developer contribution with no such amendment and incorporation of 3.6 into the town planning scheme? The Shire of Denmark does not have a legislated head of agreement to levy a contribution scheme. The Shire of Denmark is operating Ultra Vires in requesting these payments.  
*Answer: As suggested, designating areas under the Town Planning Scheme as development contribution areas, and levying funds through the mechanism of a Development contribution plan is a valid process. However, answer to (1) still applies as an alternate mechanism for roadworks contributions.*
3. Why does Shire of Denmark levy a developer contribution in direct contravention of Section 73(1) of Planning and Development Regulations 2015? This makes the collection of these fees without an approved developer contribution scheme illicit and unlawful.  
*Answer: As answer (1)*
4. Given that the annual report presented tonight shows a closing balance of \$288,384-00 for developer contributions, and this being a transactional account with outgoings so the total collected will be more, what actions will the Shire of Denmark take to refund this illicitly gained money?  
*Answer: Funds were levied through the mechanism described in point (1). Conditions so far have been imposed and paid. On that basis, there is no obligation requiring the Shire to reimburse the contributions which have been received to date.*
5. Given that the Shire quotes resolution 180410 as the rational for imposing this levy, why did the officer with carriage of this issue not set out a scheme amendment to incorporate SPP3.6 into TPS3 [*Town Planning Scheme No. 3*], and set up an approved WAPC developer contribution scheme. Why did engineering simply start levying a contribution around 2012, which, as noted in the Planning and Development regulations Section 73(1), is illicit?  
*Answer: As answer (2)*

6. Why does the Shire of Denmark use coercion by refusing to give clearance of conditions of subdivision, to enable issue of title, if the illicit developer contribution payment is not made? In the case of a simple DA [*Development Application*], the refusal to issue the DA if the illicit payment is not made?

*Answer: As answer (1)*

## 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 Ms Louise Lissiman – Item 8.1.1 (Proposed Place of Public Worship, 987 South Coast Highway, Denmark)

Ms Lissiman, a resident of Flay Street, stated that she was opposed to the development in its current form. Ms Lissiman expressed concerns relating to increased traffic, noise, potential decrease in surrounding property values and potential overflow parking issues relating to the 180 seat auditorium. Ms Lissiman said that she was also concerned about the proposed removal of most of the trees from the site.

#### 4.2.2 Mr Don Millar – Cat Control

Mr Millar raised concerns about roaming cats killing birds and native wildlife. Mr Millar said that he understood that cats needed to be registered and queried how many cats were registered within the Shire. Mr Millar suggested that the Shire should be doing more to compel cat owners to control their pets.

*The Shire President advised that the Shire provides cat traps for residents and she was also aware that the State Government was currently reviewing the Cat Act and the Dog Act. Cr Gearon said that there had recently been an eradication program undertaken at the Nullaki Peninsula.*

*The Director Assets and Sustainable Development advised that he should be able to provide Mr Miller with the number of registered cats in the Shire of Denmark.*

*The Chief Executive Officer added that Cr Gibson had recently suggested that the Council perhaps consider developing a Cat Local Law.*

*Cr Caron suggested that perhaps the Shire could consider putting in a submission on the legislation review. Cr Caron acknowledged Mr Millar's concerns but noted that the Shire had limited resources to undertake an extensive control program. Cr Caron invited Mr Millar and any other members of the public to provide the Shire with any possible solutions for consideration.*



**4.2.3 Mr David Beckwith – Item 8.1.1 (Proposed Place of Public Worship, 987 South Coast Highway, Denmark)**

Mr Beckwith, a resident of Flay Street, said that they had always been aware that the site could potentially have a Church built on it but objected to the size and scale of the current development proposal. Mr Beckwith said that he believed the development would disrupt the quiet amenity of the area and did not believe the size of the development was suitable for a residential area. Mr Beckwith questioned the proposed effluent disposal system and control of storm water as he did not believe them to be adequate.

**4.2.4 Mr Murray Thornton – Item 4.1.1 (Response to Questions on Notice – Developer Contributions)**

Mr Thornton said that he did not find the responses to his questions comprehensive and still wanted to know how the Shire could request developer contributions without a developer contributions scheme. Mr Thornton said that he was aware that since he had challenged the legality of the Shire's process, developer contributions had ceased to be collected. Mr Thornton said he believed that the Shire did not think it had to pay back any of the contributions and was forcing people to go through the State Administrative Tribunal to get their money back.

*The Shire President advised that the Shire had sought advice and had been informed that collecting contributions was a valid exercise of the Shire's power to impose conditions associated with any development on a case by case basis.*

*The Director Assets and Sustainable Development said that the Shire had stopped collecting developer contributions whilst advice was sought but since the advice had been received, Officers would be assessing each application and, if appropriate, applicants will be required to pay an infrastructure contribution.*

**4.2.5 Mr Wally Pederick – Item 8.1.1 (Proposed Place of Public Worship, 987 South Coast Highway, Denmark)**

Mr Pederick said that he objected to the size and scale of the proposed development as he believed it would have a negative impact on the value of surrounding properties. Mr Pederick said he was also concerned about the proposed tree removal noting that the trees were home to many nesting birds. Mr Pederick said that there were already a number of buildings in Denmark suitable for conferences and functions and an additional one in a residential area was not required.

**4.2.6 Ms Susan Ryan – Item 8.1.1 (Proposed Place of Public Worship, 987 South Coast Highway, Denmark)**

Ms Ryan, a resident of Flay Street, said that there were already many other community buildings suitable for conferences and events which were inclusive. Ms Ryan asked whether the proposed Church venue would be inclusive as she believed that the Baptist Church may have restrictions on its use. Ms Ryan invited Councillors to visit Flay Street and meet with residents to better understand their concerns.

*The Shire President said that she was unsure about inclusiveness as there was not mention in the application. Cr Gearon said that she would catch up with Ms Ryan after the meeting to discuss a potential site visit with residents, if required.*

*Cr Phillips asked Ms Ryan whether she was opposed to the development because it was a Church or because of the scale of the development.*

Ms Ryan said that a Church would be fine but not the size and scale of the current proposal.

**4.2.7 Mr Graham Ritchie – Item 8.1.1 (Proposed Place of Public Worship, 987 South Coast Highway, Denmark)**

Mr Ritchie, Pastor of the Baptist Church, said that the Church was involved with the community in many different ways and had owned the site for over 30 years. Mr Ritchie said that they had complied with all requirements and would be consulting an engineer regarding storm water run-off. Mr Ritchie said that he also liked the trees on the site and would remove as few as possible. Mr Ritchie said that whilst the scale of the development may not be required at the moment, the Church were thinking about expansion in members and population into the future. Mr Ritchie said that the difference with the proposed auditorium, as opposed to other community venues, was that they had engaged an acoustic engineer and were seeking to have a unique acoustic venue for Denmark, particularly for musicians.

*Cr Whooley queried what the consulting rooms would be used for.*

Mr Ritchie said that they would be used for a number of things including marriage and family counselling.

*Cr Lewis asked Mr Ritchie why the Church needed such a large building for a small congregation.*

Mr Ritchie responded that they would like the building to be used by the community as well as a place of worship. Mr Ritchie said that they also wanted to allow for future population and congregation growth. Mr Ritchie referred to comments regarding inclusiveness and said that the Church wanted to be as inclusive as possible.

**4.2.8 Mr Adrian Baer – State Budget**

Mr Baer acknowledged the Shire President's announcement regarding funding for Greens Pool and asked how the Department of Biodiversity, Conservation and Attractions' involvement might affect the timeframe for the work. Mr Baer asked if there were any other items in the State Budget which might be of interest to Denmark residents and when the mobile phone tower would be built at Ocean Beach.

