

Shire of Denmark

Ordinary Council Meeting **AGENDA**

20 August 2019



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 20 AUGUST 2019, COMMENCING AT 4.00PM.



Contact Us

953 South Coast Highway, Denmark WA 6333

Correspondence to:

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300

Email: enquiries@denmark.wa.gov.au

Website: www.denmark.wa.gov.au

Facebook: shireofdenmark

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

Table of Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	4
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	4
4. PUBLIC QUESTION TIME	5
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.2 PUBLIC QUESTIONS	5
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	5
4.1 PRESENTATIONS, DEPUTATIONS & PETITIONS.....	5
5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE	5
6. CONFIRMATION OF MINUTES	5
6.1 ORDINARY COUNCIL MEETING – 16 JULY 2019.....	5
6.2 STRATEGIC BRIEFING NOTES	5
7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	6
8. REPORTS OF OFFICERS.....	6
8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT	6
8.1.1 DENMARK-MOUNT BARKER AND EAST RIVER ROAD INTERSECTION – DEDICATION OF LAND AS A ROAD.....	6
8.1.2 PROPOSED MULTIPURPOSE CLASSROOM, STORE, KITCHEN AND MEETING SPACE – NO.2 (Lot 952) INLET DRIVE, DENMARK.....	8
8.1.3 PROPOSAL OUTBUILDING – NO.2 (LOT 952) INLET DRIVE, DENMARK (DENMARK MACHINERY RESTORATION GROUP INC.)	13
8.1.4 PROPOSED CHANGE OF USE – SHOP/ OFFICE TO HOLIDAY ACCOMMODATION – No.1/3A (STRATA LOT 2/ LOT 102) AND NO.3/3A (STRATA LOT 1/ LOT 102) STRICKLAND STREET, DENMARK.....	17
8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES.....	27
8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2019.....	27
8.3 CHIEF EXECUTIVE OFFICER	30
8.3.1 COMMUNITY FINANCIAL ASSISTANCE PROGRAM APPLICATIONS 2019/2020	30
9. COMMITTEE REPORTS AND RECOMMENDATIONS	32
10. MATTERS BEHIND CLOSED DOORS.....	33
10.1 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER	33
11. NEW BUSINESS OF AN URGENT NATURE	33
12. CLOSURE OF MEETING.....	33

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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 Claire Thompson (Executive Assistant & Governance Coordinator)

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.1 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 JULY 2019

OFFICER RECOMMENDATION

ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 16 July 2019 be confirmed as a true and correct record of the proceedings.

6.2 STRATEGIC BRIEFING NOTES

There was no Strategic Briefing held in July 2019.

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 DENMARK-MOUNT BARKER AND EAST RIVER ROAD INTERSECTION – DEDICATION OF LAND AS A ROAD

File Ref:	PLAN.74
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	8 th August 2019
Author:	David King, Director Assets and Sustainable Development
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.1.1a – Design 8.1.1b – Land Detailing Plan

Summary:

As part of the East River Road upgrade, a land resumption and dedication to road is required to facilitate the construction of the Denmark-Mount Barker Road intersection. This report seeks Council approval to dedicate a portion of land as a road.

Background:

The East River Road upgrade is a road upgrade project that has been ongoing for a number of years.

Originally, the project sought to construct a roundabout at the intersection of East River Road and Denmark-Mount Barker Road. However, with the reduction in scope to terminate the upgrade at Denmark-Mount Barker Road, the intersection leading to the industrial estate has been redesigned. The design is provided in Attachment 8.1.1a.

The revised design seeks to improve the intersection to cater for RAV 5 vehicles entering and exiting Denmark-Mount Barker Road onto East River Road if travelling to the new industrial estate.

It has been agreed that Main Road Western Australia (MRWA) will construct the intersection on behalf of the Shire of Denmark, with an anticipated construction commencement in October 2019.

Consultation:

MRWA have approached all land owners and other affected parties. MRWA will be responsible for the acquisition of the land.

Statutory Obligations:

Pursuant to Section 56 of the Land administration Act, if in the district of a local government land is reserved or acquired for use by the public as a road under the care, control and management of the local government and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

A land detailing plan is provided in Attachment 8.1.1b of this report.

In relation to the above, MRWA have requested a resolution to be passed which will satisfy the requirements of Regional Metro Services (RMS) at the Department of Lands who will be arranging dedication when the land has been acquired.

Policy Implications:

Nil.

Budget / Financial Implications:

MRWA will be project managing and constructing the intersection. The Shire has agreed an allocation of up to \$250,000 for the intersection that will come from the \$1,120,000 budget for Denmark East Development Project – Civil Works Roads.

MRWA will be responsible for any costs and claims that may arise as a result of the acquisition and dedication. These costs will comprise part of the \$250,000 contribution to the works.

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

B3.0 Out Built Environment

We have 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

B3.4 To manage assets in a consistent and sustainable manner.

Corporate Business Plan

B3.1.20 Undertake civil road works for the Denmark East Development Project to facilitate RAV5 access to the industrial area.

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:**

Upgrading the intersection to cater for RAV 5 will allow increase productivity of the uses associated with the industrial area.

➤ **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)
Financial Impact That is the land is not dedicated, the intersection will not be upgraded and the Grant Money will be handed back	Likely (4)	Moderate (3)	High (10-16)	Not Meeting Community expectations	Accept Officer Recommendation

Conclusion:

As part of the East River Road upgrade, a land resumption and dedication is required to facilitate the construction of the Denmark-Mount Barker Road intersection. It is recommended that Council approve to dedicate the land to form part of the road reserve.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.1.1
That with respect to the Main Roads Detailing Plan 201901-LRP in Attachment (8.1.1b) Council approve the dedication of the land as a road pursuant to section 56 of the Land Administration Act 1997.	

8.1.2 PROPOSED MULTIPURPOSE CLASSROOM, STORE, KITCHEN AND MEETING SPACE – NO.2 (Lot 952) INLET DRIVE, DENMARK

File Ref:	A5598 (DA 2019/104)
Applicant / Proponent:	Spirit of Play Community School Inc.
Subject Land / Locality:	No.2 (Lot 952) Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil.
Date:	8 August 2019
Author:	Jasmine Tohill, Senior Town Planner Craig Pursey, Manager Sustainable Development
Authorising Officer:	David King – Director Assets & Sustainable Development
Attachments:	8.1.2a – Development Application Documentation (Stage 2) 8.1.2b – Stage Development Application 8.1.2c – Denmark Historical Railway Station Precinct Concept Plan

Summary:

The applicant (Spirit of Play Community School Inc.) as lessee of a portion of Reserve 30277, No.2 (Lot 952) Inlet Drive, Denmark is seeking Council consent to lodge a development application for approval to construct a new Multipurpose Classroom, Store, Kitchen and Meeting Space (Attachment 8.1.2a).

