

Shire of Denmark

Ordinary Council Meeting MINUTES

15 October 2019



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 15 OCTOBER 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

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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 David Schober (Acting 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)
- Mr Craig Pursey (Manager Sustainable Development)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 15

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Phillips	8.3.3	Financial	Cr Phillips is a part owner of the Peaceful Bay Caravan Park.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that it would be last meeting of the current Council due to the upcoming Local Government Elections. Cr Gearon thanked the community for their support and stated that it had been an honour to represent them. Cr Gearon wished the new Council well for the future.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 MR JOHN SAMPSON - PRIVACY

At the meeting held on 17 September 2019, Mr Sampson asked the following questions in relation to the Owners & Occupiers Roll which had been provided to the local government election candidates.

1. Can the CEO confirm that 100s of ratepayers' private information has been unnecessarily divulged by the Shire of Denmark?
2. Will the CEO confirm that it is his responsibility to ensure the proper preparation of this date?
3. Why did the Shire President who had this information not bring the privacy breach to the immediate attention of the CEO?
4. Will the CEO notify in writing all of the effected ratepayers so that they can take steps to secure themselves from identity theft?
5. What steps apart from promising that this will never happen again will the CEO take to restore community confidence in the Shire's protection of their private data and information?

Response: We are currently investigating the matter and seeking some advice.

A response will be provided to you in writing and recorded in the next available Ordinary Council Meeting Agenda following that response.

4.1.2 MR MURRAY THORNTON – DEVELOPER CONTRIBUTIONS

At the meeting held on 17 September 2019, Mr Thornton asked the following questions.

1. Does the Shire of Denmark have a Developer contribution area as set out in section 72 of Planning and Development Regulations 2015 part 7, and as per SPP [State Planning Policy] 3.6 excluding the standard provisions of appendix one of the SPP 3.6?

Response: No.

2. Given there is no such area designated in TPS [Town Planning Scheme] 3, and given the provisions of section 73 of Planning and Development Regulations 2015 section 7, please set out the policy documentation for the Shire Presidents statement, item 4.2.4, 21st May 2019 that states “the shire has the power to impose conditions associated with any development in a case by case basis”. In this item I am specifically talking about the fees as set by resolution 180410, not the standard development contribution requirements as set out in Appendix 1, SPP 3.6.

Response: The Shire has the power under SPP 3.6 to impose conditions associated with infrastructure set out in Appendix 1. The cost apportionment associated with resolution 180410 identifies infrastructure included within Appendix 1, SPP 3.6, and therefore can be applied as a case by case basis at subdivision, group or strata DA.

3. Given that since I asked questions about Developer Contribution fees in March 2019, the Department of Planning Albany branch no longer applies non appendix 1 SPP 3.6 fees to subdivisions in the Shire of Denmark, and the Shire no longer applies a Developer contribution fee to Group or strata DA [Development Application], what cases is the Shire President referring to when she informed the public that fees are applied on a case by case basis.

Response: The Shire has continued to request developer contributions in accordance with the cost apportionment associated with resolution 180410 where appropriate.

Latest advice from the Department of Planning Lands and Heritage have indicated that more information regarding the need and nexus needs is to be provided in order to apply the requested contribution.

It is noted that the Department cannot use resolution 180410 as supporting documentation for applying the contributions, as this has not been provided to them.

Looking forward, Shire officers will be working closely with the department to reestablish the contributions.

4. In the 2019/20 schedule of fees and charges Developer contributions as per resolution 180410 have mysteriously disappeared. Was resolution 180410 rescinded? If it was within Council's power to apply non appendix 1 SPP 3.6 fees as per the Shire President's statement of item 4.2.4, 21st May why has it suddenly dropped the fees?

Response: Resolution 180410 has not been rescinded. However, the Planning and Development Act and associated Regulations do not require developer contributions to be itemised within the schedule of fees and charges. It is therefore omitted for the 2019/20 budget.

4.1.3 MR JOHN SAMPSON – RATE INCREASE

At the meeting held on 17 September 2019, Mr Sampson asked some questions relating to the rate increase. A written response has been provided to Mr Sampson and is copied below.

Q.1 – 5 Was the council aware that they were imposing a very large increase of 6.5% in GRV rates when they set the budget? Was the council aware that they were reducing the UV rates by 1.1% when they set the budget? What was the reason and economic justification for doing this? Do you believe that it was responsible? Does the Shire President stand by her statement that the budget was considered and responsible?

Response: In applying the rating model for 2019/20, staff attempted to deliver a fair increase across all categories.

Staff struggled to achieve an even increase across all rating categories due to the highly restrictive nature of the differential rating system in Denmark.

The Shire was only able to reduce the rate in the \$ for Gross Rental Valuations to a point where some of the rating categories were only marginally compliant with the Act.

At this point, the Shire reduced the rate in the \$ for unimproved properties to achieve the 4% rate yield across all properties.

Q.6 Do the CEO and President agree that there was a serious lack of transparency in advertising a 4% rate rise when the vast majority of ratepayers were subject to a 6.5% plus increase?

Response: We agree that more information could have been provided to explain the variances across each of the rating categories.

Q.7 What is the median increase in GRV rates for 2020? There have been a number of statements in the press attributing recent revaluing of the GRV book as a reason for rate increases.

Response: Please refer to your Question 11 for the answer.

Q.9 Will the CEO confirm that as a matter of fact the overall GRV plays absolutely no roll (sic) in determining what the overall rates collected are or any rate increase required. Rather it is the council that determines the rate increase and then uses the GRV valuations to fairly apportion the burden. Given how fundamentally important to local government the communities confidence in the rating system is.

Response: The Council sets the rate increase. In saying this, fairly apportioning the burden in a revaluation year is almost impossible as valuations fluctuate across and within discrete rating categories.

Q.10 What steps will the CEO and President take to apologise to the ratepayers for the marked imbalance in the 2020 rates? Policy P030101 Council Rating Equity Policy states "In implementing suitable rating systems and procedures, council seeks to observe the principles of objectivity, fairness and equity, consistency, transparency and administrative efficiency."

Response: Given the confusion in the community with regard to the current model, the Shire has committed to reviewing the differential rating system in 2019/20. It is envisaged that a simpler system will deliver a model which provides increased levels of community confidence and transparency.

Q.11 Taking into consideration answers to previous questions can the Shire President confidently say that this policy has been adhered to particularly in respect of the fairness and equity elements?

The 2020 budget shows a 21.4% increase in GRV min rate since 2015, it also shows a 28.7% increase in overall rates since 2015 and it shows a 22% increase in employment costs since 2015.

All of these figures are far, far, far in excess of the inflation rate.

Response: Absolutely. The 2019/20 budget is the first budget in Denmark's history that has been developed under the Integrated Planning and Reporting Framework. This process ensures that the annual budget is informed by a series of documents that consider Denmark's long term future. Under the Integrated Planning and Reporting Framework Council can understand how the rate increase applied this year will impact the Shire's long term financial performance.

Q.12 Can you inform the community if you are still concerned about council spending and rates or are you satisfied with the current levels?

Response: As indicated previously and for the first time in Denmark's history, the 2019/20 budget has been based upon strategy, data and evidence. The work that the Shire has undertaken in relation to asset management planning, workforce planning and long term financial planning allows the Shire to assess the impact of each rate increase over a 15 year time horizon.

If you look at performance historically, this year's budget delivers a further decrease in the percentage of employee costs when compared to rates income. This is particularly impressive when you consider that;

- a) *Employee costs that were incorrectly allocated in previous years have been corrected in 2019/20.*
- b) *The Shire has a number of positions that are either fully or partially funded; these include Bushfire Risk Mitigation Officer, Community Emergency Services Manager and Club Development Officer.*

Q.13 The average GRV rate is \$1541. If the council were to implement its proposal to increase rates by 4% per annum for 20 years, does the council acknowledge that the average GRV rate would more than double to become \$3376?

Response: At no stage has the Council suggested or implied a 4% rate increase for the next 20 years. In preparing the asset management plan and long term financial plan the Shire has identified \$23m of assets in poor and very poor condition. Our modelling suggests that if the Shire increases infrastructure spending by 2% each year, our asset management position will be at an acceptable level in 20 years time.

The approach to asset management needs to be a collaborative and in partnership with our community. We have numerous options to meet our asset management expenditure targets including reducing levels of service, sticking to our core business or disposing of assets.

An appropriate response will be decided in partnership with the community.

Q.14 Did the staff run models to check the rates?

Response: Yes.

Q.15 If not why not?

Response: As above.

Q.16 If they did why was the imbalance in UV GRV not picked up?

Response: Explained above.

Q.17 How many budget workshops were held by council?

Response: Four.

Q.18 Does the President agree that oversight of the budget preparation and setting of the rates is a fundamental and key responsibility and duty of councillors in particular of the President and Deputy?

Response: High performing Councils operate strategically. Effective Elected members drive Strategic Community and Corporate Business Plan objectives through the development and implementation of key documents such as the Asset Management Plan, Workforce Plan and Long Term Financial Plan. The fundamental duty of a Councillor is to operate at a strategic, not operational, level to fulfil the community aspirations and expectations. Whilst the budget is critically important in allocating short term resourcing and enabling rate revenue and the like, it carries little or no strategic significance.

Good governance therefore ensures Council's focus should be on developing a truly strategic corporate business plan with at least 4 years reasonable and supported revenue and expenditure projections with clear line of sight to the strategic community plan.

A local government will not fall into financial hardship in a single budget period. It is poor decisions made year after year without a long term approach to financial management that places a local government in a precarious financial position.