*The Shire President advised that the Greens Pool funding had been based on a comprehensive master plan which had been developed by the Department and that they would be contributing to the project. Cr Gearon said that she believed that there would still only be one entrance in but that the Department would be liaising with the Department of Fire and Emergency Services regarding their requirements.*

*The Chief Executive Officer said that he believed that they were aiming to commence the project prior to the peak tourist period, open for the peak period and then close the area after to complete the work.*

*The Shire President said that the State Government had also committed \$27,000 for a lighting upgrade at the Denmark Airport.*

*The Chief Executive Officer said that the Shire was in regular contact with Rick Wilson's office regarding the mobile phone tower at Ocean Beach. Mr Parker said that he believed Telstra were in discussion with a landholder with the intention of placing a tower on their property.*

**4.2.9 Mr Geoff Bowley – Long Term Financial Plan**

Mr Bowley asked how the Long Term Financial Plan was progressing.

*The Shire President advised that it was still in progress.*

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

### 4.3.1 CR LEWIS – POLICY P100516, SUSTAINABLE EVENTS

The following Questions on Notice were received by the Chief Executive Officer in writing on the 8 May 2019 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.10.

*On 21st August 20 18 Council adopted Policy P100516 - Sustainable Events, with the following conditions:*

*A nine-month transition period to allow Shire staff to undertake engagement with affected stakeholders and promotion of the Policy.*

*Shire staff to review the Policy after nine-months with referral back to Council.*

*It was also the intent of Council that this policy be supported by Information sheets and/or educational material.*

*This policy is consistent with Council's adopted Strategic Community Plan, 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.*

*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.*

*N2.1 To preserve and protect the natural environment.*

*N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy. N2.4 To acknowledge and adapt to climate change.*

*C4.0 Our Community - We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.*

*C4.3 To create a community that nurtures and integrates natural, cultural and historical values.*

*The policy has, in general, been enthusiastically adopted by our community. Organisations such as Denmark Arts, Greenskills, Plastic Reduction Denmark along with many other organisations and community groups have taken steps to comply with the intent of the policy.*

*This is admirable, particularly considering the Shire have, due to various staff losses/changes been unable to offer the full level of support envisaged in the Officer Recommendation:*

*Should Council endorse the proposed final Policy, a nine-month transition period is still proposed to enable engagement with affected external stakeholders to transition to the new requirements and inform the wider community. This is likely to involve, but not be limited to:*

- Advertisements in the Denmark Bulletin and Walpole Weekly newspapers.*
- Promotion and information on the Shire's website, Administration office and social media.*
- Shire staff and Councillor education via internal email, staff meetings and more detailed meetings with relevant staff.*
- Letters to all community and relevant sporting groups.*
- Direct engagement with larger event organisers via targeted letters and/or meetings as required.*
- Letters to local vendors and relevant businesses eg. caterers, catering suppliers.*

- *Drawing competition for children to design an image for the Shire to use in continued promotion of the Policy eg. refuse to use single-use plastics.*
- *Promote the success of local events in implementing the Policy.*
- *Survey all known events held during the transition period.*

*Having said this, I'd like to acknowledge our Community Development team and other staff members who have embraced this policy and done all they can to contribute to its success.*

*Given the efforts and expense that many groups within our community have gone to comply with Policy P100516, I was disappointed to hear of an event held recently on Council property where everything the group used for the catering was made from single use plastic.*

*Can the CEO please outline the actions that will be taken, to comply with the intent of the Policy and Res: 090818 including new timelines for officers to review the Policy and report back to Council as the 9 month timeframe is now clearly unachievable?*

The Chief Executive Officer tabled the following response at the meeting.

Resolution No. 090818 requires that the Policy is reviewed and brought back to Council for further consideration. Staff changes have resulted in the nine (9) month timeframe not being met. It is expected that a report will be presented to Council in July.

#### **4.3.2 CR WHOOLEY – PREFERRED SUPPLIERS, MCLEAN OVAL PROJECT AND RECONSTRUCTION OF OCEAN BEACH ROAD**

The following Questions on Notice were received by the Chief Executive Officer in writing on the 14 May 2019 and whilst the timeframe does not comply with the Shire of Denmark Standing Orders Local Law clause 3.10, the Chief Executive Officer agreed to include them in the Agenda.

- 1. Council accepted a confidential tender item for Preferred Suppliers in September 2018. Some very limited prices were supplied for Council to consider. When will Council be provided the full range of rates supplied by contractors associated with this Tender?*
- 2. Questions on Notice were asked about the cost of McLean Oval. Some were answered and the details of cost overruns were provided as confidential to Council. Councilors continue to receive confidential internal updates. Is a confidential item determined simply by the author despite the potential transparency and accountability required for Council matters?*
- 3. In 2015/16 Council received Regional Road funding of approximately \$900K for nearly 1km reconstruction of Ocean Beach Road. Two thirds of that work appears complete. The funding was supported on the basis of a failing road and the need to separate the footpath from the road. The incomplete one third of the work is the worst section of the originally nominated scope. When will those works be completed?*

The Chief Executive Officer tabled the following response at the meeting.

1. Given the commercial sensitivity associated with the 'full range of rates', we will seek advice from the WA Local Government Association (WALGA) on the distribution of this information to Councillors.
2. Information updates are regularly provided by staff to a range of audiences. These updates include letters, memorandums, briefing notes, presentations, media releases and social media posts. Updates are designed for a particular target audience and distribution channel.

In this instance, the regular project updates provided to Councillors for the McLean Oval Redevelopment are very detailed and are designed to keep Council fully informed throughout the duration of the project. The information has simply not been prepared for a broader audience and therefore is not for further distribution.

Based upon the information provided to Councillors, the community has been provided with regular project updates including seven (7) social media posts and one (1) formal media release. We are not aware of a recent project in Denmark that has received such promotion.

The information updates provided to Council were designed to increase the level of transparency and accountability, not erode these strongly held values.

3. Allocated funding for the section was not sufficient to complete the entire works as originally scoped. Scope of works were subsequently reduced. Since 2015/16 detailed condition audits of the Shires sealed road network have been undertaken. Future road project funding submissions will be based on this data to maximise asset residual life. The incomplete section of the works discussed will be considered in this process.

#### 4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

#### 5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

#### 6. CONFIRMATION OF MINUTES

##### 6.1 ORDINARY COUNCIL MEETING – 16 APRIL 2019

###### COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 6.1

MOVED: CR CARON

SECONDED: CR GIBSON

That the minutes of the Ordinary Meeting of Council held on the 16 April 2019 be confirmed as a true and correct record of the proceedings, subject to the following amendment;

1. Page 9, Resolution No. 030419, correct the votes for an against to read as follows;  
*"Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;*  
*FOR: Cr Phillips, Cr Allen, Cr Caron, Cr Gibson, Cr Gearon, Cr Lewis and Cr Osborne*  
*AGAINST: Cr Whooley*

CARRIED UNANIMOUSLY: 9/0

Res: 010519

**6.2 STRATEGIC BRIEFING NOTES – 16 APRIL 2019**

OFFICER RECOMMENDATION

ITEM 6.2

That the Notes from the Strategic Briefing held on 16 April 2019 be received.