As per the provisions of the approved lease and delegation D130311, Council’s permission as the landowner is required to be obtained prior to formal assessment of a development application.

The proposed building was initially intended to form part of a Stage 2 works program but the applicant would like to bring this forward so both Stage 1 and Stage 2 can be built concurrently.

Stage 1 is currently the subject of a separate development application (DA 2019/35) and is yet to be determined by Council (Attachment 8.1.2b). It is anticipated that the Stage 1 works will be the subject of a report to Council for the forthcoming September meeting.

Having regard to the relevant provisions of the established lease, the adopted Concept Plan for the Denmark Historical Railway Station Precinct and Town Planning Scheme No.3, it is recommended that Council consent to the application in its capacity as landowner. This provides the ability for the lessee to formally lodge the development application and progress consultation and assessment.

Background:

Previous Council Resolutions

Lease & Precinct Concept Plan

At the Ordinary Meeting of Council held on 19 February 2019 Council resolved to adopt the amended Denmark Heritage Railway Station Precinct Concept Plan (Attachment 8.1.2c) (Resolution 230219) and to approve an extension of the lessee's lease term and their lease area (Resolution 260219).

In accordance with the approved Lease conditions the Lessee is required to submit detailed plans and specifications and to fund the cost of various common area works and public shared use area works within the Heritage Railway Station Precinct as detailed within the lease document. This includes but is not limited to construction of a new entrance road off Inlet Drive, carparking for the Denmark Lions Club and carparking adjacent to Crellin Street for staff, parents and visitors to the school. These works are proposed under the Stage 1 application (DA 2019/35).

Stage 1 Application

At the Ordinary Meeting of Council held on 16 April 2019 Council resolved to grant consent as landowner to lodge proposed Stage 1 works for a new classroom building, vehicle access and carparking and to undertake advertising and consultation with relevant government agencies. The public consultation period closed on 28th June 2019 whilst the Government Agency consultation period closed on 7 August 2019.

Feedback has been received from the Department of Planning Lands and Heritage (Heritage), Department of Fire and Emergency Services and Department of Water and Environmental Regulation to date with only minor changes to the proposed Bushfire Management Plan being requested as part of this process. Public Submissions have raised various issues, including broader parking and access requirements for the precinct that will need to be addressed as part of the planning assessment prior to reporting to Council.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the 'Regulations')*, State Planning Policy 3.7 (Planning in Bushfire Prone Areas) and Policy No.45: Planning Application Process for Heritage Places.

In this regard it is recommended that Council require a 21 day public consultation period be undertaken including:

- Publishing of a notice of the proposal in a newspaper circulating in the Scheme area;
- Erection of a sign on the land the subject of the application; and
- Letters to:
 - Denmark Lions Club;
 - Denmark Machinery Restoration Group;
 - Denmark Men's Shed;
 - Denmark Woodturners;
 - Denmark Historical Society;
 - Denmark Weed Action Group (DWAG);

Referral to the Department of Planning Lands and Heritage (Heritage), Department of Fire and Emergency Services and Department of Water and Environmental Regulation is not deemed necessary, noting comments received as part of the Stage 1 proposal.

Statutory Obligations:

The Town Planning Scheme No.3 (TPS No. 3) outlines application advertising requirements and pertinent planning matters relevant to Council's future assessment of the proposed development in the event that landowner consent is granted to progress the application.

Should Council consent to the proposal as landowner, it will retain an ability to impose conditions or to refuse the Development Application as the decision making authority. Should Council refuse the application or impose conditions that the applicant is aggrieved by the applicant would retain an ability to apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Town Planning Scheme Policy No.45: Planning Application Process for Heritage Places relates to the development application given that the Shire of Denmark's Municipal Heritage Inventory (2011) contains Place Record Forms for the 'Railway Precinct' (which encompasses the full extent of Reserve 30277 within which development is proposed).

Having regard to the above Policy requirements and terms of the Spirit of Play Lease the application is required to be referred to the Denmark Historical Society.

In considering the request for landowner consent to lodge an application due regard has been given to the Denmark Historical Railway Station Precinct Concept Plan adopted by Council on 19 February 2019.

State Planning Policy 3.7 and the associated Guidelines apply to the proposal noting that the site is mapped as a Bushfire Prone Area under the Department of Fire and Emergency Services (DFES) state wide mapping and the school constitutes a vulnerable land use for the purpose of the Policy whereby additional assessment requirements will apply. A Bushfire Management Plan has been lodged for the proposed development that has been assessed by DFES as part of Stage 1.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

E1.3 To have diverse education and employment opportunities.

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.

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.

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

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

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

Tree removal is required to accommodate siting of the new classroom. The Department of Water and Environmental Regulation was consulted as part of stage 1 and no requirement to obtain a clearing permit was raised.

➤ **Economic:**

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

➤ **Social:**

The Spirit of Play Community School provides alternative schooling options to the public education 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)
That Council does not support the proposed classroom and associated works,	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement – Community/ Stakeholders/ Councillors	Accept Officer Recommendation

thus not supporting the development application as the landowner.					
---	--	--	--	--	--

Comment/Conclusion:

The proposal is consistent with the adopted Denmark Historical Railway Station Precinct Plan, noting that the building footprints and carpark design shown on the adopted Precinct Plan is conceptual.

Further details regarding the trees proposed for removal as part of this application are required and should be provided prior to advertising the proposal.

DFES has provided feedback regarding the Bushfire Management Plan (BMP) lodged with Stage 1 raising some concern with classification of an area of existing vegetation. The BMP should be adjusted to respond to these concerns and reflect the full extent of the Stage 2 building footprint prior to advertising.

The proposal has not been subject to detailed planning assessment in term of the siting and design of the new building, noting that this will need to be informed by submissions received during the public consultation period.

Voting Requirements:

Simple majority.