Given the work that we have undertaken, we now understand how decisions made today impact our financial ratios and overall performance over a 15 year time horizon.

Q.19 Does the president feel that she has fulfilled this responsibility and duty?

Response: Without question. Over the last two years, my focus has been on addressing compliance issues and restoring good governance to the Shire of Denmark. Over my tenure the Shire has;

- 1. Increased the Shire's Financial Health Indicator from 37 to 56*
- 2. Increased the Shire's ratio performance including improving the Shire's Asset Sustainability Ratio from 0.39 to 0.98 (benchmark 0.9 – 1.0)*
- 3. Developed asset management, workforce and long term financial plans*
- 4. Taken significant steps to address outstanding compliance issues and improve the Shire's poor risk rating according the Department of Local Government, Sport and Cultural Industries.*
- 5. Reduced the percentage of employee costs to rates from 98% to 92%*
- 6. Been recognised as the second highest performing local government in the Great Southern. The Shire leads the region in 8 key service delivery areas*
- 7. 96% of our staff rate the Shire of Denmark as a positive place to work*

I think the above achievements reinforce that I have fulfilled the position with great duty and responsibility.

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 Dr Cyril Edwards – Acknowledgment of Council

Dr Edwards thanked the current Councillors and Staff for the work that they had done over the last few years, particularly in relation to the development of the Integrated Planning Framework documents.

4.2.2 Ms Beverley Ford – Denmark Residents & Ratepayers Association

Ms Ford requested that the Chief Executive Officer meet with the Denmark Residents and Ratepayers monthly to discuss any concerns that members may have. Ms Ford said that the Association still believed that communication from the Council to the community could be improved.

Ms Ford referred to applications for Home Holiday accommodation and suggested that all applicants should be required to provide their trading name and Australian Business Number (ABN).

4.2.3 Ms Julie Marsh – Acknowledgment of Council

Ms Marsh thanked the current Councillors and Staff for the work that they had done over the last few years, particularly in developing the Strategic Community Plan and the flow on documents.

4.2.4 Mr Murray Thornton – Developer Contributions

Mr Thornton sought clarity to some of the responses to his questions previously taken on notice regarding developer contributions. Mr Thornton referred to the Developer Contribution Plan which was adopted in 2010 and asked why the fees for contributions had been removed from the adopted Fees & Charges which seemed contrary to the adopted document.

The Director Assets & Sustainable Development clarified the responses and advised that he would need to look into the fee removal.

Post Script: Council adopted the Fees & Charges Schedule for 2019/20 which did not include a fee for developer contributions and by virtue of the new resolution, superseded the 2010 resolution to adopt a fee.

4.2.5 Mr John Sampson – Rate Discrepancies

Mr Sampson raised concerns regarding the stated 4% rate increase stating that he believed there to be a number of discrepancies with rate notices. Mr Sampson asked whether Officers had sought Council's approval to amend the Rate Notices before sending them out.

The Director Corporate & Community Services said that Council approval had not been sought however the Rate Notices were correct as per advice that the Shire had received.

Mr Sampson said that he was seriously concerned about the financial administration at the Shire in relation to the 2019/2020 rate notices and suggested that the Shire should make a public statement on the discrepancies and how the Shire's administration dealt with them.

4.2.6 Mr Geoff Bowley – Item 8.3.1 (Asset Management Plan & Workforce Plan)

Mr Bowley asked if it was appropriate to be adopting the Asset Management Plan and the Workforce Plan before adopting the Long Term Financial Plan and whether the Shire had considered making them available for community consultation.

The Chief Executive Officer said that the documents would be available for public inspection but were essentially internal working documents which would be reviewed annually.

4.2.7 Mr Bart Lebbing – Prescribed Burning

Mr Lebbing asked if the Council were aware of the amount of land to be prescription burnt this year and whether the Shire calculated emissions from burns.

The Chief Executive Officer advised that the Bush Fire Risk Management Plan Working Group had worked with stakeholders to map the high risk areas within the Shire however no dates for prescription burns had been decided at this stage. Mr Schober said that the Shire did not calculate emissions from burns.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

4.3.1 CR WHOOLEY – ASSET MANAGEMENT & ASSOCIATED COSTS

The following questions were received by the Chief Executive Officer in writing on the 27 September 2019 and therefore comply with the Shire of Denmark Standing Orders Local Law clause 3.10.

In 2015/16 Council successfully received a total project cost in excess of \$900,000 for work on 980m of Ocean Beach Road. For all intents and purposes \$1 million per kilometre.

Those works were carried over to 2016/17.

Two thirds of the works were completed and the money ran out.

The Interim Asset Management Plan (provided to Councillors), which informs the Long Term Financial Plan – and reports externally Councils Ratio Costs and ultimate financial stability – shows that the total and complete replacement of that particular section of Ocean Beach Road is between \$400,000 and \$600,000 depending on the choice of surfacing (ie single spray- or asphalt).

1. Given that the cost differences involved are not within normal contingencies and amount to approximately \$300,000 (over 6% of rates for one job) can you provide some insight as to how this has suddenly come about?

Response: The original funding submission was for \$837,518 which would have been applied for in early in the 2014 financial year. It is likely that detailed design would not have been complete at the time of the funding submission, and that through the detailed design process the scope and therefore costs would have altered.

2. The asset plan suggests this whole 980m section of road is worth \$600,000 maximum. Yet we spent nearly \$1 million on 660m. Are the road assets undervalued?

Response: Officers are comfortable with the unit rates applied in the asset management financial model. These will be reviewed and adjusted by current market information including cost associated with capital works for the Shire.

3. Can you provide some balanced insight to explain why the costs are so high – apart from your previous response that the works were underestimated - given the Asset Management Plan and Long Term Financial Plan do not support that position.

Response: As per response to (2), officers are comfortable with the Figures included in the asset management plan. It should be noted that both the asset management plan and long term financial plan are documents that are reviewed every year and informed with the latest information available to officers including, in relation to this query, unit rates, condition information, useful lives and service levels.

4. If the problem lies with the asset valuation, how will this affect our reported Ratios and standing in terms of future viability?

Response: Noting answer to (2) and (4), officers are comfortable with the reported ratios.

4.3.2 CR WHOOLEY – REGIONAL ROAD GROUP – OCEAN BEACH ROAD

The following questions were received by the Chief Executive Officer in writing on the 27 September 2019 and therefore comply with the Shire of Denmark Standing Orders Local Law clause 3.10.

I asked formal Questions on Notice at Council on the 14th May 2019. This followed an extended period of non-response to less formal enquiries.

My formal question was essentially that we claimed nearly \$1 million but only completed 66% of the works on Ocean Beach Road. I sought to understand when the outstanding works would be completed.

The answer to my formal question on notice was:

“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.”

Following that response, I checked the minutes of the Regional Road Group (RRG) from 2015-2018. They show:

1. Correspondence from the Shire applying for a reduction in the Scope of Works for McLeod Rd. That application was approved.
2. No correspondence, or application, from the Shire in terms of reduction of scope for Ocean Beach Road.
3. The Regional Road Group minutes show there was a “carry over” cost for Ocean Beach Road and then subsequent sign off for the whole scope completed the following year.
4. The whole scope and the full amount was claimed as completed.

My concern is that:

- a) The Regional Road Group minutes are wrong, or,
- b) Council has claimed substantial money for work not completed.

I have tried to seek answers through emails to the CEO and included all Councillors.

1. Could you please confirm the RRG were advised and agreed to the reduced scope of works for Ocean Beach Road?
2. Can you provide a copy of the correspondence that was sent to the Regional Road Group?
3. If Council has mistakenly signed off on these works - what is proposed to correct this error?

CEO Response: Given the historic nature of this request, officers are not in a position to respond until a thorough investigation and consultation with Main Roads WA has been completed. A response will be provided once the investigation is complete.

4.3.3 CR WHOOLEY – ASSET MANAGEMENT & ASSOCIATED COSTS

The following questions were received by the Chief Executive Officer in writing on the 27 September 2019 and therefore comply with the Shire of Denmark Standing Orders Local Law clause 3.10.

On 14th May I asked a question about the Tenders which was included in the May 21 Minutes with the following response:

Question: 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?

Response: 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.

1. Was any advice from WALGA sought?
2. Will WALGA permit Council to see the full range of rates that Council adopted in relation to this Tender?
3. When will that information be provided to Councillors?

CEO Response: I have considered your questions and advise that I am declining to provide you with the information that you have requested for the following reasons.

Given that you are a private contractor in a similar industry as those who submitted tenders, providing detailed information on the tenderers rates could potentially place you in breach of the Local Government (Rules of Conduct) Regulation, specifically Regulation 7, "securing personal advantage..".

In addition, the successful tenders were awarded on a number of factors, not just price. However, I am confident that WALGA have checked that the rates provided were competitive.

Cr Whooley read out a written reply to the response given by the CEO in which he indicated he was not satisfied with the CEO's response.

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.