*The Strategic Briefing Notes had not been published and will therefore be presented to the June 2019 meeting.*

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

Nil

**8. REPORTS OF OFFICERS**

**8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT**

**8.1.1 PROPOSED PLACE OF PUBLIC WORSHIP, COMMUNITY PURPOSE AND CONSULTING ROOMS – NO. 987 (LOT 166) SOUTH COAST HIGHWAY, DENMARK**

<b>File Ref:</b>	A2361; 2018/205
<b>Applicant / Proponent:</b>	Martin H Beeck for Baptist Union of Western Australia Inc (owner) and Denmark Baptist Community Inc
<b>Subject Land / Locality:</b>	No.987 (Lot 166 on Plan 224101) South Coast Highway, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 May 2019
<b>Author:</b>	Steve Thompson, Consultant Planner
<b>Authorising Officer:</b>	David King, Director Assets & Sustainable Development
<b>Attachments:</b>	8.1.1a – Location plan 8.1.1b – Aerial photograph and cadastre 8.1.1c – Development Application documentation 8.1.1d – Schedule of Submissions 8.1.1e – Applicant response to submissions and supplementary information, including updated car parking plan

**Summary:**

The applicant is seeking Development Approval for a place of public worship, community purpose and consulting rooms on No.987 (Lot 166) South Coast Highway, Denmark.

Having regard to the issues raised in the submissions and the objectives and provisions of Town Planning Scheme No.3 (TPS No.3) and the planning framework, it is recommended that Development Approval be granted subject to appropriate conditions.

**Background:**

The Baptist Church has been operating in Denmark for decades and currently meets at the St John Ambulance Hall at 10 Price Street. The Baptist Union of Western Australia Inc have owned No.987 (Lot 166) South Coast Highway, Denmark for approximately 30 years with the intention of developing a church on this site.

The application site’s location is outlined in Attachment 8.1.1a which is approximately 600 metres east of the town centre. The site adjoins residential properties. Land located opposite, on the northern side of South Coast Highway, is Reserve 47020 which is occupied by the high school and TAFE. Nearby non-residential uses include the Riverside Club and Shire office.

Attachment 8.1.1b shows aerial photography and cadastre. The site is 4806m<sup>2</sup> in area, vacant, gently sloping and contains several mature trees. The site forms part of the entry or

'gateway' into Denmark. A key characteristic of the area's character is the tree-lined entry adjoining the South Coast Highway. The South Coast Highway reserve varies between approximately 25 – 38 metres adjoining the site. There are several trees within the road reserve on the southern side along with a dual use path.

### Development Application

An application for Development Approval was lodged with Planning Services on 1 January 2019 for a place of public worship, community purpose and consulting rooms (refer Attachment 8.1.1c). The application (plans and associated letter) proposes:

- a building of approximately 560m<sup>2</sup> located to the south of the site. The building has a width of 26.4m, a depth of 28.8m, a wall height of 3m, a standard ridge height of 5m, with a small section of the ridge height on the northern side to 6.3m;
- the walls are a combination of fibre cement weatherboarding and select corrugated Colourbond sheeting. The roof and gutters will be Colourbond. The colours have not been specified;
- all walls will be thermally and where necessary acoustically insulated;
- the building consists of an assembly hall to provide seating for 180 people, support facilities including toilets, rooms for creche and storage, kitchen, offices, counselling rooms, lobby and reception area;
- undercover drop off area;
- sealed vehicular access (to/from the South Coast Highway), vehicle manoeuvring and 46 car parking bays (see Attachment 8.1.1e) in the northern and central portions of the site. 42 standard car parking bays are proposed along with 4 car parking bays for people with disabilities;
- landscaping including various 'public art' sculptures (yet to be designed);
- a children's playground; and
- the building to be used as a place of public worship for the Baptist Church, along with a community centre (likely uses include creche, counselling services, provision of meals to those in need, use by community groups) along with incidental consulting rooms (e.g. personal, family and financial counselling).

The application is supported by a bushfire management plan (incorporating a bushfire emergency evacuation plan), geotechnical report, site classification report, survey plan and Main Roads Western Australia (MRWA) crossover advice.

### **Consultation:**

Planning Services 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, TPS3 and Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following consultation:

- invited comments for 42 days;
- wrote to 48 landowners in the area generally bordered by the South Coast Highway, Country Club, Bayley Street and Denmark River;
- wrote to MRWA and the Department of Fire and Emergency Services;
- a sign was placed on the site;
- an advert was placed in the public notice section of a local newspaper;
- details were placed on the Shire website; and
- Shire's Development Co-ordination Unit (internal).

The Shire received 11 submissions on the Development Application, and these are provided in the Schedule of Submissions (Attachment 8.1.1d). Eight submissions objected and raised

issues with the application (from 6 households – there were 4 submissions from 2 households), while two submissions raised no objections. In addition, MRWA raise no objection and recommend that the crossover is suitably designed and constructed to MRWA requirements.

The main issues and objections raised in the submissions include:

- the size, scale and height of the building is excessive;
- safety for motorists, cyclists and pedestrians;
- traffic impacts on South Coast Highway and on local roads;
- adverse impacts on neighbouring properties including amenity, noise from traffic and noise from activities;
- there is insufficient on-site parking;
- loss of mature trees and impacts on birdlife;
- the nature of screening vegetation/landscaping is unspecified;
- visual impacts;
- there are sufficient existing places of public worship and meeting facilities in Denmark;
- it is a residential area;
- clarifying operating days and hours;
- servicing concerns including effluent disposal and stormwater;
- whether the community centre will be available to all groups and people; and
- detrimental impacts on property values.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the submissions, the applicant has provided a letter and supporting information (see Attachment 8.1.1e).

#### **Statutory Obligations:**

TPS3 zones the site as 'Residential R5/15'. The higher coding applies to development connected to the reticulated sewerage system and which meets other requirements of clause 5.3.5 of TPS3. While the application is not subject to the R-Codes, an assessment is undertaken in 'Policy Implications' against the R5 code requirements.

Clause 3.1.3(a) of TPS3 sets out the purpose and intent of the Residential zone is 'primarily for low density residential uses with Group Dwellings and selected non-residential uses permitted with approval of the Council'.

Table 1 - Zoning Table of TPS3 sets out the following permissibility for uses in the Residential Zone:

- public worship - is a 'SA' use indicating that any application requires advertising and is at the discretion of local government for approval;
- community purpose – use not listed and requires advertising; and
- consulting rooms - is a 'SA' use indicating that any application requires advertising and is at the discretion of local government for approval.

Appendix I of TPS3 provides the following interpretations:

*Place of Public Worship* – means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

*Community Purpose* – means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

*Consulting Rooms* – means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists,



physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention, investigation or treatment of physical or mental ailments, and the two practitioners may be of one profession or any combination of professions or practices.

Outlined below is an extract from Table 2 – Development Standards, with the third column setting out how the application compares with the TPS3 standards. In summary, the application complies with all listed development standards.

<b>Table 2 – Development Standards</b> (for Residential Zone for development not covered by R-Codes)		
<b>Development Standard</b>	<b>TPS3 standard</b>	<b>Application proposal</b>
Front setback	7.5m	Approximately 40m
Side setback	3m	11m at closest point
Rear setback	7.5m	10.5m at closest point
Maximum plot ratio	0.5:1 (50%)	0.12:1 (11.65%)
Maximum site coverage	0.3 (30%)	0.12:1 (11.65%)
Landscaping (percent)	10%	Approximately 40%

Appendix XI – Parking Standards of TPS3 requires 1 parking space per 4 persons for places of public assembly and entertainment. Based on the assembly hall providing the potential for a maximum seating of 180 people, this equates to a standard of 45 parking spaces. Attachment 8.1.1e provides 46 parking spaces.