<p>OFFICER RECOMMENDATION</p> <p>That with respect to the development application for the proposed Multipurpose Classroom, Store, Kitchen and Meeting Space for the Spirit of Play Community School on portion of No.2 (Lot 952) Inlet Drive, Denmark, Council:</p> <ol style="list-style-type: none"> 1. Consents to the proposal as landowner as required for the Application for Development Approval and the subsequent Building Permit (as required should Development Approval be forthcoming). 2. Prior to commencement of advertising the applicant is to resubmit an adjusted Bushfire Management Plan to: <ul style="list-style-type: none"> • address those matters raised by the Department of Fire and Emergency Services as part of the Stage 1 proposal; and • depict the full extent of the Stage 2 building footprint. 3. Provide a plan that clearly notates those trees to be removed as part of the Stage 2 development works. 4. Require advertising of the Development Application for a minimum period of 21 days including: <ul style="list-style-type: none"> • Publishing of a notice of the proposal in a newspaper circulating in the Scheme area; • Placement of a sign on the land the subject of the application; • Letters to: <ul style="list-style-type: none"> ○ Denmark Lions Club; ○ Denmark Machinery Restoration Group; ○ Denmark Men’s Shed; ○ Denmark Woodturners; ○ Denmark Historical Society; ○ Denmark Weed Action Group (DWAG); 	<p>ITEM 8.1.2</p>
--	--------------------------

8.1.3 PROPOSAL OUTBUILDING – NO.2 (LOT 952) INLET DRIVE, DENMARK (DENMARK MACHINERY RESTORATION GROUP INC.)

File Ref:	A5599 (DA 2019/84)
Applicant / Proponent:	Denmark Machinery Restoration Group Inc.
Subject Land / Locality:	No.2 (Lot 952) Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil.
Date:	6 August 2019
Author:	Laura Delbene, Town Planner
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.3a - Development Application Documentation 8.1.3b - Denmark Historical Railway Station Precinct Concept Plan 8.1.3c - Aerial Location Plan 8.1.3d - Site Photos

Summary:

The Denmark Machinery Restoration Group Inc. (DMRG) as lessee of a portion of Reserve 30277, No.2 (Lot 952) Inlet Drive, Denmark is seeking Council consent to lodge a development application for approval to construct an outbuilding (machinery storage shed). The proposed outbuilding and its location to the east of the existing DMRG building is consistent with the adopted Concept Plan for the Denmark Historical Railway Station Precinct.

Background:

The DMRG were granted a 5 year lease in 2010 and they affected their further 5 year term in 2015. The current lease expires February 2020 and will be the subject of a future report to Council.

At the Ordinary Meeting of Council held on 19 February 2019, Council resolved to include the shed on the Denmark Historical Railway Station Precinct Concept Plan (Res: 230219).

The adopted Concept Plan for the Denmark Historical Railway Station Precinct includes a proposal for the Denmark Men's Shed which would be within the DMRG's current lease area.

The Denmark Men's Shed have been liaising with Shire Officers regarding their proposed lease, pursuant to Council Resolution No. 341215 / 22 December 2015, and have indicated that the area they prefer would be south of the existing DMRG sheds. This would allow for some shared facilities between the two organisations.

The DMRG have expressed their intent to relinquish a portion of their lease area to allow for the Denmark Men's Shed, who themselves have indicated that the location currently shown is to their preference. The area to be relinquished was an extension provided, at the Lessees request, in 2013 to provide a space for them to erect the old pig shed, currently located at Lot 300 cnr South Coast Highway and Denmark-Mount Barker Road. The DMRG have since advised that they no longer wish to relocate the shed given the cost involved. The amendment would have their lease area reduced back to 3,600sqm.

Officers have provided an additional recommendation requesting that Council agree to reduce the size of the DMRG lease area from 7,200sqm to 3,600sqm. This has no other implications on any provisions under the lease

Having regard to the relevant provisions of the Lease, the adopted Concept Plan for the Denmark Historical Railway Station Precinct and Town Planning Scheme No.3, it is appropriate that Council consent to the application in its capacity as landowner. This provides the ability for the lessee to formally lodge the development application and progress consultation and assessment.

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 as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the 'Regulations')*, State Planning Policy 3.7 (Planning in Bushfire Prone Areas) and Policy No.45: Planning Application Process for Heritage Places.

In this regard it is recommended that Council require a 21 day public consultation period be undertaken including:

- Publishing of a notice of the proposal in a newspaper circulating in the Scheme area;
- Erection of a sign on the land the subject of the application;
- Letters to:
 - Spirit of Play Community School;
 - Denmark Lions Club;
 - Denmark Men's Shed;
 - Denmark Woodturners;
 - Denmark Historical Society;
 - Denmark Weed Action Group (DWAG);

Statutory Obligations:

In the event that landowner (Council) consent is granted to progress the application, the Town Planning Scheme No.3 (TPS No. 3) and the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines application/advertising requirements and pertinent planning matters relevant to Council's future assessment of the proposed development.

Council would retain the ability to impose conditions or to refuse the Development Application as the decision making authority.

Policy Implications:

Town Planning Scheme Policy No.45: Planning Application Process for Heritage Places relates to the development application given that the Shire of Denmark's Municipal Heritage Inventory (2011) contains Place Record Forms for the 'Railway Precinct' (which encompasses the full extent of Reserve 30277). Therefore, having regard to the above Policy requirements, the application is required to be referred to the Denmark Historical Society.

State Planning Policy 3.7 and the associated Guidelines apply to the proposal noting that the site is mapped as a Bushfire Prone Area under the Department of Fire and Emergency Services (DFES) state wide mapping. It is noted that fire safety measures including connection to reticulated water and a fire hydrant were implemented to the existing DMRG building in accordance with DFES/Shire conditions for a lean-to verandah addition approved and carried out in 2015. As the proposed outbuilding does not constitute a vulnerable land use and is separated from the existing building, no additional referral to DFES will be required for this proposal.

Policy P100606 - Payment of Planning & Building Fees by Not for Profit Community Organisations relates to applications by community not for profit groups. Given that the building would be on Council managed land, the application fees would be waived.

Budget / Financial Implications:

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

Under the existing lease provisions the new shed would essentially be owned by the Shire and subsequently included on the Shire's Asset Register. This will impact subsequent organisational asset valuations, depreciation calculations and renewal demand. However, it is proposed that Officers negotiate the transfer of ownership to the DMRG, when the Lease is due for renewal.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

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

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.