Nil.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING – 17 SEPTEMBER 2019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR CARON	SECONDED: CR SEENEY
<p>That the minutes of the Ordinary Meeting of Council held on the 17 September 2019 be confirmed as a true and correct record of the proceedings, subject to the following correction;</p> <p>1. Page 47 – correct the vote recording to remove Cr Gearon as Cr Gearon was out of the room and did not vote.</p>	
AMENDMENT	
MOVED: CR OSBORNE	SECONDED: CR SEENEY
<p>That the additional correction be made;</p> <p>Page 15 – Replace the words “Mr Thornton referred to the Department of Planning’s “Green Paper” which has an effect on local government policies and said that he didn’t believe that Council had the power to override a State Planning Policy with respect to R Codes. Mr Thornton said that he also didn’t believe that Council could amend parking provisions as it would mean overriding the Scheme which was not permitted” with "Mr Thornton referred to the Department of Planning published green paper and its possible effect for Local Governments to implement planning policies.</p> <p>Mr Thornton then stated;</p> <p>In respect to Item 8.1.3 Council could not amend a scheme provision by a LG policy, as clearly stated in the 2015 regulations and deemed provisions. The Town Planning Scheme is a statutory document which overrides council policy.</p> <p>In respect to Item 8.1.4 Council cannot amend the R-Code provisions unless approved by the WAPC, as the R-Code is a State Planning Policy."</p>	
LOST: 2/7	Res: 011019
<p><i>Pursuant to Council Policy P040134 all Councillors’ votes on the above resolution are recorded as follows;</i></p> <p><i>FOR: Cr Osborne & Cr Whooley.</i></p> <p><i>AGAINST: Cr Lewis, Cr Phillips, Cr Gearon, Cr Seeney, Cr Gibson, Cr Caron & Cr Allen.</i></p>	
CARRIED UNANIMOUSLY: 9/0	Res: 021019

6.2 STRATEGIC BRIEFING NOTES – 17 SEPTEMBER 2019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR GIBSON	SECONDED: CR LEWIS
<p>That the Notes from the Strategic Briefing Forum held on the 17 September 2019 be received.</p>	
CARRIED UNANIMOUSLY: 9/0	Res: 031019

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 HOLIDAY HOME (LARGE) – NO.74 (Lot 119) MACPHERSON DRIVE, NORNALUP

File Ref:	A2470
Applicant / Proponent:	Paul Armanasco & Peter and Claire Ricciardo
Subject Land / Locality:	No.74 (Lot 119) Macpherson Drive, Nornalup
Disclosure of Officer Interest:	Nil.
Date:	4 October 2019
Author:	Jasmine Tohill, Senior Town Planner
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.2a – Development Application Documentation 8.1.2b – Schedule of Submissions 8.1.2c – Applicant Response to Submissions 8.1.2d - Site Photographs

Summary:

The applicant is seeking Development Approval for a Holiday Home (Large) at No.74 (Lot 119) Macpherson Drive, Nornalup to accommodate up to eight (8) guests.

Having regard to the issues raised in submissions and the objectives and provisions of Town Planning Scheme Policy No.19.5: Holiday Homes (Policy 19.5), it is recommended that Development Approval be granted subject to appropriate conditions.

Background:

Current Application

An application for Development Approval was lodged with Planning Services on 7 August 2019 for a Holiday Home (Large) – refer Attachment 8.1.2a.

Previous Application

An application to construct a Single House on the subject property was approved under delegated authority on 21 February 2018 (DA 2017/197) with the Building Permit (BP 8523) approved on 16 April 2018. The house has since been constructed and a Notice of Completion lodged on 22 May 2019.

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 Policy 19.5, and undertook the following level of consultation:

External Consultation:

- Applicant.
- Eight (8) adjoining landowners inviting comment on the proposal.

Internal Consultation:

- Development Co-ordination Unit.

At the end of the advertising period, two (2) submissions were received – refer Attachment 8.1.2b.

Statutory Obligations:

Town Planning Scheme No.3 (TPS No. 3) specifies the pertinent planning provisions for the proposed use.

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:

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

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

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

Budget / Financial Implications:

Increased rate charges apply for residential dwellings that are approved for Holiday Home purposes, with additional fees payable as per Council's operative Fees and Charges Schedule at the initial 'premises' application stage and yearly thereafter.

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**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.

Sustainability Implications:**➤ Governance:**

There are no known significant governance considerations relating to the report or officer recommendation, however it is noted that Development Approval and registration of the premises as a Holiday Home with Health Services is a statutory requirement for Holiday Homes.

➤ Environmental:

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

➤ Economic:

Holiday Homes when managed to a high standard make a positive contribution to Denmark's tourism industry.

➤ Social:

The key objectives of Policy 19.5 are:

- To support a diverse accommodation base within the Shire of Denmark.
- To minimise negative impacts of holiday homes on the amenity of adjoining residents through appropriate planning approval conditions and associated regulations that apply.
- To encourage the provision of good quality, well managed holiday homes.
- To ensure that holiday homes are managed and maintained to a high standard.

➤ **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 Risk
The approval results in amenity impacts and disruption to the immediate community.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Control through compliance process established through planning conditions and application of other applicable legislation.

Comment/Conclusion:

In accordance with TPS No. 3 the subject land, with a lot size of 2001m², is zoned “Residential R5”. As per Table 1 (Zoning Table) of TPS No. 3 ‘Holiday Home (Large)’ is an ‘SA’ use in the Residential zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application.

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 two (2) objections received. Attached at Attachment 8.1.2b is the Schedule of Submissions – with the submissions received entered verbatim.

The primary issues raised in submissions relate to:

- Impacts upon quiet residential amenity;
- Potential for increased noise & traffic;
- Lack of boundary fencing - security concerns and potential straying of pets & children;
- Management of rubbish.

The applicant has been provided an opportunity to respond to the issues raised and their response is provided verbatim as Attachment 8.1.2c.

From a Planning Services perspective the following comments are relevant to the submissions received:

- The single house has been designed to comply with all setback requirements including those applicable to visual privacy under the Residential R5 zoning. The house and parking is otherwise well screened from adjacent properties by virtue of its location, sloping topography, separation distances and existing vegetation coverage.
- Concerns regarding the potential for visitors to trespass onto neighbouring properties due to the absence of boundary fencing are based upon presumptions about the future behaviour of tenants and cannot readily be substantiated.

- Residential properties on Macpherson Drive are characterised by an absence of solid fencing/ screening which maintains their open/ informal aspect. The northern and southern boundaries of the property are readily defined by established driveways, landscaping and embankments and it is not envisaged that holiday makers would readily trespass into these adjacent properties. The rear boundary is not as easily defined being in proximity to a stand of immature peppermint trees, a small shed and in the absence of formal fencing. This area has not been designed for passive or active use by the homeowners, is located above an embankment at the rear of the parking area and as such is unlikely to encourage use by holiday makers. Notwithstanding, the applicant has indicated that this area will be planted out with additional vegetation to provide a screen buffer and better define the boundary. The immediately adjacent landowner at the rear has not lodged a submission of objection and it is appropriate that any fencing remain a matter to be resolved between the respective landowners as per the *Dividing Fences Act 1961* and the *Shire of Denmark Local Laws Relating to Fencing*.
- The applicant has indicated that a no pets policy will be applied to the property in response to one submitter's concerns and this will be referenced in the Property Management Plan.
- The Holiday Home is of a scale consistent with that of a single dwelling and is not anticipated to generate any significant additional traffic load, noting that it would also be unlikely for the Holiday Home to be tenanted all of the time.
- The property is afforded a weekly residential refuse collection service operated by the Shire. The contention that visitor's utilising the property will cause additional litter cannot be substantiated. The property manager will remain responsible for ensuring bins are managed and appropriately stored on-site.
- The proposal meets the applicable standards for a Holiday Home (Large) application under TPS Policy 19.5, noting that the property exceeds 1,500m², has no less than x4 bedroom and x2 bathrooms, can accommodate x3 carparking bays on-site, and is serviced by a sufficient sealed driveway and crossover. Although the designated parking bays remain unsealed (as evident in recent site photos), this is acceptable in the Nornalup context where unsealed driveways and parking areas are common place and help to maintain the informal character and feel of the area. Should Council be mindful to require sealing of the parking area/s a suitable condition can be applied.

Planning Services consider there would not be an unreasonable significant adverse impact on amenity arising from the holiday home application subject to imposition of appropriate conditions. Whilst issues have been raised regarding potential amenity impacts, the holiday home would not necessarily generate any greater impact than that which may arise through permanent occupation/ rental of the single house as it currently exists. All activities on-site are otherwise required to comply with the *Environmental Protection (Noise) Regulations 1997* and the Property Management requirements linked to approval of the Holiday Home will also provide a method of recourse should any problems arise. Approval of the Holiday Home would also provide an opportunity to apply additional regulatory controls through conditions of development approval, implementation of the Property Management Plan/ Code of Conduct and registration of the premises with Health Services.

Whilst noting concerns raised in relation to the potential for Holiday Homes to impact the quiet amenity of the area and wildlife, such impacts are speculative. At the present time Policy 19.5 does not prohibit Holiday Homes within the residential area of Nornalup nor seek to restrict the total number or location of Holiday Homes that may be permitted. As such, all Holiday Home applications are required to be considered on their merits. Shire records indicate that three (3) approved Holiday Homes currently operate within the Nornalup townsite (Riverside Drive) and have not generated compliance issues.

As Development Approval is granted initially for a 12 month period from the date of registration of the premises as a holiday home, in circumstances where valid complaints regarding the holiday home operations are received, the Shire retains the right to not renew the approval to operate.

The property falls within a bushfire prone area under the Department of Fire and Emergency Services Map of Bushfire Prone Areas. For the purpose of State Planning Policy 3.7 *Planning in Bushfire Prone Areas* (SPP 3.7) Holiday Homes are considered a 'Vulnerable' land use, however, as the use is to be wholly contained within an existing single residence within an established residential area it can be treated as 'minor development' wherein full compliance with the Bushfire Protection Criteria may not apply. In this instance the dwelling has been constructed to comply with current day building construction standards applicable under SPP 3.7 and Australian Standard 3959.