The ‘Comment’ section provides an assessment of the application against requirements in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Should Council refuse this Development Application or impose unreasonable conditions, the applicant can apply to the State Administrative Tribunal for a Right of Review as per the provisions of the *Planning and Development Act 2005*.

**Policy Implications:**

Various policies have been given due consideration in assessing this application including:

- *State Planning Policy No. 1 - State Planning Framework Policy;*
- *State Planning Policy No. 2.9 - Water Resources;*
- *State Planning Policy No. 3.1 - Residential Design Codes* - while the application is not subject to the R-Codes, an assessment is undertaken in ‘Policy Implications’ against the R5 code requirements;
- *State Planning Policy 3.7 - Planning in Bushfire Prone Areas;*
- *Town Planning Scheme Policy 15 – Townscape Policy* – includes ‘Council will maintain and enhance approaches to town...by the retention of existing indigenous vegetation and promoting tree planting on verges’; and
- *Town Planning Scheme Policy 42 Public Art* – applies to developments with a construction cost of \$500,000 or more but does not apply to not-for-profit organisations.

It is suggested the application complies with the above and other relevant policies.

As highlighted earlier, the application is not subject to the R-Codes. While noting this, the below provides a comparison of compliance of the building against the R5 code standards. In summary, the building complies with the R-Codes.

<b>Assessment against standards for Residential R5 development</b>		
<b>Standard</b>	<b>R5 Code</b>	<b>Application proposal</b>
Minimum site area	2000m <sup>2</sup>	4806m <sup>2</sup>
Minimum frontage	30m	55m
Street setback	12m	Approximately 40m
Side setback	Variable (require 1.5m with current proposal)	11m at closest point
Rear setback	6m	10.5m at closest point
Open space	70%	88%
Building height – top of wall	6m	3m
Building height – top of pitched roof	9m	6.3m

**Budget / Financial Implications:**

Under the local government act, religion entities are eligible for exemptions from rates and therefore an application from the applicant akin to this may be forthcoming if the development proceeds.

**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

*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.*

*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.*

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

The Development Application creates minimal environmental impacts, noting the site is predominantly cleared and there is a need for appropriate servicing.

➤ **Economic:**

The development, if approved and implemented, will provide direct and indirect employment through the construction process. This will assist to provide economic benefits to the local economy.

➤ **Social:**

Some residents have concerns and raise objections to the Development Application. Various range social impacts have been raised. While noting this, it is considered the proposed development is compatible with adjoining and nearby development. It is also noted that some issues are outside the scope of planning legislation and the planning system.

➤ **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 applicant may lodge an application for review to the State	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Administrative Tribunal if the Council's decision was to refuse the application or impose unreasonable conditions.	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 and development conditions can further mitigate impacts. 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 wish to pursue a Right of Review.

**Comment:**

While appreciating the submissions and the matters raised which object to the application, following assessment of the application against TPS3 and the planning framework, it is concluded that the Development Application should be conditionally approved. It is suggested that:

- the uses are appropriate for the site, which has long been identified for a church, and the locality in general noting that it adjoins the South Coast Highway and it is close to the town centre;
- the site is highly accessible to South Coast Highway and there will be manageable traffic impacts;
- parking and vehicle manoeuvring will be contained on-site;
- it will be appropriately serviced;
- it supports a growing population and provides services and spaces for community groups;
- it will support economic development and job creation;
- the proposed building size and bulk is appropriate given the size of the site and the proposed setbacks to property boundaries. There are also a range of other non-residential developments in the locality, fronting the South Coast Highway, to the east of the Denmark River bridge;
- the proposed uses are reasonably expected to appear in a residential area as evidenced by TPS3 permissibility and provisions;
- the site contains minimal environmental assets given it is largely cleared;
- it addresses bushfire requirements;
- there are manageable impacts on the area's streetscape and character, noting that various mature trees will be retained on-site and mature trees will be retained in the South Coast Highway reserve. The applicant/landowner are required to prepare and implement a landscaping plan and provide public art;

- the community centre and associated facilities can provide various support services to the Denmark community and provide choice and spaces for community groups;
- the consulting room uses are minor/incidental to the place of public worship and community purpose uses; and
- the uses and development are consistent with the planning framework.

While noting the above, there are various issues associated with the application, which should be considered by the Council in determining the Development Application. The below table (first column) is from the *Planning and Development (Local Planning Schemes) Regulations 2015*. This sets out matters the local government is to have due regard to in assessing the application:

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	This is addressed in 'Statutory obligations'. In summary, the application complies with the aims, provisions and standards of TPS3.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	<p>The requirements of orderly and proper planning involve consideration of the allocation of the land to various Reserves and Zones in TPS3 as well as the matters to be considered in making determinations of applications for development approval; namely those issues to which this section of the report addresses. Principle among these considerations is whether the proposed development is appropriately located and compatible with other uses within its setting.</p> <p>In general terms, the proposal is considered to satisfy the requirements of orderly and proper planning given it is a use supported in a Residential Zone and given its appropriate setbacks from property boundaries, there are sufficient carparking bays and it addresses visual impacts.</p> <p>There are no scheme amendments that have implications relating to this Development Application.</p>
(c) any approved State planning policy;	There are various State Planning Policies that relate to the land and the application which are outlined in 'Policy Implications'.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	This is not applicable to this Development Application.
(e) any policy of the Commission;	A review of the publications issued by the WAPC reveals that there are several documents that would apply, some more specifically than others, to the Development Application. These publications include the WAPC's <i>Visual Landscape Planning in Western Australia: a manual evaluation assessment, setting and design</i> (2007).
(f) any policy of the State;	Possibly the main policy is the draft <i>Government Sewerage Policy</i> . Based on the geotechnical investigations and advice from the consulting

	engineer, it is suggested the proposal can address this Policy.
(g)any local planning policy for the Scheme area;	<p>The Shire has no local planning policy relating to places of public worship. The ‘Policy Implications’ section considers relevant Town Planning Scheme policies.</p> <p>While noting that <i>Town Planning Scheme Policy 42 Public Art</i> does not apply to not-for-profit organisations, it is suggested that public art be provided for this application. This in part reflects the applicant’s commitment and that the site is located on a key gateway into Denmark.</p>
(h)any structure plan, activity centre plan or local development plan that relates to the development;	This is not applicable to this Development Application.
(i)any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ;	Not applicable.
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	Not applicable to this Development Application. The application site is zoned ‘Residential R5/15’ in TPS3 and is not reserved.
(k)the built heritage conservation of any place that is of cultural significance;	Not applicable to this Development Application. There are no places on the application site that have been included within the State Register of Heritage Places or included on Appendix VII of TPS3. Additionally, the site contains no places on the Council’s Municipal Heritage Inventory. The proposal will, therefore, have no impact on any formally registered place of heritage value.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	The application site is not classified as a Registered Aboriginal Site at <a href="https://maps.daa.wa.gov.au/AHIS/">https://maps.daa.wa.gov.au/AHIS/</a> .
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	<p>The building complies with TPS3 requirements and development standards. It is also consistent with the R5 standards for a building including height and setbacks.</p> <p>The site is well located, adjoining a major road and can be managed in such a way that impacts on neighbouring properties are manageable.</p> <p>The appearance of the building, including a Colourbond roof is considered consistent with expectations for the area.</p> <p>The building will not create overshadowing.</p>
(n)the amenity of the locality including the following —	The Development Application raises limited natural environmental issues given the site is