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

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.

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.

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

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

The removal of x2 Marri trees will be required to enable the siting of the new outbuilding. (See Attachment 8.1.3d for site photographs).

➤ **Economic:**

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

➤ **Social:**

The Denmark Machinery Restoration Group are important contributors to the Denmark Community and broader visitor population by publicly showcasing the machinery and equipment that was used to forge Denmark’s long history of development, including forestry and agriculture.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not support the proposed outbuilding and associated works, thus not supporting the development application as the landowner.	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement – Community/ Stakeholders/ Councillors	Accept Officer Recommendation

Comment/Conclusion:

A preliminary review of the application has been undertaken to confirm the proposed outbuilding is sited within the lease area and is consistent with the adopted Denmark Historical Railway Station Precinct Concept Plan. The proposal has not been subject to detailed planning assessment in term of the siting and design of the new building, noting that this will need to be informed by submissions received during the public consultation period.

The proposal is for a new 24-metre-long x 9-metre-wide x 4.7-metre-high outbuilding for the purpose of storing machinery that is donated to the group. The shed is also intended to house pieces of machinery that are too large to fit inside the existing DMRG building, and which are currently stored outside in the weather. The proposed plans indicate that the outbuilding will be enclosed with mesh gates including large ‘MUSEUM’ lettering, however the applicant has confirmed that the proposal is for the construction of a three sided outbuilding which will be open along the eastern elevation that faces Inlet Drive as noted on the plans (See Attachment 8.1.3a). The enclosure of the shed will therefore be subject to a separate application should the DMRG wish to pursue this element at a later stage.

The site plan submitted for consideration demarcates parking and access beyond the lease boundary and extending through the broader precinct. The Denmark Heritage Railway Station Precinct Concept Plan indicates to a large extent, the access across the precinct as part of the Spirit of Play Community School Stage 1 proposal (DA2019/35). Assessment of the parking and access requirements will only be for the immediate requirements of DMRG. This includes a gravel manoeuvring area in front of the new shed, a loading bay and a small extent of access track coming off a proposed gravel road. In addition, the current informal parking arrangement on the grassed area adjacent to the existing DMRG building will remain, until such time a joint parking arrangement can be established, once the Denmark Men’s Shed proposal goes ahead.

Removal of x2 medium sized Marri trees located within the footprint of the proposed outbuilding is proposed and will be addressed through the formal application process, noting isolated tree removal is exempt from requiring a separate clearing permit under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* where removal is required for the purpose of allowing the erection of a building.

The documents and plans are deemed acceptable for the purpose of undertaking public advertising. The extent of parking and access will be assessed as part of the application and to distinguish that enclosure of the shed with mesh gates and the 'MUSEUM' lettering is indicative only at this stage and does not form part of the consultation.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.1.3
<p>That with respect to the proposed outbuilding for the Denmark Machinery Restoration Group, on portion of No.2 (Lot 952) Inlet Drive, Denmark, Council:</p> <ol style="list-style-type: none"> 1. Consents to the proposal as landowner as required for the Application for Development Approval; and 2. Require advertising of the Development Application for a minimum period of 21 days including: <ul style="list-style-type: none"> • Publishing of a notice of the proposal in a newspaper circulating in the Scheme area; • Placement of a sign on the land the subject of the application; • Letters to: <ul style="list-style-type: none"> ○ Spirit of Play Community School; ○ Denmark Lions Club; ○ Denmark Men's Shed; ○ Denmark Woodturners; ○ Denmark Historical Society; ○ Denmark Weed Action Group (DWAG); 3. That Council agree to reduce the Denmark Machinery Restoration Group's lease area from 7,200sqm to 3,600sqm, pursuant to the area shown on the site plan submitted with the development application. 	

8.1.4 PROPOSED CHANGE OF USE – SHOP/ OFFICE TO HOLIDAY ACCOMMODATION – No.1/3A (STRATA LOT 2/ LOT 102) AND NO.3/3A (STRATA LOT 1/ LOT 102) STRICKLAND STREET, DENMARK

File Ref:	A5928, A5929
Applicant / Proponent:	Williams Consulting
Subject Land / Locality:	No.1/3A (Strata Lot 2/ Lot 102) & No.3/3A (Strata Lot 1/ Lot 102) Strickland Street, Denmark
Disclosure of Officer Interest:	Nil.
Date:	8 August 2019
Author:	Jasmine Tohill, Senior Town Planner
Authorising Officer:	David King – Director Assets & Sustainable Development
Attachments:	8.1.4a – Development Application Documentation 8.1.4b – Approved Mixed Use Development 8.1.4c – Schedule of Submissions 8.1.4d – Applicant Response to Submissions 8.1.4e – Streetscape photo

Summary:

The applicant has lodged a development application proposing change in use of two (x2) ground floor strata units from Shop/Office to Holiday Accommodation to allow use for short term holiday rentals.

Having regard to the issues raised in submissions, and assessment of the proposal in line with the intent and objectives of TPS No. 3, Local Planning Policy 31 and the Shire's Local Planning Strategy, it is recommended that the application be refused.

Background:Current Application

The application for Development Approval was lodged with Planning Services on 16 April 2019, seeking to change the use of two adjoining ground floor commercial units from Shop/Office to Holiday Accommodation – refer Attachment 8.1.4a. The application has been submitted with an indicative fitout of the premises showing a kitchenette and bathroom facilities and a Property Management Plan to address off-site management arrangements. No external works to the building are proposed.

The applicant advises that the owners of the units have attempted to lease the commercial premises, however, there has been no interest to date due to a surplus of commercial floor space within the townsite and the units therefore remain vacant. The current application seeks approval for interim short term holiday accommodation rentals until economic conditions change/ demand increases for commercial tenancies within the town centre.

Approved Development

The ground floor units form part of a larger mixed-use development comprising eight (8) commercial tenancies at ground level (shop/office) and eight (8) multiple dwellings at first floor level as approved at the Ordinary Meeting of Council held on 12 April 2016 (Res:070416). An application to amend the development approval was granted under delegated authority on 24 November 2016, to accommodate changes in the carpark layout, balcony location and internal fitout (Attachment 8.1.4b). Only two stages of the intended 4 stage development have been completed to date.