Having regard to the issues raised in the submissions, and assessment of the proposal in line with the intent and objectives of TPS No. 3 and Policy 19.5, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1 a)
MOVED: CR CARON	SECONDED: CR PHILLIPS

That with respect to the development application for the Proposed Holiday Home (Large) at No.74 (Lot 119) Macpherson Drive, Nornalup, Council:

1. Notes the submissions received.
2. Grants subsequent Development Approval subject to the following:

Conditions

- a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 7 August 2019 subject to the Holiday Home – Code of Conduct being modified to stipulate that no pets will be allowed on the premises.
- b) Landscaping is to be implemented between the rear carparking area and the eastern property boundary within 60 days of approval to provide additional screening and further delineate the rear property boundary.
- c) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of registration with the Shire of Denmark (refer Condition f), after which it may be renewed for a three year period (refer Advice Note i).
- d) The driveway/ accessway shall be maintained to a minimum sealed standard (asphalt, concrete or brick pavers) to facilitate access to the development by 2-wheel drive vehicles.
- e) Three on-site parking bays shall be maintained to a minimum all-weather standard (eg gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles.
- f) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Council's operative Fees and Charges Schedule at the initial 'premises' application stage and yearly thereafter (refer Advice Note ii).
- g) A maximum of eight (8) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
- h) The holiday home can only be rented for a maximum period of three (3) months to any one person in any one twelve (12) month period.
- i) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council's satisfaction. A receipt book must be kept.
- j) Prior to the commencement of activities, the applicant shall provide a copy of the updated Property Management Plan (including modifications required under Condition 1) to adjoining land owners/occupiers (see Advice Note iii 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.

- k) 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).
- l) The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises:
 - Annual Registration Certificate;
 - Caretaker/manager or management company and its contact details;
 - Emergency contact details;
 - Code of Conduct; and
 - Fire and Emergency Plan.
- m) 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;
 - Maintenance of a Building Protection Zone around the dwelling;
 - Implementation and display of the Fire and Emergency Plan.
- n) Signage shall be limited to a 0.2m² nameplate on the property.

Advice Notes

- i) Should the Shire receive valid complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.
- ii) 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.
- iii) The ‘Property Management Plan’ shall be provided to the following properties:
 - No.64 Riverside Drive, Nornalup (PO Box 568, Dunsborough WA 6281)
 - No.68 Riverside Drive, Nornalup (7 View Terrace, Quinns Rock WA 6030)
 - No.70 Riverside Drive, Nornalup (PO Box 564, Claremont WA 6910)
 - No. 68 Macpherson Drive, Nornalup (PO Box 296, Walpole WA 6398)
 - No. 70 Macpherson Drive, Nornalup (8 Palm Street, Bunbury WA 6230)
 - No.74 Macpherson Drive, Nornalup (PO Box 6042 Bunbury WA 6231)
 - No.78 Macpherson Drive, Nornalup (9 Belvoir Crescent, Orelia WA 6167)
 - No.80 Macpherson Drive, Nornalup (PO Box 289, Walpole WA 6398)
 - No.82 Macpherson Drive, Nornalup (22 Bramwell Road, Robinson WA 6330)
- iv) The applicant is advised that all activities on-site are to comply with the *Environmental Protection (Noise) Regulations 1997*.

3. Advise the submitters of Council’s decision.

AMENDMENT

MOVED: CR LEWIS

SECONDED: CR GIBSON

That condition a) be replaced with the following;

- a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 7 August 2019 subject to the following changes being implemented to the Property Management Plan:

DUTIES OF THE PROPERTY MANAGER are to be updated to include the following:-
Ensure that dedicated rubbish recycling facilities are provided and that adequate information on recycling and signage is provided to all tenants.

The **HOLIDAY HOME – CODE OF CONDUCT** is to be modified as follows:

FIRES: The tenants agree not to allow any candles, open fires, flames or similar burn unsupervised within the premise.

NO OPEN FIRES or solid fuel barbeques (eg. wood, charcoal or heatbeads) are permitted at any time. Contained gas or electric barbeque facilities may be provided and used in a safe manner provided no flammable material is located within 5 metres of the barbeque, an immediate and continuous supply of water is available nearby (eg. a garden hose), it remains attended by a responsible adult at all times and no hot material is permitted to escape the area.

RUBBISH DISPOSAL: The guests agree to contain all their rubbish and recycling in the dedicated bins as labelled and provided by the Property Manager. The Property Manager is responsible for the putting out and collection of the bins where the tenant's stay coincides with collection days (where Council waste collection services are provided).

PETS: NO pets are allowed by tenants at any time.

CARRIED: 8/1

Res: 041019

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

FOR: Cr Allen, Cr Gibson, Cr Seeney, Cr Gearon, Cr Phillips, Cr Whooley, Cr Lewis & Cr Osborne.

AGAINST: Cr Caron.

AMENDED MOTION

That with respect to the development application for the Proposed Holiday Home (Large) at No.74 (Lot 119) Macpherson Drive, Nornalup, Council:

1. Notes the submissions received.
2. Grants subsequent Development Approval subject to the following:

Conditions

- a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 7 August 2019 subject to the following changes being implemented to the Property Management Plan:

DUTIES OF THE PROPERTY MANAGER are to be updated to include the following:-

Ensure that dedicated rubbish recycling facilities are provided and that adequate information on recycling and signage is provided to all tenants.

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NO OPEN FIRES or solid fuel barbeques (eg. wood, charcoal or heatbeads) are permitted at any time. Contained gas or electric barbeque facilities may be provided and used in a safe manner provided no flammable material is located within 5 metres of the barbeque, an immediate and continuous supply of water is available nearby (eg. a garden hose), it remains attended by a responsible adult at all times and no hot material is permitted to escape the area.

RUBBISH DISPOSAL: The guests agree to contain all their rubbish and recycling in the dedicated bins as labelled and provided by the Property Manager. The Property Manager is responsible for the putting out and collection of the bins where

the tenant's stay coincides with collection days (where Council waste collection services are provided).

PETS: NO pets are allowed by tenants at any time.

- b) Landscaping is to be implemented between the rear carparking area and the eastern property boundary within 60 days of approval to provide additional screening and further delineate the rear property boundary.
- c) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of registration with the Shire of Denmark (refer Condition f), after which it may be renewed for a three year period (refer Advice Note i).
- d) The driveway/ accessway shall be maintained to a minimum sealed standard (asphalt, concrete or brick pavers) to facilitate access to the development by 2-wheel drive vehicles.
- e) Three on-site parking bays shall be maintained to a minimum all-weather standard (eg gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles.
- f) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Council's operative Fees and Charges Schedule at the initial 'premises' application stage and yearly thereafter (refer Advice Note ii).
- g) A maximum of eight (8) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
- h) The holiday home can only be rented for a maximum period of three (3) months to any one person in any one twelve (12) month period.
- i) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council's satisfaction. A receipt book must be kept.
- j) Prior to the commencement of activities, the applicant shall provide a copy of the updated Property Management Plan (including modifications required under Condition 1) to adjoining land owners/occupiers (see Advice Note iii 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.
- k) 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).
- l) The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises:
 - Annual Registration Certificate;
 - Caretaker/manager or management company and its contact details;
 - Emergency contact details;
 - Code of Conduct; and
 - Fire and Emergency Plan.
- m) 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;
 - Maintenance of a Building Protection Zone around the dwelling;
 - Implementation and display of the Fire and Emergency Plan.
- n) Signage shall be limited to a 0.2m² nameplate on the property.

Advice Notes

- i) Should the Shire receive valid complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.

- 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) The ‘Property Management Plan’ shall be provided to the following properties:
 - No.64 Riverside Drive, Nornalup (PO Box 568, Dunsborough WA 6281)
 - No.68 Riverside Drive, Nornalup (7 View Terrace, Quinns Rock WA 6030)
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 - No.78 Macpherson Drive, Nornalup (9 Belvoir Crescent, Orelia WA 6167)
 - No.80 Macpherson Drive, Nornalup (PO Box 289, Walpole WA 6398)
 - No.82 Macpherson Drive, Nornalup (22 Bramwell Road, Robinson WA 6330)
 - iii) The applicant is advised that all activities on-site are to comply with the *Environmental Protection (Noise) Regulations 1997*.
3. Advise the submitters of Council’s decision.
- CARRIED UNANIMOUSLY: 9/0 Res: 051019

COUNCIL RESOLUTION	ITEM 8.1.1 b)
MOVED: CR LEWIS	SECONDED: CR PHILLIPS
That Council request that the Acting Chief Executive Officer review the Holiday Home: Code of Conduct with respect to open fires and waste management.	
CARRIED UNANIMOUSLY: 9/0	Res: 061019

4.56pm – Cr Lewis left the room.

8.1.2 DRAFT LOCAL PLANNING POLICY 47 – TOWN CENTRE PARKING AND SUSTAINABLE TRANSPORTATION – SEEKING CONSENT TO PUBLICLY ADVERTISE

File Ref:	PLN.70.M
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Applies in the Denmark town centre
Disclosure of Officer Interest:	Nil
Date:	4 October 2019
Author:	Craig Pursey, Manager Sustainable Development
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.2a - Draft Local Planning Policy 47 – Town Centre Parking and Sustainable Transportation 8.1.2b - Extract from Planning and Development (Local Planning Schemes) Regulations 2015

Summary:

The purpose of this report is to seek Council support to publicly advertise a draft planning policy relating to car parking and sustainable transportation in the Denmark town centre.

Background:

Previous Consideration

Draft Local Planning Policy 47 – Town Centre Parking and Sustainable Transportation (LPP47) was considered by Council at the meeting of 17th September 2019 where it was resolved:

“That the item be deferred to the 15 October 2019 to allow further investigation.”