<p>i. environmental impacts of the development;                  ii. the character of the locality;                  iii. social impacts of the development;</p>	<p>predominantly cleared and will be appropriately serviced.</p> <p>It is suggested the key environmental issue for the site is water quality and associated management of stormwater. Unless suitably addressed, intensive development on the site is expected to produce off-site impacts such as more concentrated storm water disposal issues that will have impacts on land downstream and environmental assets.</p> <p>The area's character includes the tree-lined entry/gateway into Denmark, residential development on generous size lots and a range of community and recreational uses.</p> <p>The site adjoins residential properties and the building is well setback from residential properties. The proposed place of public worship and community uses are considered compatible with adjoining and nearby land uses. In particular:</p> <ul style="list-style-type: none"> <li>• the activities will be largely indoors;</li> <li>• car parking will be contained on-site;</li> <li>• there are appropriate setbacks which provide suitable measures to maintain privacy;</li> <li>• there are limited windows to the east, south and west, and the applicant advises the walls will be acoustically designed;</li> <li>• potential noise associated with the activities may at times be insignificant compared to the noise generated by traffic on South Coast Highway;</li> <li>• the use will largely operate during the daytime, so should cause limited disturbance to regular sleep patterns;</li> <li>• there is a mix of land uses in the locality which suggests there is overall community acceptance of non-residential uses;</li> <li>• the proposed building is single storey and is well setback from the South Coast Highway; and</li> <li>• the development should maintain the existing character and amenity of the area.</li> <li>• The submissions raise various social impacts including devaluation of property values. It is noted no evidence has been provided to verify this statement and it is not a matter addressed by the Regulations.</li> </ul>
<p>(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the</p>	<p>The development is expected to have manageable environmental and water resource impacts given the site is predominantly cleared, there is a need to manage stormwater and the Shire is satisfied that on-site effluent disposal can be suitably designed.</p>

<p>natural environment or the water resource;</p>	
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p>	<p>The application proposes the removal of some mature trees and the retention of some trees. Trees in the South Coast Highway reserve will be conserved. The proposal broadly sets out replanting/landscaping. Should the Council consider approving the application, it is recommended that a condition be imposed requiring the preparation and implementation of an agreed landscape plan.</p>
<p>(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</p>	<p>The site is classified as bushfire prone. A Bushfire Management Plan (BMP) has been prepared by a Level 3 Certified Practitioner. The BMP concludes the development addresses the acceptable solutions of the <i>Guidelines for Planning in Bushfire Prone Areas</i>.</p>
<p>(r) the suitability of the land for the development taking into account the possible risk to human health or safety;</p>	<p>The site is not subject to flood risk or impact from off-site uses. There is however, a need to manage risks from falling trees and tree limbs.</p>
<p>(s)the adequacy of —                  (i)the proposed means of access to and egress from the site; and                  (ii)arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	<p>South Coast Highway is the responsibility of MRWA. MRWA are satisfied with the proposed access and raise no objections to the safety of road users on South Coast Highway.</p> <p>The adjoining road system has sufficient capacity to handle traffic generation associated with the proposed development.</p> <p>The proposed vehicular access:</p> <ul style="list-style-type: none"> <li>• has appropriate sight distances on South Coast Highway in both directions;</li> <li>• enables vehicles to enter and leave the site in a forward gear;</li> <li>• will be a sealed crossover which allows for two-way traffic; and</li> <li>• is one-way system on-site with traffic moving in a clockwise direction. The one-way traffic movement facilitates increased safety.</li> </ul> <p>The proposal provides sufficient on-site car parking which addresses TPS3 standards as set out in 'Statutory Obligations'.</p> <p>Although there are various activities proposed from the site throughout the week, the highest vehicle numbers are expected from the church service on Sundays between 8.30am and 12.00pm. It is estimated that around 40 people will attend the service/s which can be accommodated on-site.</p>
<p>(t)the amount of traffic likely to be generated by the development, particularly in relation to the</p>	<p>The development/use will have manageable impact on the surrounding road network, including on traffic flow, and can be accommodated on the</p>

capacity of the road system in the locality and the probable effect on traffic flow and safety;	South Coast Highway. MRWA raise no issues to traffic impacts.
(u)the availability and adequacy for the development of the following — (i)public transport services; (ii)public utility services; (iii)storage, management and collection of waste; (iv)access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v)access by older people and people with disability;	Denmark does not have a public transport service.  There are opportunities for various trips to be made by walking and cycling. This is facilitated through a dual use path on South Coast Highway. There is considerable space on the site for bicycle parking. There are opportunities to promote sustainable methods of travel to and from the site along with possible car-pooling arrangements could also be explored by the church. Various development conditions address servicing.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	No loss of a community service is anticipated from an approval being granted for the proposed place of public worship and community use. The development, if approved and implemented, can extend the range of community services.
(w)the history of the site where the development is to be located;	A church has been proposed on this site for decades.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	For various objectors, there is a loss of amenity that will threaten the values, attractiveness and character of the area. The greatest potential impacts on the overall community are likely to be changes to the site when viewed from South Coast Highway.
(y) any submissions received on the application;	As noted in the 'Background' section of this report, extensive consultation has been carried out on this Development Application with 11 submissions received which are set out in Attachment 8.1.1d.  The objections and issues raised must be carefully considered, especially the substance of the objections and issues. Some matters raised by the submitters are not planning matters that are addressed by the Regulations.  The applicant's response to submissions (Attachment 8.1.1e) also provides background to issues raised in the submissions which are generally not repeated in this report.
(za) the comments or submissions received from any authority consulted under clause 66;	MRWA raise no objections and recommend imposition of a crossover condition.
(zb) any other planning consideration the local government considers appropriate.	The Strategic Community Plan is considered in the 'Strategic & Corporate Planning Implications' section.



**Voting Requirements:**

Simple majority.

**OFFICER RECOMMENDATION****ITEM 8.1.1**

That with respect to the Development Application for a Place of Public Worship, Community Purpose and Consulting Rooms at No.987 (Lot 166 on Plan 224101) South Coast Highway, Denmark, Council:

1. Notes the submissions received and advise the submitters of Council's decision.
2. Grants Development Approval subject to:

Conditions

- a) The development hereby approved must be carried out and implemented in accordance with the stamped approved plan(s) dated 2 January 2019 (Site Plan, Floor Plan, Elevations and Roof Plan) and 15 April 2019 (Carpark Layout) including notations marked in red.
- b) This approval shall expire if the development hereby approved has not been substantially commenced within a period of three (3) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the Shire of Denmark. Where the Development Approval has lapsed no further development is to be carried out.
- c) The development is to be constructed to *Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas* (BAL 12.5).
- d) The opening hours of the facility shall be restricted to between 7.30am and 8.00pm, unless a variation is approved in writing by the Shire of Denmark.
- e) No more than 180 people to be on-site at any one time unless specific approval has been granted in writing by the Shire of Denmark.
- f) The provision of one crossover to South Coast Highway, with the crossover being designed, constructed, sealed and drained at the applicant's cost to the satisfaction of the Shire of Denmark and Main Roads Western Australia prior to occupation.
- g) All vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained, kerbed, marked and sign posted (where required) to the satisfaction of the Shire of Denmark prior to occupation and thereafter maintained – refer Advice Note (ii).
- h) The land being filled, drained and stabilised to the satisfaction of the Shire of Denmark.
- i) The provision of details as part of the Building Permit application as to how stormwater will be addressed for the proposed development, including stormwater from roofs, car parking and other impervious areas, to the satisfaction of the Shire of Denmark. Stormwater disposal plans, details and calculations shall be submitted for approval to the satisfaction of the Shire of Denmark. The stormwater facilities provided in accordance with this condition shall be implemented prior to occupation and be permanently maintained in an operative condition to the satisfaction of the Shire of Denmark.
- j) The development is connected to a reticulated water supply provided by a licensed water provider prior to occupation.
- k) The approved development shall be connected to an approved effluent disposal system to the satisfaction of the Shire of Denmark prior to occupation.
- l) At least 3 bicycle parking spaces (racks) are provided prior to occupation to the satisfaction of the Shire of Denmark.
- m) The installation of any outdoor lighting on the building and/or in the car parking area shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