The original mixed use development site (previously located within Lot 200) has been subdivided into four freehold lots each accommodating two residential units and two office/shops (WAPC Ref: 153259). The first two stages of the development have been completed, with the two northern lots remaining vacant. The endorsed subdivision plan depicts cross easements to the benefit of each freehold lot to accommodate shared access, parking and common bulk waste collection in accordance with the development approval granted by Council.

Lot 102 intended to contain the Holiday Accommodation units has been further subdivided into two strata lots, each comprising one upper floor 'residential unit' and one ground floor 'commercial unit'. Approval to change the use of the upper floor residential units to Holiday Accommodation was granted under delegated authority on 23 October 2018.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation (22 day period):

External Consultation:

- Advertising notice in the Denmark Bulletin on 9 May 2019 inviting public comment
- Signs on-site inviting public comment
- Letters to landowners of the adjacent freehold/ strata lots (Lot 101, 103 & 104) forming part of the original approved Mixed Use development site.
- The applicant.

Internal Consultation:

- Development Co-ordination Unit.

The proposal was advertised in conjunction with an application for the change in use of a third ground floor commercial unit at Unit 3/3B Strickland Street (within adjacent Lot 101) to Holiday Accommodation. This application has not been progressed as the legal consent of all strata owners has not been obtained.

At the end of the advertising period, eight (8) submissions were received all of which raised objections/concerns with the proposal – refer Attachment 8.1.4c.

Statutory Obligations:

Town Planning Scheme No.3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use. The subject land is zoned Commercial R25 wherein Holiday Accommodation is an 'AA' use which Council may at its discretion permit in the zone.

Holiday Accommodation is defined under TPS No.3 as: “*one or more dwellings on one lot which by way of trade or business, are made available for occupation by persons other than the proprietor for holiday purposes and includes those premises known as bed and breakfast but does not include a dwelling that is used as a rental property for tenancing for residential accommodation or Holiday Home (Standard) or Holiday Home (Large).*”

In accordance with Clause 3.1.3 of TPS No.3, the primary purpose and intent of the 'Commercial' zone is for the major service, retail, office and entertainment uses in the townsite.

In approving the original mixed-use development Council was required to determine the applicable density code that would apply under Clause 5.3.3 of TPS No.3, notwithstanding the R25 density coding on the Scheme Maps. An R40 density coding was ultimately supported having regard to the built form design outcomes and mix of uses intended to support activation and vitality within the town centre consistent with the applicable zoning, TPS Policies and the Local Planning Strategy.

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

Policy Implications:

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

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

Planning Policy No.15 – Townscape Policy

The Townscape Policy objective is to provide Council and prospective developers with broad guidelines for appropriate developments in harmony with our unique environment.

Relevant building guidelines that are to be considered by Council in determining development applications are as follows:

- i) Council will support development proposals that harmonise with the landscape and existing buildings.
- ii) Development that is of a domestic scale will be actively encouraged. This includes historic methods of construction, materials, posted verandahs, the use of heritage colours and the enhancement of pedestrian amenities.

- iii) Council will support low-impact commercial development proposals that enhance pedestrian movement and access and create a domestic scale in their design.

Planning Policy No.31 – Commercial Strategy

The Commercial Strategy nominates the subject property within the Denmark Central Business (CBD) core area. The preferred form of development within the core is a combination of retail, office, restaurants with some residential incorporated into new developments where appropriate. The Strategy encourages mixed use development throughout the CBD, with the subject land being nominated for future shop, retail and office development.

From a streetscape perspective the strategy notes that building frontages, shops, offices and residential properties contribute to the character, atmosphere and comfort of the CBD. In this regard all street level frontages should provide displays or visible activity, and a high degree of architectural design detail at a pedestrian scale. The commercial strategy reflects principles that support good streetscape design and maintenance of public amenity, recognising that shop fronts have a major impact on the quality and vitality of adjacent footpaths. The Strategy states *“It is important that glazing, by tinting or reflection, does not obscure views into buildings from the street level, contributing to an environment that is indifferent, even hostile to the pedestrian”*. As a guide at least 60% of the total length of the façade along the footpath should be transparent. Roller doors of solid materials, including see-through acrylic are not considered acceptable and reflective or heavily tinted glazing is not encouraged on any building.

Policy No.19.5: Holiday Homes

Planning Policy No.19.5: Holiday Homes provides details on development standards and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

Although Policy 19.5 is not directly appurtenant to the consideration of Holiday Accommodation (constituting a different use class within TPS No.3) it is recommended that similar property management considerations be taken into account, noting the absence of any on-site manager. The applicant has submitted a Property Management Plan and Code of Conduct as per guidance provided within Policy No.19.5 to support the application in accordance with the Shire's standard templates.

Strategic Implications:

The site is designated 'Town Centre – Inner Core' in the Local Planning Strategy (2011) ('LPS'). One of the 'Future Retail' objectives of the LPS is *“To ensure that the Denmark town centre continues to be the focus for all form of commercial activity that support a vibrant town centre and to ensure that future development enhances its village character”*.

The LPS designates the Inner Core as an area intended to accommodate higher order retail uses that assist in providing the typical function of a town centre or central business district. The areas outside of the Inner Core area are to be encouraged for lower order retail uses more typical of a Mixed Use zone. The associated land use designations and priorities were formulated based upon retail floor space projections at the time assuming a population forecast of 8890 persons in 2031 with an anticipated requirement of a further 9012m² of floorspace. A comprehensive review of commercial floorspace requirements will be undertaken as part of the forthcoming LPS review so as to take into account current population projections and retail trends. Given the property's central location, however, it is unlikely that prioritisation of the Town Centre – Inner Core, including Strickland Street, for higher order retail uses would change.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Denmark 2027*E1.0 Our Economy*

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

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

E1.3 To have diverse education and employment opportunities.

B3.0 Our Built Environment:

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

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

B3.5 To have diverse and affordable housing, building and accommodation options.

L5.0 Our Local Government:

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

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

Corporate Business Plan

Nil

Sustainability Implications:➤ **Governance:**

It is noted that Development Approval and registration of the premises with Health Services is a statutory requirement for Holiday Accommodation.

➤ **Environmental:**

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

➤ **Economic:**

The proposal would reduce available high exposure shop front/office space within the town centre limiting options for establishment of new businesses and employment. The proposal may set a precedent for other commercial properties to seek similar changes so as to undermine the primacy of the town centre.