This decision responded to concerns raised in public question time regarding:

1. Whether it is appropriate to initiate further local planning policies given the recommendations of the Minister for Planning's *'Action Plan for Planning Reform'* and informing papers regarding the future role of local planning policy in planning frameworks; and
2. Raising concerns with the ability for Council to use Policy provisions to override Scheme provisions.

These issues are addressed in the comment section of this report.

Draft Local Planning Policy 47 (LPP47)

It has been twenty years since Council adopted the Commercial Strategy and twenty five years since Town Planning Scheme No. 3 (TPS3) was gazetted. Both documents provide guidelines and standards relating to car parking. It is considered timely to review car parking standards in the Denmark town centre based on changing circumstances, to consider new forms of land uses (including small bars), to promote appropriate re-use, redevelopment and development in the town centre and to encourage increased sustainable transportation to/from the town centre.

Like many town centres, there are a range of pressures and challenges including from on-line shopping and the feasibility of new development. Some of the feasibility considerations include the requirement for either significant on-site parking or the associated cash-in-lieu payment (including the rate) for uses such as cafes, restaurants and small bars. The Shire administration is aware of issues raised by applicants and the Denmark Chamber of Commerce relating to car parking provision and/or costs for these uses.

There are also various opportunities to ensure the Denmark town centre has a high level of amenity and activity and a well-defined sense of place. Part of this is encouraging vibrancy and new development including cafes, restaurants and small bars. One opportunity, is supporting the potential to reduce car parking standards in the Denmark town centre to promote business activity, encourage appropriate redevelopment and development and promote sustainable transportation such as walking and cycling.

Draft LPP47, set out in Attachment 8.1.2a, seeks to provide guidance regarding car parking and sustainable transportation to Council, the Shire administration, landowners and applicants. It introduces, for the first time locally, standards to promote walking and cycling. Draft LPP47 is intended to apply to change of land use applications, where an intensification of land use is proposed, development and redevelopment applications within the area identified as 'Town Centre – Inner Core' in the Local Planning Strategy and shown in Figure 1 of the draft policy.

The objectives of draft LPP47 are to:

- promote business activity along with appropriate redevelopment and development in the town centre;
- assist in creating a vibrant town centre that is increasingly resilient;
- establish guidelines relating to the rate of providing car parking bays for redevelopment, new development and changes of use;
- facilitate the provision of adequate car, bicycle and motorcycle parking facilities within the town centre;
- ensure parking is provided for various services, facilities and developments at a rate that is appropriate for a town centre environment and to efficiently manage parking supply and demand;
- complement the car parking provisions and standards in the Scheme;

- provide guidance as to when the local government may vary the parking provisions of the Scheme for development within the town centre; and
- promote sustainable transportation including walking and cycling.

For most of the year and at most times, there is sufficient car parking in the Denmark town centre. Draft LPP47, applying to new development, is likely to have minimal impacts on overall parking provision given the expected rate of development in the town centre in the coming years.

Although an adequate supply of convenient parking is essential, it is also suggested that car parking areas should not dominate the structure of the town centre given it will make the town centre less attractive and vibrant. Preference is given to using short-term, on street parking for retail patrons, and keeping long-term, off street parking for those who work in the town centre. A more sustainable option is promoting access to and from the town centre by walking and cycling.

Attachment 8.1.2b provides an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015*. The 'deemed provisions' in the Regulations replace relevant clauses in Local Planning Schemes. The Regulations require draft local planning policies to be publicly advertised for at least 21 days.

Consultation:

Should the Council agree to its public release, draft LPP47 will be subject to community and stakeholder consultation for a suggested 42-day period.

Statutory Obligations:

Planning and Development Act, Planning and Development (Local Planning Schemes) Regulations 2015 and TPS3.

Policy Implications:

These are addressed in this report and in the attached draft LPP47. Finalisation of LPP47 will increase certainty for everyone with an interest in the matter and should assist in more consistent decision making.

Budget / Financial Implications:

There are Shire costs associated with advertising draft LPP47.

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.

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

The draft policy supports sustainable transportation including walking and cycling.

➤ **Economic:**

The draft policy supports reuse, redevelopment and development in the town centre and in-turn supports job creation. This will assist to provide economic benefits to the local economy.

The provision of car parking is an impost upon new developments, particularly developments which increase floor space. There is a need for appropriate provision of car parking given the traffic that the development generates and the expectation of patrons that convenient parking will be available. If the car parking is not provided by the development, the responsibility and cost to provide the car parking is shifted to the Shire ratepayer through the need to provide and maintain public car parking.

The Council will need to consider various matters including job creation, vibrancy, development feasibility and potential increased rates compared to costs that could, in-time, be associated with providing and maintaining public car parking in the town centre.

➤ **Social:**

The draft Policy seeks to set out standards for parking and sustainable transportation in the town centre consistent with anticipated community and stakeholder expectations.

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)
Commercial operators/owners, the community and stakeholders are not aware of the advertised draft Policy.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Undertake extensive consultation which exceeds statutory requirements including liaising with the Denmark Chamber of Commerce.

Comment:

Local Planning Policy & the Action Plan for Planning Reform

The Minister for Planning formally released the State Government’s *Action Plan for Planning Reform* in August 2019 which aims to simplify and modernise the planning system. The Action plan is organised under three main headings:

1. Planning creates great places for people;
2. Planning is easier to understand and navigate; and
3. Planning systems are consistent and efficient.

The current actions flagged in regard to the use of local planning policies (LPP’s) into the future include:

- The use and function of local planning policies will be clearly stipulated with set criteria of what LPP’s can and cannot be used for...
- All LPPs will be prepared in a standard manner and form to improve legibility; and
- There will be a requirement to review LPPs regularly (every five years)

The Action Plan sets out a road map for reform, stating that implementation will be a collaborative process and involve considerable public consultation. The implementation plan does not flag work starting in this area until at least early 2020.

Clearly it is anticipated that there is a role for Local Planning Policies into the future and consideration of any changes to the role and form of policies are unlikely to be considered for some time.

Local Planning Policy overriding Scheme Provisions

More stringent requirements may not be applied through a Local Planning Policy as the Local Planning Scheme is the head of power in this instance.

However, Clause 6.2 of the Scheme allows the local government to modify the requirements of the Scheme, including car parking standards, but may only do so where it is fully satisfied that:

- *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and*
- *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- *the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

Therefore, Council has the ability to consider varying car parking provisions on a case by case basis for each development proposal received. Rather than consider these on a case by case basis it is proposed to use a Local Planning Policy to:

- Establish the circumstances whereby Council will agree to relax specific Scheme parking requirements in a consistent manner;
- Introduce standards for car parking for residential land uses and holiday accommodation where the Scheme is currently silent; and
- Establish new standards for bicycle parking as a 'matter to be considered by the local government' for development in the Town Centre.

The statutory basis for the policy was inadequately explained in the original draft LPP47; this has been amended in the current draft Policy at Attachment 8.1.2a.

Draft Local Planning Policy 47 (LPP47)

Draft LPP47 sets out that developments, as required, provide car parking spaces and/or for the applicant to make a cash-in-lieu payment to the Shire. Draft LPP47 however supports a lower parking space rate than set in TPS3 where agreed sustainable transport measures are provided to the satisfaction of the Shire.

Draft LPP47 is considered appropriate to be publicly advertised for community and stakeholder comment. The goal of the advertising is to encourage community and stakeholder debate and to seek the receipt of submissions and informed comments. If Council agrees, submissions will be invited through various methods for a six-week period. It is proposed to consult widely through the Shire administration writing to and inviting comments from wide-ranging stakeholders, placing public notices in local papers, placing details on the Shire website and Facebook page and information being available at the Shire office.

Following the close of the consultation period, the Council and the Shire administration will consider the submissions and determine whether LPP47 is suitable for final adoption, whether it should be modified or whether to not to proceed with the Policy. It is suggested the objective is to finalise a Policy which will assist to increase certainty for everyone with an

interest in this issue and which will provide increased guidance to Council and the Shire administration in assessing development applications.

The advertising and potential adoption of a Local Planning Policy in this instance provides the Council an opportunity to make positive changes in the town centre in accordance with the findings of the Community Strategic Plan whilst the new Town Planning Scheme is being drafted. Any issues raised through this process would inform the preparation of the Town Planning Scheme moving forward.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.1.2
MOVED: CR GIBSON		SECONDED: CR CARON
That Council:		
<ol style="list-style-type: none"> 1. Support the public release of the draft <i>Local Planning Policy 47 – Town Centre Parking and Sustainable Transportation</i>, outlined in Attachment 8.1.2a, and require the draft Policy to be publicly advertised for an increased period of six weeks. 2. Will reconsider the draft Local Planning Policy 47 – Town Centre Parking and Sustainable Transportation following the close of the public submission period and will determine whether to proceed with the Policy without modification, proceed with the Policy with modification or to not proceed with the Policy. 		
4.57pm – Cr Lewis returned to the room.		
CARRIED UNANIMOUSLY: 9/0		Res: 071019

8.1.3 DENMARK MACHINERY RESTORATION GROUP – DEVELOPMENT APPLICATION FOR NEW MACHINERY STORAGE SHED – RESERVE 30277 NO. 2 (LOT 952) INLET DRIVE, DENMARK

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:	4 October 2019
Author:	Phil Shephard, Contract Planner
Authorising Officer:	David King, Director Assets & Sustainable Development
Attachments:	8.1.3a – Development Application Documentation 8.1.3b – Copy of Submissions

Summary:

The applicant, Denmark Machinery Restoration Group Inc. (DMRG) lease a portion of Reserve 30277, No.2 (Lot 952) Inlet Drive, Denmark and seek development approval to construct a shed to be used for storage of machinery.