- n) Prior to issuance of a Building Permit, a schedule of materials and colours to be used on the building is to be submitted for approval by the Shire of Denmark.
- o) Prior to the commencement of site works, a detailed landscaping plan is to be submitted for approval by the Shire of Denmark. Such plan/s to specify details of the vegetation, hard landscaping, paving materials, furniture, bollards, lighting, reticulation methods and the children's playground. All landscaping shall be carried out in accordance with the approved landscaping plan/s within 60 days of the practicable completion of the building and from then on maintained to the specification and satisfaction of the Shire of Denmark.
- p) No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the Shire of Denmark.
- q) Prior to commencement of site works, details of proposed public artwork is to be submitted to and approved by the Shire of Denmark. The public artwork/s to be installed prior to occupation.
- r) A bin storage/rubbish enclosure area of sufficient size to service the development is 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.
- s) Noise attenuation measures are to be detailed within the Building Permit application to the satisfaction of the Shire of Denmark and thereafter implemented prior to occupation.
- t) The level of noise emanating from the premises shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection (Noise) Regulations 1997*.
- u) Immediately prior to the occupation of the development for its approved purpose, the developer shall notify the Shire of Denmark, 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.

#### Advice Notes

- i. The applicant is advised that the approved development must comply with all relevant provisions of the *Health Act*, the *Building Code of Australia* and the *Public Buildings Regulations*.
- ii. With regard to Condition g), engineering drawings are to be submitted for approval of the Shire of Denmark prior to commencement of works detailing the proposed materials, pavement depths, kerbing, landscaping and swales associated with the proposed carpark and vehicle manoeuvring areas.
- iii. Any food preparation undertaken on site must comply with the requirements of the *Health (Food Hygiene) Regulations*. If the kitchen is used for commercial purposes, it must comply with the *Australia and New Zealand Food Standards Code 3.2.3*.
- iv. No signage has been approved as part of this application. Any signs proposed to be erected on-site may require the separate approval of the Shire of Denmark. Please liaise with Planning Services regarding any approvals which may be required.
- v. With regard to Condition o) plant selection is to consider the Bushfire Prone classification of the site and not result in a heightened bushfire risk to the building or neighbouring properties. Existing trees are encouraged to be retained where possible and practical.
- vi. With regard to Conditions s) and t), an acoustic report may be required should band practice or events be proposed.
- vii. The applicant is encouraged to install suitable boundary fencing prior to occupation.
- viii. It is the responsibility of the applicant/ landowner 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.

- ix. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

### COUNCIL RESOLUTION

ITEM 8.1.1

MOVED: CR GIBSON

SECONDED: CR LEWIS

That with respect to the Development Application for a Place of Public Worship, Community Purpose and Consulting Rooms at No.987 (Lot 166 on Plan 224101) South Coast Highway, Denmark, Council:

1. Notes the submissions received and advise the submitters of Council's decision.
2. Resolves to issue a notice of refusal for the following reasons:
  - i) The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, namely:
    - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
    - (b) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
    - (c) the amenity of the locality including the following —
      - ii) environmental impacts of the development;
      - iii) the character of the locality;
      - iv) social impacts of the development;
    - (d) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
    - (e) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
    - (f) the adequacy of —
      - ii) the proposed means of access to and egress from the site; and
      - iii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
    - (g) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety, noting also its location on a heavily used dual-use path leading to the local high-school.
  - ii) The application is inconsistent with the objectives of the *Shire of Denmark Town Planning Scheme No. 3* including clause 1.6(d) 'to provide for the protection of the natural environment and landscape from inappropriate development'.
  - iii) Community use (community centre) is not a permitted use in a residential area.
  - iv) The provision of consulting rooms detracts from the primacy of the CBD for service provision.
  - v) It will create a detrimental impact on the amenity of the locality through a large-scale commercial sized building located on a key 'gateway' into Denmark.
  - vi) Approval will create an undesirable precedent for substantial non-residential development in residential precincts – in particular in this case the provision of a 180-seat auditorium, consulting rooms and associated car-parking is not in keeping with a residential precinct.

- vii) There is community opposition to the application with wide-ranging objections and concerns including noise and land use compatibility impacts.
- viii) The application is inconsistent with the aims of orderly and proper planning given there will be insufficient on-site car parking for major events. This in-turn will exacerbate car parking impacts in the locality given its physical separation from other commercial parking spaces.

Advice

If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED: 6/3

Res: 020519

*Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;*

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

*AGAINST: Cr Osborne, Cr Whooley and Cr Seeney.*

**CORRECTION TO MINUTES.**  
Pursuant to Council Resolution No. 020619

REASONS FOR CHANGE

~~Council wanted to refuse the application.~~

~~Council's decision was based on the scale of the development and its proposed usage not fitting with the residential nature of the neighbourhood. Council was further concerned that there would be unreasonable impacts on surrounding landowners.~~

**8.1.2 CHANGES TO PRICING FOR LOCAL GOVERNMENT OWNED FIXED STANDPIPES IN COUNTRY REGIONS**

<b>File Ref:</b>	GOV.35
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Shire of Denmark Standpipes
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 May 2019
<b>Author:</b>	Eva Overton, Administration Officer, Engineering
<b>Authorising Officer:</b>	David King, Director Assets and Sustainable Development
<b>Attachments:</b>	8.1.2a - Fixed Standpipes Frequently Asked Questions 8.1.2b - Denmark Water Usage Summary 8.1.2c - Map of Denmark Standpipes

**Summary:**

Water Corporation is changing pricing for LGA owned Fixed Standpipes effective 1st July 2019, which will impact the concessional rates Shire and external users of high flow Standpipes are currently receiving. The Shire of Denmark needs to address:

- Submission of Action Plan to Water Corporation with Standpipe classifications
- Security of five (5) of our existing Standpipes
- Decommission of two (2) of our existing Standpipes
- Adjust Standpipe Water charges to reflect price increase and cover maintenance fees
- Monitor water consumption at Depot Standpipe to differentiate Shire vs external usage
- Inform public of impending changes

**Background:**

The Shire of Denmark currently owns seven (7) standpipes consisting of three (3) 20mm, three (3) 50mm and one (1) 80mm sizes. Details and locations are shown on Attachment 1.

The majority of the Shires standpipes are locked by a ‘h’ key. This type of key has historically been distributed into the public and results in occurrences of unauthorised water extraction that the Shire is liable to pay for.

Water corporation are going to impose significant additional charges to standpipes over 25mm that are capable of delivering in excess of 80 litres per minute. This will affect the three (3) 50mm and one (1) 80mm standpipes.

Currently, for standpipes owned by Local Government, a concessional rate \$2.534 per kL is charged for Local Government and private use with a 100% discount for fire fighting purposes.

As of 1st July 2019, water from high flow Standpipes will be priced at commercial rate of \$8.353 per kL. A concessional rate of \$2.534 per kL will still apply to water used by the Shire for our own purposes.

A list of Shire of Denmark Meters and Proposed classification is provided below.