Holiday Accommodation when managed to a high standard makes a positive contribution to Denmark's tourism industry.

➤ **Social:**

The Town Centre provides an important retail, service and social hub for the community and visitors to the Shire. The proposal has the potential to impact social outcomes and community enjoyment of the town centre through loss of shop front activation.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative Tribunal if the Council's decision was to refuse the proposal.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative tribunal should the applicant wish to pursue a Right of Review.

Comment/Conclusion:

Public advertising of the proposal was undertaken in accordance with TPS No.3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, TPS No.3 and Policy 19.5, with eight (8) objections received. Attached at Attachment 8.1.4b is the Schedule of Submissions – with the submissions received entered verbatim.

The primary issues raised in submissions relate to:

- Suitability of the units for holiday accommodation given surrounding commercial uses, public parking etc.
- Preference for retention of shops in this location being a busy and highly visible location.
- Impact upon character of the CBD.
- Concerns regarding safety, noise and antisocial behaviour arising from occupants of the holiday accommodation units.
- Concerns regarding safety of holiday accommodation users, particularly families given it faces directly onto the road.
- Adequacy of parking to service the proposed use.
- Claims that the high pricing of lease rentals has resulted in the existing shop vacancies.
- Perception that there are already adequate holiday accommodation options within Denmark.
- Perception that there is inadequate shop/ office space in Denmark.
- Competition with existing holiday accommodation providers.
- Adequacy of parking, refuse storage and noise insulation between ground floor units.
- Detrimental impacts upon the adjacent shop/office unit making it more difficult to rent.

The applicant has been provided an opportunity to respond to the issues raised and their response is provided verbatim as Attachment 8.1.4d.

From a Planning Services perspective the following comments are relevant to consideration of the application and the submissions received:

Suitability of Use

The existing building was approved for commercial (shop/office) uses on the ground floor to encourage activation of Strickland Street, with multiple dwellings on the upper floor to provide for diverse and affordable housing options. The mix of uses, density and built form were deemed to comply with relevant TPS 3 requirements, Local Planning Policies and LPS provisions applicable at the time. The current proposal will result in all of the approved units within Lot 102 being converted to Holiday Accommodation.

Holiday Accommodation is a use that is able to be considered within the town centre under TPS 3 and can make a positive contribution to the townscape by providing for diversity in tourism product closer to services, transport and shops. In this regard two (2) upper floor units within Lot 102 and one (1) upper floor unit within Lot 101 have been approved for this purpose. These units were created as multiple dwellings necessitating minimal modifications to accommodate the change in use/ building code re-classification.

Holiday Accommodation would not be expected to generate the same degree of street level activity or direct employment as compared to commercial uses such as shop/office. Holiday Accommodation is also subject to greater seasonal variations in terms of occupancy rates, noting that the applicant has referenced occupancy rates for the upper floor unit at 50%. Such uses are also more sensitive to off-site impacts such as noise, light, odour and vibration which may generate land use conflict with other commercial premises and the public realm if not carefully designed and appropriately sited.

Conversion of the ground floor commercial units for Holiday Accommodation would be contrary to the intended development of the site as granted by Council which placed a strong emphasis upon maintaining a mix of uses, the activation of Strickland Street and recognising the primacy of the Central Business District as a retail centre. The ground floor units were not designed as a functional or adaptable space for the purposes of habitation and would not meet current day principles of 'good design' (Context and Character, Functionality, Amenity and Community) as established under State Planning Policy 7.3 - Residential Design Codes – Volume 2 'Apartments'.

Unlike Holiday Homes which are time limited (12 months initially/ 3 yearly thereafter), Holiday Accommodation represents a permanent change in the use. Despite the applicant's suggestion that the premises would revert back to an office/ shop should economic conditions warrant, there can be no guarantee this would occur and it would remain wholly at the landowner's discretion to do so.

Availability of commercial floor space

There is no evidence to suggest that a significant oversupply of commercial (retail/ office) floor space currently exists within the CBD, noting that some submissions also contend that there is insufficient space available.

Whilst trends in commercial vacancy rates may vary, Planning Services consider that this should not be the sole determining factor in supporting land use change over other reasonable planning considerations.

Streetscape impacts

The Commercial Strategy refers to the character of the existing CBD and its commercial elements, including its village feel and 'main street' shopping environment concentrated around Strickland Street, South Coast Highway and Hollings Road.

The subject properties are situated at the northern end of Strickland Street, opposite the IGA supermarket, with direct frontage onto the public footpath and adjacent carpark. The adjacent lot to the east contains one upper floor residential unit and one Holiday Accommodation unit whilst the ground floor office/shops remain vacant. Freehold lots to the north (forming part of the original mixed- use development) remain vacant.

The Strickland Street frontage of the ground floor units reflect their approved office/shop use, incorporating large glazed windows and doors leading directly to the footpath. The requirement for street front activation was integral to the building design and land uses granted at the time.

Retrofitting of the premises will be required to accommodate conversion of the units for Holiday Accommodation including privacy and light mitigation measures (noting the proximity of the public carpark) in order to protect the amenity of occupants. Such measures, including the installation of internal curtains/ blinds and screens will compromise the visual amenity of the adjacent public footpath, limiting views into the building and street front activation as required under the Commercial Strategy that refers to at least 60% of the total length of the façade along the footpath being transparent.

Noise and Antisocial behaviour

Although concerns have been raised in submissions regarding the potential for the Holiday Accommodation to generate antisocial behaviour within the townsite such concerns are speculative.

All activities on-site are otherwise required to comply with the *Environmental Protection (Noise) Regulations 1997* and Property Management requirements can be linked to the Holiday Accommodation if approval were to be granted so as to provide a method of recourse should any issues arise.

Parking

The floor layout of the proposed Holiday Accommodation units shows an open plan sleeping and living area with kitchenette and separate bathroom. The allocation of one dedicated car bay per unit is sufficient to meet the requirements of the proposed Holiday Accommodation use and accords with the parking arrangements approved for the 1st floor units above.

Refuse Collection

It is anticipated that the proposed use would not generate significant additional waste than could occur for businesses operating under a 'shop' classification, noting that it would be unlikely for the Holiday Home to be tenanted all of the time.