The consultation period has closed and no submissions opposing or objecting to the proposal were received.

Having regard to the existing lease, the adopted Denmark Heritage Railway Station Precinct Concept Plan and Town Planning Scheme No. 3, it is recommended that Council grant Development Approval subject to compliance with appropriate conditions/advice.

Background:

At the Ordinary Meeting of Council held on 20 August 2019 (Resolution 060819), Council resolved to consent to sign the development application and thereafter to undertake public advertising and referral of the proposal to affected parties.

Consultation:

In accordance with Council's decision at its Ordinary Meeting held on 20 August 2019 (Resolution 060819) and Council's Community Engagement Policy P040123 and the associated Framework and the requirements of:

- Town Planning Scheme No. 3;
- Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- TPS3 Policy No. 45: Planning Application Process for Heritage Places, consultation was undertaken for a minimum period of 21-days, commencing on 2nd September 2019 as follows:
 - Publish a notice of the proposal in a newspaper circulating in the Scheme area;
 - Placing 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; and
 - Denmark Weed Action Group (DWAG).

The consultation period closed on 27th September 2019. The submissions received are provided in Attachment 8.1.3b. The submissions received from the Denmark Lions Club and Spirit of Play Community School supported the proposal. There were no submissions received that opposed or objected to the proposal proceeding.

Statutory Obligations:

The Town Planning Scheme No. 3 (TPS3) and the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines application/advertising requirements and pertinent planning matters relevant to Council's assessment of the proposed development.

Council may either approve the application, with or without conditions or refuse the application, as the decision making authority. Should Council refuse the application or impose conditions that the applicant is aggrieved by, the applicant can apply to the State Administrative Tribunal for a Right of Review of the decision and/or any condition.

Policy Implications:

Council has adopted TPS3 Policy No. 45: Planning Application Process for Heritage Places. The Policy applies to this application as the property being Reserve 30277 is contained on the Shire's Municipal Heritage Inventory (2011) and described as the 'Railway Precinct'. In accordance with the Policy requirements, the proposal was referred to the Denmark Historical Society. No response was received from the Society.

Budget / Financial Implications:

There are no known budget or financial implications.

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**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.

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation. Due consideration has been given to relevant Council Policy and Delegation Register provisions relating to the report and officer recommendation.

➤ **Environmental:**

The removal of two (2) Marri trees will be required to enable the siting of the new shed.

➤ **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)
The approval results in amenity impacts and disruption to the immediate community.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Control through compliance process established through planning conditions, application of other applicable legislation and the lease agreement.

Comment/Conclusion:

The proposal is for a new 24m-long x 9m-wide x 4.7m-high shed (see Attachment 8.1.3a) for the purpose of storing machinery that is donated to the group by local farmers and businesses etc. for display. The shed will also house their 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.

Denmark Heritage Railway Station Precinct Concept Plan

The location of the proposed shed is consistent with the recently adopted Denmark Heritage Railway Station Precinct Concept Plan approved at the Ordinary Meeting of Council held on 19 February 2019 (Resolution 230219).

The site plan submitted for consideration (Attachment 8.1.3a) shows 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). Therefore, assessment of the parking and access requirements has only been for the immediate requirements of the 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. 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.

TPS3 Scheme Reservation

In accordance with TPS3, the subject land is contained within the Local Scheme Reserves classification for the purpose of Parks and Recreation.

Clause 2.2 of TPS3 provides that:

Where an application for planning consent is made with respect to reserved land, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

In addition, Clause 67(j) of the deemed provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the local government is to have due regard to:

- (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'.*

TPS3 does not contain specific objectives for the reserve, nor does it provide any indication as to those uses that may be permitted or precluded. Those considerations have been defined through the preparation and adoption of the Denmark Heritage Railway Station Precinct Concept Plan and subsequent lease agreements. The proposed shed is consistent with the recommendations in the adopted Concept Plan. As such there is nothing to preclude Council from granting approval to the development under the Parks and Recreation Local Schemes Reserve.

Land Act Reserve: Vesting/ Purpose

The Shire of Denmark has the Management Order for Reserve 30277 with the power to lease for up to 21 years. The designated purpose for Reserve 30277 is 'Historical Precinct, Recreation and Community Purposes'.

The proposal is considered consistent with the designated purpose for the reserve.

Lease

The DMRG have an existing lease with the Shire that expires in February 2020 and the DMRG and staff have been progressing a new lease (pursuant to Council Resolution 341215). As agreed at the August 2019 Council Meeting, the DMRG will relinquish the southern portion of their lease area to make way for the proposed Denmark Men's Shed in due course.

The proposed shed is sited within the lease area. The two (2) Marri trees to be removed to facilitate the construction of the shed, are exempt from requiring a separate clearing permit under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* as the removal is required for the purpose of allowing the erection of a building.

Bushfire Planning

The property is identified as Bushfire Prone under the Department of Fire and Emergency Services (DFES) state-wide mapping. WA Planning Commission State Planning Policy 3.7 (SPP3.7) and the associated Guidelines apply as a consequence.

As the proposed shed is not considered a vulnerable land use and it will be separated from the existing building, no additional referral to DFES is considered necessary. The proposal is considered exempt from SPP3.7 by virtue of Planning Bulletin 111/2016 on the basis that:

- The shed does not intensify the development or land use on the property;
- The shed does not result in any increased risk to residents on the property;
- The shed is for storage purposes only and will not be occupied by employees for any significant amount of time; and
- Fire safety measures have already been incorporated into previous developments approved on the property including connection to reticulated water supply and provision of a fire hydrant to the existing DMRG lean-to verandah addition approved 2015.

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) requires the Council in considering an application for development approval have regard to those matters relevant to the application from the list. Those relevant matters are discussed in the table below:

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed shed is considered consistent with the parks and recreation reservation and compliant with the relevant provisions contained in 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;	The proposal satisfies the requirements of orderly and proper planning. There are no other draft scheme amendments or planning instruments that affect this proposal.
(c) any approved State planning policy;	SPP3.7 Planning in Bushfire Prone Areas applies.
(g) any local planning policy for the Scheme area;	TPS3 Policy 45: Planning Application Process for Heritage Places applies.
(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;	The proposal is considered consistent with the objectives for the parks and recreation local scheme reserve and its use by DMRG.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	The railway precinct is included on the Shire's Municipal Heritage Inventory for its cultural heritage values. The proposed shed will not alter the heritage values of the place.
(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;	The proposal is considered consistent with other buildings and structures located within the reserve and those on adjoining properties in the locality. The shed will be clad with the same materials as those on the existing DMRG building.
(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	The proposal is not expected to adversely impact the environment or water resources.

Matter to be Considered	Response
natural environment or the water resource;	
(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;	As noted, 2 Marri trees will be removed to facilitate the construction of the shed. There is adequate vegetation existing on the site and no additional landscaping is considered necessary.
(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;	The land is considered suitable for the proposal.
(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;	The proposal includes a new access/egress point onto Inlet Drive. The proposal has included sufficient loading/unloading and parking areas.
(t) 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;	The proposal is not expected to generate any substantial increase in traffic and the existing road system is expected to be able to cater for any increase.
(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;	There are no public transport services available to the property. There is adequate servicing infrastructure available to the property. The provision of any additional waste collection will need to be negotiated with the Shire. The proposal will not incorporate any specific provision for cyclists. The building and parking area will need to be designed to address use by older people and those with a disability.
(w) the history of the site where the development is to be located;	The site has a long-standing use for community and heritage related purposes.
(y) any submissions received on the application;	See Consultation part of report above.
(zb) any other planning consideration the local government considers appropriate.	The location of the proposed shed is consistent with the adopted Denmark Heritage Railway Station Precinct Concept Plan approved at the Ordinary Meeting of Council held on 19 February 2019 (Resolution 230219).

In determining an application for development approval, the Council has a number of options available to it, which are discussed below:

In accordance with the *Planning and Development Act 2005*, this is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or

any condition. An appeal must be lodged within 28-days of being notified of the decision/condition to be appealed.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTIO & OFFICER RECOMMENDATION</p> <p>MOVED: CR SEENEY</p> <p>That with respect to the development application for the proposed machinery storage shed for the Denmark Machinery Restoration Group on portion of Reserve 30277 No. 2 (Lot 952) Inlet Drive, Denmark, Council:</p> <ol style="list-style-type: none"> 1. Notes the submissions received and advise the submitters of Council's decision. 2. Grants Development Approval subject to the following: <ol style="list-style-type: none"> a) The development shall be carried out and fully implemented in accordance with the attached stamped approved plan(s) and any modifications marked in red dated 28 June 2019. b) The approved shed shall be used for the storage of machinery and other items owned by the Denmark Machinery Restoration Group only. c) The approved shed shall achieve a minimum finished floor level of 2.5 metre AHD. d) All driveways/access ways to be constructed to a minimum all-weather standard (e.g. gravel, crushed rock) to the satisfaction and specifications of the Shire of Denmark to facilitate access to the development by 2-wheel drive vehicles, and be constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the Guidelines for Planning in Bushfire Prone Areas. e) All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services). f) The installation of any outdoor lighting shall be in accordance with the requirements of Australian Standard AS4282-1997: <i>Control of the Obtrusive Effects of Outdoor Lighting</i>. <p>Advice Notes</p> <ol style="list-style-type: none"> i. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land, including the designated Lease boundary. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings. ii. Any signs or enclosure of the walls of the approved shed will require a separate application for development approval. iii. 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. 	<p>ITEM 8.1.3</p> <p>SECONDED: CR OSBORNE</p> <p>Res: 081019</p>
<p>CARRIED UNANIMOUSLY: 9/0</p>	