Standpipe Meter No	Meter Size	Location	Usage	Proposed Water Corporation Classification
BC0716092	20mm	Weedon Hill Rd	Used by Fire Brigade crews for firefighting purposes	Fire Fighting Only
BK0612195	20mm	Iluka Avenue	Unused	Decommission
BK0612290	20mm	Scotsdale Rd	Unused	Decommission
FK1850017	50mm	41 Zimmermann St	Used for commercial customers and by the Shire.	Commercial
FK0800321	50mm	Corner Ocean Beach Rd & Minsterly Rd	Used by Fire Brigade crews for firefighting purposes	Fire Fighting Only
FK1500044	50mm	Denmark-Mt Barker Rd	Used by Fire Brigade crews for firefighting purposes and Shire road construction. Construction water not required in the future.	Fire Fighting Only
MH0200001	80mm	Howe Rd	Used by Fire Brigade crews for firefighting purposes	Fire Fighting Only

Table 1 – Standpipe meter usage and proposed classification

A history of water usage is provided in Attachment 3.

In order to manage increased risk associated with unauthorised use, it is proposed that Weedon Hill Rd (20mm), Ocean Beach Rd, Denmark-Mt Barker Rd and Howe Rd standpipes are to have the locks replaced and a key register introduced in order to closely control usage. These standpipes will be classified as ‘Fire Fighting Only Standpipes’ in accordance with the Water Corporation code as detailed in Appendix 1 of Attachment 3.

The remaining two (2) 20mm standpipes, located at Scotsdale Rd and Iluka Ave, are to be de-commissioned due to poor usability. If actioned prior to 30 June 2019, this will be carried out by Water Corporation free of charge. After that date, the cost to de-commission is \$767 per standpipe.

The remaining 50mm standpipe at 41 Zimmermann Road is to be classified as a 'Commercial Standpipe'. In the short term this will be locked and monitored by Depot Staff and security camera. However, the Corporate Business Plan and Water Efficiency Action Plan proposes an automated control system for Standpipe at 41 Zimmermann Road in 2019-2020 financial year, which will allow to monitor consumption and address security requirements.

The Water Corporation require notification outlining the classification of all seven (7) of the Shires Standpipes. This was notionally required by September 2018 although Water corporation have extended this deadline to the 30<sup>th</sup> May 2019 for the Shire of Denmark.

**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 the following will be required:

- Public to be notified of impending Standpipe Water price increase via our website, notice board and local publications

**Statutory Obligations:**

There are no known statutory obligations.

**Policy Implications:**

There are no known policy implications.

**Budget / Financial Implications:**

Water Corporation currently charges \$2.534 for Standpipe water and the Shire on-sells for \$3.50 per kL.

This proposal seeks to retain the same levy to apply a \$11.00 per kL fee.

Based on historical sales figures, commercial water quantities from Shire standpipes over the last 3 years is approximately 1200kL. This would result in approximately \$3,176 annual surplus from water sales.

It is expected that the additional operating expenditure for a new Standpipe controller as proposed would be in the order of \$1,545 not including officer administration time or installation of new locks for the remaining six (6) standpipes.

**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

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

L5.4.21 Install a swipe card at existing depot standpipe to enable the tracking of water consumption by businesses

**Sustainability Implications:**

➤ **Governance:**

There are no known governance implications.

➤ **Environmental:**

Effective monitoring of our Standpipe water shows our investment in our natural resources. The report and officer recommendation are aligned with Shire of Denmark Water Efficiency Action Plan and our commitment to Waterwise Council program.

➤ **Economic:**

As the increase in Standpipe Water price will be passed on to Shire of Denmark residents and local business community, the economic implication is higher cost of utility.

➤ **Social:**

There are no known social implications.

➤ **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)
Disgruntled public and commercial users due to fee increase	Likely (4)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk
Poor management of standpipes exposing Council to financial costs	Possible (3)	Moderate (3)	Moderate (5-9)	External Theft & Fraud	Control through securing standpipes and managing a key register...
Commercial users/public not being aware of the changes	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Manage by Advertising to public and contacting regular commercial users directly

**Comment:**

The Shire of Denmark needs to secure and monitor all seven Standpipes with particular focused on 41 Zimmermann St Standpipe due to its high flow-rate. A prompt installation of automated control system with swipe card access is best practice. It is proposed that the Shire identify all standpipe to be classified and 'Fire Fighting Only' except for at 41 Zimmermann Street which will be used for commercial purposes.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>		ITEM 8.1.2	
MOVED: CR SEENEY		SECONDED: CR GIBSON	
With respect to the Water Corporation Standpipe Classification Action Plan, Council;			
1. Adopt the standpipe classifications as indicated below:			
Standpipe Meter No	Meter Size	Location	Proposed Water Corporation Classification
BC0716092	20mm	Weedon Hill Rd	Fire Fighting Only
BK0612195	20mm	Iluka Avenue	Decommission
BK0612290	20mm	Scotsdale Rd	Decommission
FK1850017	50mm	41 Zimmermann St	Commercial
FK0800321	50mm	Corner Ocean Beach Rd & Minsterly Rd	Fire Fighting Only
FK1500044	50mm	Denmark-Mt Barker Rd	Fire Fighting Only
MH0200001	80mm	Howe Rd	Fire Fighting Only
2. In preparing the 2019/20 annual budget			
a) Consider a water fee of \$11.00 per kL; and			
b) Consider an allocation to install an automated control system at the Zimmermann Street Standpipe.			
CARRIED UNANIMOUSLY: 9/0		Res: 030519	

## 8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

### 8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2019

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 May 2019
<b>Author:</b>	Lee Sounness, Manager Corporate Services
<b>Authorising Officer:</b>	Cary Green, Director Corporate & Community
<b>Attachments:</b>	8.2.1 – March 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

L5.4 To be fiscally responsible

Corporate Business Plan

Nil

**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 31 March 2019, total cash funds held totals \$12,462,018 (Note 4).

Shire Trust Funds total \$163,686

- \$161,023 of this is invested for 2 months with the National Aust. Bank, maturing 18 May 2019 at the quoted rate of 2.10%.

Reserve Funds (restricted) total \$9,417,989

- \$5,413,559 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,004,430 has been invested with the National Aust. Bank in 2 term deposits, maturing at various dates at an average rate of 2.50%

Municipal Funds (unrestricted) total \$1,306,170

- \$606,170 is invested for 3 months with Westpac maturing 19 May 2019 at the quoted rate of 2.50%
- \$700,000 is invested for 2 months with the National Australia Bank maturing 25 April 2019 at the quoted rate of 2.12%

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 2019 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 31 March 2019 (Statement of Financial Activity) except for building depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 91.57%, is in keeping with historical collection rates (see Note 6)
- The 2018/2019 Capital Works Program is 54.97% complete utilising actual year to date figures and the total committed cost is 81.74% as at 31 March 2019 (see Note 12& 12a)
- Transfer of \$692,953 from reserve for the Denmark East Development project was made in March 2019 as budgeted. Other various transfers to and from Reserve Funds have not been made for 2018/2019 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).