The units are serviced via a private commercial skip bin located within Lot 104, adjacent to North Street. Waste collection arrangements are required to be provided in accordance with the approved Waste Management Plan for the mixed use development. A review of waste management on-site has revealed some areas of non-compliance including the absence of a dedicated recycling skip bin, an incorrectly sited general waste skip bin and waste spill within the bin store area. These matters will be subject to further follow up action with the owner of Lot 104 to ensure compliance and does not prejudice Council's consideration of the current application.

A further review of the adequacy of waste services and the arrangements that have been put in place for the individual freehold lots may be warranted as part of future development stages.

Having regard to the issues raised in submissions, and assessment of the proposal in line with the intent and objectives of TPS No. 3, Local Planning Policy 31 and the Shire's Local Planning Strategy, it is recommended that the application be refused.

Should Council consider that the proposal is acceptable and are considering approving this application, the following recommendation is provided for Council's reference (noting that the recommendation seeks to place a limit on the length of time that the Holiday Accommodation use can be undertaken):

That with respect to the development application for the proposed change of use from Shop/ Office to Holiday Accommodation at No.1/3A (Strata Lot 2/ Lot 102) & No.3/3A (Strata Lot 1/ Lot 102) Strickland Street, Denmark, Council:

1. *Notes the submissions received;*
2. *Resolves to grant Development Approval subject to the following:*

Conditions

- a) *The Holiday Accommodation units shall be in accordance with the attached stamped approved details/plans dated 16 April 2019.*
- b) *This approval is valid for a temporary period of 3 years only from the date of registration of the premises with the Shire of Denmark (refer Condition c and Advice Note v).*
- c) *Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a Holiday Accommodation unit, with fees payable as per Council's operative Fees and Charges Schedule at the initial 'premises' application stage (refer Advice Note i).*
- d) *Prior to registration of the premises, details of the proposed internal privacy screens, blinds/ curtains to be installed on the Strickland Street frontage of the Accommodation Units are to be submitted to the Shire of Denmark (Planning Services) for approval and thereafter implemented. No modifications to the external appearance of the Accommodation Units, including the installation of external blinds/ shutters, will be permitted.*
- e) *The Holiday Accommodation hereby permitted shall only accommodate a maximum number of four (4) guests per accommodation unit at any one time.*
- f) *The Holiday Accommodation units can only be rented for a maximum period of 3 months to any one person in any one calendar year.*
- g) *Owner/operators must provide and maintain a register of all people who utilise the Holiday Accommodation during the year to Council's satisfaction. A receipt book must be kept.*
- h) *Prior to the commencement of activities, the applicant shall provide a copy of the approved Property Management Plan to adjoining land owners/occupiers (see Advice Note iv) for list of properties that this document is to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.*
- i) *Prior to the commencement of activities hardwired smoke alarms in the bedrooms and kitchen and emergency lighting to exit the building are to be provided, to the satisfaction of the Shire of Denmark (Building Services).*
- j) *The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises:*
 - *Registration Certificate;*
 - *Caretaker/manager or management company and its contact details;*
 - *Emergency contact details;*
 - *Code of Conduct; and*
 - *Fire and Emergency Plan.*
- k) *The provision of the following fire safety measures to the satisfaction of the Shire's Community Emergency Services Manager:*
 - *A fire blanket in the kitchen area;*
 - *Fire extinguishers;*
 - *Implementation and display of the Fire and Emergency Plan.*
- l) *Signage shall be limited to a 0.2m² nameplate on the property.*

Advice Notes

- i) *Please contact the Shire's Principal Environmental Health Officer (PEHO) on 9849 0312 regarding the requirements for registration of the premises as a 'Holiday Home', noting approval will not be forthcoming until all relevant conditions of this Development Approval have been complied with.*

- ii) *From a preliminary review of the information provided, the Shire’s Principal Building Surveyor advises that in addition to the standard Building Permit application documentation the following additional information is required:*
 - *A private certifier will need to be engaged to issue the required Certificate of Design Compliance to support a change in classification from Class 6 - Shop to Class 2 - Residential.*
- iii) *The ‘Property Management Plan’ shall be provided to the following properties:*
 - *Lot 103, Lot 104 and No.2/3B (Strata Lot 4) Strickland Street, Denmark*
 - *No.4/3B (Strata Lot 4) Strickland Street, Denmark*
 - *No. 1/3B (Strata Lot 2) Strickland Street, Denmark*

Please contact the Shire of Denmark Planning Services if postal address details are required.
- iv) *The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.*
- v) *If after three years an extension is sought, reapplication will be required with a minimum of six months notice.*

3. *Advise the submitters of Council’s resolution.*

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.4

That with respect to the development application for the proposed change of use from Shop/Office to Holiday Accommodation at No.1/3A (Strata Lot 2/ Lot 102) & No.3/3A (Strata Lot 1/ Lot 102) Strickland Street, Denmark, Council:

1. Notes the submissions received.
2. Refuse Development Approval for the following reasons:
 - (a) The proposal is contrary to the purpose and intent of the Commercial zone under Town Planning Scheme No.3 which is to accommodate the major service, retail, office and entertainment uses in the townsite.
 - (b) The proposal is contrary to the Future Retail objective of the Shire of Denmark Local Planning Strategy (2011) which is to ensure that the Denmark town centre continues to be the focus for all forms of commercial activity that support a vibrant town centre and ensure that future development enhances its village character.
 - (c) The conversion of the ground floor shop/office units to Holiday Accommodation would be detrimental to the character and amenity of the streetscape and adjacent pedestrian environment.
 - (d) The location and design of the Holiday Accommodation units is not compatible with its setting being in close proximity to approved shop/office premises, a retail supermarket and public carpark.
 - (e) The installation of privacy screens, blinds and curtains on the Strickland Street shop front would have a detrimental impact upon the amenity of the streetscape and pedestrian environment contrary to the design principles outlined within the Shire’s Commercial Strategy.
3. Advise the submitters of Council’s decision.

8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2019

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	8 August 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	8.2.1 – June Monthly Financial Report

Summary:

The attached financial statements and supporting information for the period ending 30 June 2019 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:

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 statements are prepared in accordance with the requirements of the Local Government Act 1995 (s.5.25(1)) and the Local Government (Financial Management) Regulations 1996.

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 June 2019, total cash funds held totals \$8,547,282 (Note 4).