8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 AUGUST 2019

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 October 2019
Author:	Lee Sounness, Manager Corporate Services
Authorising Officer:	Cary Green, Director Corporate & Community
Attachments:	8.2.1 – August Monthly Financial Report including September 2019 List of Payments

Summary:

The attached financial statements and supporting information for the period ending 31 August 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 Risk
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 August 2019, total cash funds held totals \$5,420,973 (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 \$4,269,612

- \$1,122,817 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of .95%,
- \$3,146,796 has been invested with the National Aust. Bank, maturing 31 December 2019 at the quoted rate of 2.05%

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 2020 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 August 2019 (Statement of Financial Activity) except for depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 13.08%, is in keeping with historical collection rates (see Note 6)
- The 2019/20 Capital Works Program is 8.50% complete utilising actual year to date figures and the total committed cost is 13.85% as at 31 August 2019 (see Note 12).
- Various transfers to and from Reserve Funds have not been made for 2019/20 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 all asset classes have not been calculated for the reporting period. Depreciation expense will be calculated once the annual audit of financial figures for 2018/19 are confirmed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR CARON	SECONDED: CR ALLEN
That with respect to Financial Statements for the period ending 31 August 2019, Council;	
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 September 2019 as listed.	
CARRIED UNANIMOUSLY: 9/0	Res: 091019

5.00pm – The Manager Sustainable Development left the room and did not return.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 STRATEGIC ASSET MANAGEMENT PLAN AND WORKFORCE PLAN & PEOPLE STRATEGY

File Ref:	ADMIN.1.2018 PLN.79
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 October 2019
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	8.3.1a – Draft Asset Management Plan 8.3.1b – Draft Workforce Plan and People Strategy

Summary:

The purpose of this report is for Council to consider the adoption of the 2019-2029 Strategic Asset Management Plan and the 2019-2022 Workforce Plan and People Strategy.

Background:

The Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan and Corporate Business Plan as part of a 'Plan for the Future'.

The legislative requirements of the 'Plan for the Future' are underpinned by the Department of Local Government, Sport and Cultural Industries' Advisory Standards and Guidelines, titled the Integrated Planning and Reporting (IPR) Framework. The IPR framework identifies three 'informing strategies', namely a Workforce Plan, Asset Management Plan and Long Term Financial Plan that Local Governments are required to complete. The Shire reports on the progress of these plans annually via the Compliance Audit Return (CAR) and requires the Asset Management Plan and Long Term Financial Plan to calculate asset sustainability ratios, that form part of the Annual Financial Statements.

The ratios contained within the Annual Financial Statements form the basis of the Shire's Financial Health Indicator (FHI) score, which is a measure that the Department of Local Government, Sport and Cultural Industries uses to assess a Local Government's performance. Poor ratio performance, or the inability to calculate and report on these ratios is one of the reasons that Local Government's find themselves classified as high-risk by the Department.

Over the past three years Officers and Council have undertaken a significant body of work to ensure that the Shire of Denmark complies with the Integrated Planning and Reporting Framework. This work will ensure that:

- the Shire will have a full suite of Council adopted IPR documents;
- the Shire is able to report on financial and sustainability ratios;
- the Shire's FHI score continues to improve;
- the Shire is no longer classified as high-risk by the Department of Local Government, Sport and Cultural Industries.

A summary of the Shire's Integrated Planning and Reporting Framework is provided as follows:

Strategic Community Plan

The Strategic Community Plan is Council's principal strategy and planning document that links community aspirations with the Council's vision and long-term strategy. The Strategic Community Plan forms the basis of the IPR Framework and provides the foundation to

develop other strategic documents, required by Local Government's including the Corporate Business Plan, Workforce Plan, Asset Management Plan and Long Term Financial Plan. Council adopted a new Strategic Community Plan in December 2017.

Corporate Business Plan

The Corporate Business Plan is the Shire's four-year action plan that activates the community's high-level aspirations and objectives within the Strategic Community Plan, Denmark 2027. The Corporate Business Plan identifies projects, initiatives and actions that the Shire will undertake over a four-year period to improve operations whilst delivering key services and facilities that support the community vision. Council adopted a new Corporate Business Plan in November 2018.

Workforce Plan

The Workforce Plan and People Strategy is the Shire's four-year 'people plan' that ensures the organisation has the right people, in the right positions, at the right time for the right cost to provide the best opportunity for achieving the Shire's Strategic Community Plan aspirations and Corporate Business Plan projects. The draft Workforce Plan and People Strategy is presented to Council for adoption as part of this item.

Asset Management Plan

The Shire's Strategic Asset Management Plan is a ten-year plan that identifies, records and values Shire-owned assets. The Plan also identifies the point at which assets need to be replaced or renewed, and the associated cost, to ensure that services can be delivered for future generations. The draft Strategic Asset Management Plan is presented to Council for adoption as part of this item.

Long Term Financial Plan

The Shire's Long Term Financial Plan comprises long term financial forecasting over a fifteen-year period. This consists of projecting revenue (money coming in) and expenditure (money going out) over the fifteen years. The Long Term Financial Plan does this by using assumptions about the economy, future spending, funding sources and other variables. The Long Term Financial Plan then aligns the Shire's financial capacity with the strategic priorities of the community to ensure the Local Government remains financially sustainable while planning for new or improved services. A draft has been prepared and will be presented at a future Ordinary Council Meeting for adoption.

Consultation:

To facilitate the major review of the Strategic Community Plan, Council endorsed a four-stage community engagement program that featured increasing levels of public participation. The community engagement program followed the IAP2 model of public participation which is widely regarded by Local Governments and other organisations as best practice. Over 1,127 responses were received during the major review via fifteen engagement mechanisms, exceeding the Department of Local Government, Sport and Cultural Industries' advisory standard of 500 responses and two documented mechanisms.

The Shire's Corporate Business Plan, Workforce Plan, Asset Management Plan and Long Term Financial Plan are internal-style documents that seek to activate, plan for and resource the aspirations of the community that are outlined in the Strategic Community Plan. As such, consultation and collaboration on the Workforce Plan and Asset Management Plan has occurred within the organisation and with Council.

Statutory Obligations:

The requirements for the preparation of a Workforce Plan and Asset Management Plan are detailed within the Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework and Advisory Standards.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The financial implications of the Shire’s Workforce Plan and People Strategy and Strategic Asset Management Plan are integrated with the Shire’s draft Long Term Financial Plan. The Long Term Financial Plan will provide the basis for items considered in future Annual Budgets.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with the Local Government (Administration) Regulations 1996 and the Department of Local Government, Sport and Cultural Industries and Communities’ Integrated Planning and Reporting Framework and Advisory Standards.

These Standards form the basis of the way Local Governments approach resourcing and implementing the Strategic Community Plan and Corporate Business Plan priorities and actions.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to adopt the Workforce Plan and People Strategy, resulting in non-compliance with the Integrated Planning and Reporting Framework.	Unlikely (2)	Insignificant (1)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation or Accept Risk
That Council choose not to adopt the Strategic Asset Management Plan, resulting in non-compliance with the Integrated Planning and Reporting Framework and the inability to calculate	Unlikely (2)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

asset sustainability ratios that form part of the Annual Financial Statements and FHI Score.					
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Comment/Conclusion:

The Shire’s Workforce Plan and People Strategy and Strategic Asset Management Plan have been developed in a way to ensure that they are able to be easily read and understood by all members of the community.

The Workforce Plan and People Strategy highlight a number of strengths across the organisation, particularly regarding organisational culture and team spirit. The plan also lists a number of improvement actions, to ensure that the organisation continues to evolve to best meet the needs of the community and ensure its status as a high performing organisation.

The Shire’s people vision, culture, values and commitments seek to formalise direction for employees to ensure that the way that they approach major projects, and day to day tasks, continually align with the aspirations of the community.

The Workforce Plan and People Strategy outlines no FTE growth over the four years of the plan, due to the desire to consistently maintain employee costs below 95% of rates revenue.

The Strategic Asset Management Plan centres around the Shire’s major challenge of managing ageing assets that are in need of renewal and replacement. The Shire currently has approximately \$19.3M assets in a poor condition (condition 4) and \$4.1M assets in a very poor condition (condition 5) that will need to be renewed or replaced.

The Strategic Asset Management Plan sets out the necessary levels of expenditure to repair these assets and bring the entire asset base back in to a reasonable condition, where assets are being replaced or renewed within one year of being determined a condition 4.5.

The Strategic Asset Management Plan also identifies a number of projects supported by the community during the Strategic Community Planning process that will help reduce the number of assets in average, poor and very poor conditions. These projects will help reduce the Shire’s financial renewal burden, whilst also providing improved community assets that better meet the needs of our changing community.

The Workforce Plan and People Strategy and Strategic Asset Management Plan will be reviewed annually to ensure they remain contemporary and reflect any relevant changes that have occurred during the preceding twelve months.

The format and content of the Workforce Plan and People Strategy and Strategic Asset Management Plan are also likely to change in the future as the Shire’s IPR practice maturity increases over time. The “first cut” of these plans are intended to be simple in nature and provide a concise overview of the “current state of play”. It is intended that these plans will guide further discussions with the community on the various options that the Shire of Denmark has when considering the best use of resources to achieve the community’s strategic vision.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.3.1
 MOVED: CR ALLEN SECONDED: CR CARON

With respect to the Integrated Planning and Reporting Framework, Council;
 1. Adopt the Workforce Plan and People Strategy for effect from the current financial year through to 2022/23;
 2. Adopt the Strategic Asset Management Plan for effect from the current financial year through to 2029/30;
 3. Make copies of the Plans available for public inspection both online and in hardcopy.