Other Information

- Depreciation Expense  
Depreciation of building assets has not been calculated for the reporting period as the revaluation of the building asset class has yet to be adopted.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.1</b>
MOVED: CR ALLEN SECONDED: CR CARON	
That with respect to Financial Statements for the period ending 31 March 2019, Council; Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
Endorse the Accounts for Payment for the month of April 2019 as listed.	
CARRIED UNANIMOUSLY: 9/0	Res: 040519

## 8.2.2 BUSHFIRE MITIGATION WORKING GROUP

<b>File Ref:</b>	Fire.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	30 April 2019
<b>Author:</b>	Melanie Haymont, Bushfire Risk Planning Coordinator
<b>Authorising Officer:</b>	Cary Green, Director Corporate and Community Services
<b>Attachments:</b>	Attach 8.2.2a - Bushfire Mitigation WG Draft Terms of Reference

### Summary:

Council are requested to establish a Working Group to review bushfire mitigation plans proposed to be carried out within the Shire of Denmark by various land managers.

### Background:

In 2017, the Shire of Denmark undertook an extensive community consultation process in developing the Strategic Community Plan. The Shire's consultation process comprised community surveys, workshops, DIY kits and focus groups.

Through this process, our community told us that they were concerned about fire and valued their safety. They also value the environment, the natural beauty and bushland. Overwhelmingly, they wanted the Shire of Denmark to undertake key projects and initiatives to make Denmark a safer place to live.

The Shire responded to the community's concerns by committing to develop a Bushfire Risk Management Plan (BRM Plan) in partnership with the Department of Fire and Emergency Services. The Department received funding to assist priority Local Governments that have a high bushfire risk, coupled with limited capacity, to prepare these plans.

In committing to the program, the Shire was successful in attracting funding for the provision of a dedicated Bushfire Risk Planning Coordinator. In October 2017 the Bushfire Risk Planning Coordinator commenced working with the Shire of Denmark to prepare the BRM Plan across the whole Shire. The plan is approximately 90% complete.

Once completed and endorsed by Council, the BRM Plan will enable the Shire of Denmark to access the Mitigations Activities Fund (MAF). This fund is a legacy of the Royalties for Regions fund and the Emergency Services Levy (ESL).

The MAF is made available for use on State Government Land managed by the Local Government, or other Government agencies, to employ physical means of treating risks such as:

- Prescribed burning
- Mechanical works
- Chemical works
- Fire access tracks/roads
- Fire breaks
- Ignition management (Arson management, overhead cable management etc)

This item seeks to create a working group to consider and review the current bushfire mitigation plans to deliver best practice outcomes that improve the bushfire safety and resilience in the Shire of Denmark.

### 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 development of a Working Group will provide representation of Government and Non-Government stakeholders. Through the invitation to participate and the information presented in this Working Group it is envisaged information presented and discussed will be disseminated to the broader community. The approved mitigation plans will be advertised post consultation with the Working Group.

**Statutory Obligations:**

There are no known statutory obligations related to the establishment of a project working group.

**Policy Implications:**

Policy P040235 relates to an Elected Member being appointed the Presiding Person for Council Committees and Working Groups.

**Budget / Financial Implications:**

As the host of this Working Group staff are required to maintain appropriate records relating the Working Groups function. The resultant workload is expected to be minor as it is anticipated the Working Group will meet less than four times per annum.

**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

N2.1 To preserve and protect the natural environment

L5.0 Our Local Government

L5.2 To have meaningful, respectful and proactive collaboration with the community

**Sustainability Implications:**

➤ **Governance:**

A Working Group with broad membership from the community and stakeholders assists with good governance by promoting proactive collaboration which provides decision makers with well considered industry and community feedback.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not establish a working Group	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Officer Recommendation
Working Group goes beyond the Terms of Reference	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Risk
Working Group members incorrectly share/disseminate information	Possible (3)	Moderate (3)	Moderate (5-9)	Ineffective People Management	Manage by provision of meeting notes

**Comment/Conclusion:**

Denmark is renowned for its natural beauty and for the amount of preserved remnant vegetation. The environment is highly valued by the community and also provides a major driver for tourism in the region. The Shire of Denmark contains approximately 78% remnant vegetation, which is comprised of private, Shire and State-owned reserves. This constitutes an extreme fire risk to the majority of the community, as assessed through the Bushfire Risk Management System (BRMS).

The Shire will require a comprehensive and innovative Bushfire Mitigation program to address this risk. To be successful in the delivery of this program, a high level of community consultation and collaboration is required. This collaboration needs to involve all land managers and relevant community stakeholders.

To execute a meaningful Bushfire Mitigation Program, there needs to be local level cooperation and coordination between the Department of Fire and Emergency Services (DFES), Department of Biodiversity Conservation and Attractions (DBCA), Local Government, Volunteers, Industry and Private Landholders to ensure the Shire is collaborating and coordinating the following:

- Mitigation programs
- Scheduling of works
- Sharing resources
- Addressing the gaps

The functions of the Working Group will be to:

- Consider and review current bushfire mitigation plans to deliver best practice outcomes that improve the bushfire safety and resilience in the Shire of Denmark.
- Facilitate effective communication of bushfire mitigation plans to key stakeholders.
- Provide a forum for continuous improvement, collaboration and the exchange of knowledge on initiatives and issues relating to bushfire mitigation.
- Develop advice and recommendations regarding best practice in bushfire mitigation for Shire of Denmark’s consideration.
- Provide opportunity to network with other stakeholders.
- Co-opt guests as required for expert knowledge in specific areas relating to mitigation activities.

The purpose of the Working Group is to provide advice and recommendations only. The proposed Working Group will not hold any decision-making powers.

The Shire has made a commitment to our community to enter into open and transparent communication. To fulfil this commitment, a vehicle for broad input and dissemination is required.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM</b>
MOVED: CR CARON	SECONDED: CR GIBSON
With respect to the establishment of a Bushfire Mitigation Working Group, Council;	
1. Establish the Bushfire Mitigation Working Group with the Terms of Reference including Membership as per Attachment; and	
2. Appoint _____ and _____ as the Council Delegates.	
<b>AMENDMENT</b>	
MOVED: CR ALLEN	SECONDED: CR PHILLIPS
1. That part 1 be amended to read as follows; <i>“Establish the Bushfire Mitigation Working Group with the Terms of Reference including Membership as per Attachment, subject to the Council Delegates being increased from two to three”</i> ; and	
2. That part 2 be amended to read as follows; <i>Appoint _____ and _____ as the Council Delegates.</i>	
<b>SUSPENSION OF STANDING ORDERS</b>	
MOVED: CR LEWIS	SECONDED: CR PHILLIPS
That Standing Orders be suspended to enable Councillors to discuss the delegates.	
CARRIED UNANIMOUSLY: 9/0	Res: 050519
<b>RESUMPTION OF STANDING ORDERS</b>	
MOVED: CR GIBSON	SECONDED: CR SEENEY
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 9/0	Res: 060519
THE AMENDMENT WAS PUT AND CARRIED UNANIMOUSLY: 9/0	Res: 070519
<b>AMENDMENT</b>	
MOVED: CR GIBSON	SECONDED: CR ALLEN
That Cr Seeney, Cr Allen and Cr Phillips be appointed as the Council Delegates.	
CARRIED UNANIMOUSLY: 9/0	Res: 080519
<b>AMENDED MOTION</b>	
With respect to the establishment of a Bushfire Mitigation Working Group, Council;	
1. Establish the Bushfire Mitigation Working Group with the Terms of Reference including Membership as per Attachment, <i>subject to the Council Delegates being increased from two to three</i> ; and	
2. Appoint Cr Seeney, Cr Allen and Cr Phillips as the Council Delegates.	
CARRIED UNANIMOUSLY: 9/0	Res: 090519

**8.3 CHIEF EXECUTIVE OFFICER**

Nil

**9. NEW BUSINESS OF AN URGENT NATURE**

Nil

**10. CLOSURE OF MEETING**

*5.47pm – 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.)*