Shire Trust Funds total \$164,581

- \$161,917 of this is invested for 3 months with the National Aust. Bank, maturing 28 September 2019 at the quoted rate of 2.00%.

Reserve Funds (restricted) total \$4,504,543

- \$1,120,992 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.20%,
- \$3,383,551 has been invested with the National Aust. Bank in 2 term deposits, maturing at various dates at an average rate of 2.02%

Municipal Funds (unrestricted) total \$3,878,158

- \$2,359,954 of this is invested with the National Bank, maturing on July 28 2019 at the quoted rate of 1.40%

End of Year Financial Position

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 surplus is currently \$1,073,452, however this may change after audit and year-end adjustments are completed. Once the adjustments are completed, the surplus is expected to be close to the estimated surplus of \$850,243 as adopted in the 2019/2020 budget. This surplus includes 2019/20 grants received in advance:

- WALGGC Grants Commission – General and Roads
- DFES – Bushfire Risk Management Plan

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:

- The Rates Collection percentage shows 95.70% of all outstanding rates were collected during the year, which is higher than this time last year – 94.08%. Net rates collectable at year end was \$293,203, which is lower than this time last year - \$381,314 (see Note 6).
- The 2018/2019 Capital Works Program is 88.58% complete utilising actual year to date figures and the total committed cost is 90.42% as at 30 June 2019 (see Note 12 & 12a).

Major projects not completed during 2018/19:

- Ocean Beach Fire Station
- Plane Tree Precinct Public Realms
- Parry Beach Ablution Block Upgrades

These projects were carried forward into the 2019/2020 Capital Expenditure Program due to various operational reasons

- Grants and Contributions (see Note 10) not received as at 30 June 2019 were:
 - DFES - Ocean Beach Fire Station
 - Lottery West - Plane Tree Precinct Public Realms

Funding for the above projects are due to be received in the 2019/2020 Budget.

- Transfers to and from Reserve Funds have been made for 2018/19 (see Note 7)
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.1
<p>That with respect to Financial Statements for the period ending 30 June 2019, Council;</p> <ol style="list-style-type: none"> 1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation. 2. Endorse the Accounts for Payment for the month of July 2019 as listed. 	

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 COMMUNITY FINANCIAL ASSISTANCE PROGRAM APPLICATIONS 2019/2020

File Ref:	ADMIN.2
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	13 August 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

Council is being requested to consider the officer recommendations of the 2019/2020 Community Financial Assistance Program.

Background:

Following the updated Policy P040125 being adopted by Council on 16 April 2019 (Res: 100419), advertising commenced for submissions to the Community Financial Assistance Program (CFAP).

The Shire of Denmark Community Financial Assistance Program is designed to provide financial assistance for community based (not for profit) organisations, that utilise the funds to benefit the community. Minor Community Grants (\$201 to \$5000) and Major Community Grants (Over \$5000) are awarded to assist with projects, development and/or maintenance of facilities, relief from Council fees and charges, etc.

The objectives of the program are to:

- To provide financial assistance for organisations and/or projects which benefit the community.
- To assist community based (not for profit) organisations to develop and maintain facilities.
- To provide community based (not for profit) organisations with relief from Council imposed fees and charges.
- To provide guidelines for the consideration and approval, or otherwise, of financial assistance applications.
- To minimise out of budget, ad hoc requests.

Consultation:

The advertising and notice of the Community Financial Assistance Program occurred as follows:

- Council’s Social Media & Website
- Denmark Bulletin 09/05/2019 & 23/05/2019
- Walpole Weekly 05/06/2019 & 29/05/209

Consultation was conducted with the staff and a workshop was conducted with the Elected Group, where the Councillors discussed the details and merits of each application.

Statutory Obligations:

There are no known statutory obligations.

Policy Implications:

Policy P040125 Community Financial Assistance Program provides the intent and guidelines of the grant program.

Budget / Financial Implications:

The 2019/20 Budget includes an amount of \$35,000 for the CFAP. It is recommended that the total amount is applied this financial year.

Strategic & Corporate Plan Implications:

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

Denmark 2027

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

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 known economic benefits relating to the report or officer recommendation for the community.

➤ **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 decide to not fund applications received for the Community Financial Assistance Grant Program	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Applications for the Community Financial Assistance Program closed on the 14 June 2019. 27 applications were received, requesting funding of \$122,663.70.

The applications were assessed against the grant criteria contained within the Policy Guidelines.

It is recommended that Council support 11 applications totalling \$35,000.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION		ITEM 8.2.2
That with respect to the 2019/2020 Community Financial Assistance Program Council grant the agreed amounts in the table below, totalling \$35,000:		
Description	Agreed Funding Amount	
ArtSouthWA 2019 Southern Art & Craft Trail 21 Sep - 13 Oct 2019	\$3,500.00	
Nornalup Residents & Ratepayers Assoc. Picnic at Nornalup 2020	\$5,000.00	
Denmark Running Club WOW Trail Half Marathon Event 22 Sep 2019	\$1,810.00	
Denmark Baroque Inc. Performance "A Spring Pastorale"- 28-30 Sep 2019	\$2,000.00	
Great Southern Classic Car Show Host the Great Southern Classic Car Show - 29 Sep 2019	\$2,700.00	
HorsePower Denmark (Formally Riding for the Disabled) Purchase a horse float	\$4,000.00	
Denmark SHS Drama ensemble production	\$2,000.00	
Wilson Inlet Catchment Committee on behalf of the Denmark Bird Group Hold a full day bird seminar and produce a "Birds of Denmark " Brochure	\$990.00	
Denmark Mens Shed Development of a Website	\$1,500.00	
West Oz Geocaching Hold geocaching event "WA goes big"	\$1,500.00	
Denmark CRC Christmas Parade 2019	\$10,000.00	
Grand Total	\$35,000.00	

9. COMMITTEE REPORTS AND RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

OFFICER RECOMMENDATION	ITEM 10
------------------------	---------

That pursuant to Section 5.23 (a) and (b) of the Local Government Act 1995, the meeting move behind closed doors due to the subject of Item 10.1 being a matter affecting an employee or employees and the personal affairs of a person.

10.1 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

File Ref:	Personnel File
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 August 2019
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

This report has been provided to Councillors under separate cover as a confidential item.

11. NEW BUSINESS OF AN URGENT NATURE

12. CLOSURE OF MEETING