CARRIED: 8/1 Res: 101019

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

FOR: Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon, Cr Philips, Cr Lewis & Cr Osborne.

AGAINST: Cr Whooley.

Cr Whooley requested that his comments against the motion be recorded which were as follows;

"I cannot support this item for the simple reason that I do not consider it a Plan.

I consider it a Concept supported by a list of assets and their values.

Those lists of assets have been existed [sic] for a long time in one form or another within the Council database. Some may dispute that on the basis that they could not find – or interpret the data.

Nevertheless – the work has been revisited and the lists have been regenerated.

The document looks good and has all the general concepts that govern asset management.

What is missing is the detail. Substantial and lengthy effort is needed to prioritise the assets. That work has not been done.

Until that occurs – I cannot agree that Council has a Plan of any sort, which will withstand any scrutiny."

8.3.2 DENMARK COMMUNITY BUSHFIRE SURVEY AND DRAFT PRIVACY STATEMENT

File Ref:	PROJ.FIRE.01.1920
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 October 2019
Author:	Melanie Haymont, Bushfire Risk Planning Coordinator Teiga Murray, Corporate Planning Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	Nil

Summary:

The purpose of this report is to seek Council's endorsement of the collaborative project between the Denmark Shire and the Department of Fire and Emergency Services (DFES) to deliver the Denmark Community Bushfire Survey. To ensure the Survey is delivered in a format that is consistent and acceptable to our survey partner DFES, we seek permission from Council to use Research Solutions as an external provider to undertake the Denmark Community Bushfire Survey.

Background:

The Shire of Denmark is currently undertaking the Bushfire Risk Management Planning (BRMP) process. This process provides resources to develop a contextual Bushfire Risk Management Plan in conjunction with a spatial mapping program using ISO 31000 risk assessment software to develop an understanding of bushfire risk to assets within the Denmark Shire. An appropriate treatment program is then developed to address the assessed risk.

The Bushfire Risk Management Plan was endorsed by the Office of Bushfire Risk Management on the 26th of September 2019. This has enabled the Shire to gain access to the Mitigation Activities Fund (MAF) to carry out identified treatments within the Shire on State-owned land.

Currently, the Denmark Shire has been assessed as having 85 per cent of assets being at high risk or above. The treatment program will be extensive and require a mixture of treatment strategies.

These will include (but not limited to):

- Planned burning;
- Mechanical (slashing, mulching, parkland clearing, vehicle access, fire breaks);
- Chemical; and
- Community engagement.

There is a perception that the Denmark community is opposed to Bushfire Mitigation Strategies. This is at odds with the results of a community survey conducted during the creation of the Shire's Strategic Community Plan, Denmark 2027. During the 2017 Survey, the community named Fire hazards (13.4 per cent) as a critical future issue for the Shire to address. "A fire prevention campaign" was listed as a key idea to make Denmark a better place to live (5.7 percent) and a "community firefighting program especially for a town-wide emergency, controlled burning"(4.8 per cent) as a priority to achieve the vision for the Shire of Denmark. Throughout the Survey there is also reference to the community's desire for more input and consultation regarding major decision making within the Shire.

To enable the bushfire mitigation treatment process to be planned, carried out efficiently and cause the least amount of distress to the community, the Bushfire Risk Planning Coordinator believes the Shire would benefit from a better understanding of the attitudes to risk and bushfire mitigation techniques within the community. With this in mind, Council was approached for funds (\$10,000) to conduct a risk acceptability and bushfire mitigation preference survey in the community. The purpose of the Survey is to:

- Provide some education within the community around treatment strategies available;
- Gauge community response to the two main treatment strategies that will be reasonably used in the community;
- Asses the level of understanding of bushfire risk;
- Asses the level of understanding of the trade-offs involved in the bushfire mitigation planning process;
- Provide a baseline assessment of community knowledge and attitudes to Bushfire Risk Management in the Shire; and
- Develop appropriate and engaging bushfire education opportunities.

The 2018/19 Budget approved \$10,000 for the implementation of the Survey. During the development and consultation phase of the Survey, DFES Community Preparedness and Bushfire Risk Management Branch expressed an interest in collaborating with the Shire of Denmark to deliver the Survey in the community. This resulted in a considerable increase in the capacity to deliver this Survey to a broader section of the community and assess a broader range of attitudes at a reduced cost to the Shire, with each party contributing \$8,500.

The DFES Community Preparedness Branch delivers surveys regularly to their Areas of Community Engagement Focus (ACEF) to assess the effectiveness of programs delivered and the uptake of preparedness messaging. These surveys have recently been delivered in:

- Lechenault;
- Little Grove;
- Argle-Irishtown; and
- Parkerville.

The Community Preparedness Branch have engaged Research Solutions as the provider for their ongoing social research program. This has resulted in a significant saving for the Shire of Denmark in the development and delivery of this Survey, as the template for reporting and survey design has been completed for the majority of the Survey. As the Community Preparedness Branch is committed to repeating this Survey, as is the case with all of their ACEFs, the process needs to be carried out by an independent body. This ensures the process can be reliably replicated and increases data confidence.

During the delivery of the 2017/18 MARKYT Community Scorecard some community members expressed concern regarding the use of third-party providers to deliver community surveys on behalf of the Shire. Concerns were also raised regarding whether the use of third-party providers were in line with the Shire's existing Privacy Policy. To address this concern, Council resolved to review the existing Privacy Policy to clarify the release of ratepayer information to third parties for Shire of Denmark use.

At the 19th of February 2019 Ordinary Council Meeting, Council resolved to repeal the Shire's existing Privacy Policy and endorse a new draft Privacy Statement for public consultation and as guiding principles for all Shire operations in the interim. The draft Privacy Statement was advertised for community consultation, with submissions closing on the 31st of May 2019.

Shire Officers have reviewed the submissions received on the draft Privacy Statement and are investigating the resourcing impact and the various advantages and disadvantages of the suggested amendments put forward by the community. Privacy has been a highly politicised issue and it is the Officers intent to give the newly elected/re-elected Council the opportunity to set the policy direction in this space, by presenting the draft Privacy Statement for formal adoption at an Ordinary Council Meeting following the election.

The Denmark Community Bushfire Survey is due to occur prior to the Local Government Election and, as such, the Officer seeks Council's permission to use Research Solutions as an external provider to undertake the Survey during the interim period.

Consultation:

A random sample of community members will be independently selected by Research Solutions to undertake the Demark Community Bushfire Survey utilising the Shire's Ratepayer, Library and Recreation Centre databases. The request to complete the survey is voluntary and community members are under no obligation to participate.

Surveys will be available for completion during October and November, with the completed report available in February.

Statutory Obligations:

WA Local Governments are not subject to Australian Privacy Principles, with Section 6C of the Privacy Act 1988 stating that entities which are state or territory authorities or prescribed instrumentalities of a state or territory (which include local Councils) are not organisations. As these entities are not organisations they are exempt from the coverage of the Australian Privacy Principles (Office of the Australian Information Commissioner, www.oaic.gov.au/individuals/fags-for-individuals/government/do-the-australian-privacy-principles-apply-to-local-Councils-or-state-or-territory-governments).

Whilst there are no statutory implications that apply to the delivery of the Denmark Community Bushfire Survey, DFES's contracted service provider, Research Solutions, delivers their research in accordance with the Australian Privacy Principles and the Privacy Act 1988 as a commitment to best practice. Research solutions is also a member of the Association for Market and Social Research Organisations (AMSRO) they abide by their code of practice (<https://www.amsro.com.au/member-services/privacy/privacy-market-and-social-research-code-2014/> & <https://www.legislation.gov.au/Details/F2014L01725>).

The storage, management and removal of data by Research Solutions, on behalf of the Shire and DFES, is undertaken in accordance with these provisions, with written confirmation provided by Research Solutions to the Shire of Denmark.

Policy Implications:

The delivery of the Denmark Community Bushfire Survey is in line with the Shire's draft Privacy Statement and Council's resolution to adopt the draft Privacy Statement as guiding principles for all Shire operations in the interim.

The draft Privacy Statement reads as follows:

POLICY P040132 - PRIVACY STATEMENT

This privacy statement explains how the Shire of Denmark collects and uses information. The Shire of Denmark values the privacy of its customers and stakeholders, and views the protection of an individual's privacy as an integral part of our commitment to being a high functioning, open, transparent, ethical and responsive organisation. This privacy statement outlines how we deal with your personal information.

Collection of personal information

The Shire of Denmark collects information about its customers and stakeholders in the performance of its services and functions and as required by law.

The Shire of Denmark maintains a database of properties within the Shire, which includes personal information relating to property owners such as names, addresses, email addresses, telephone numbers etc. and also records of any complaints and enquiries related to a property.

Personal information is also collected when you give it to us, for example:

- *When you join one of the Shire of Denmark services or facilities (Library, Recreation Centre etc.).*
- *Through correspondence, communication and service requests*
- *When you register for an event or program*

Collecting through our websites

Where our websites allow you to make comments or give feedback we collect your email address and sometimes other contact details. We may use your contact details to respond to your feedback.

Some services and functions on the Shire of Denmark website are delivered and hosted by third parties. These services have their own privacy policies, so when you choose to use these functions, the personal information you provide will be used and stored in accordance with their privacy policies.

Cookies and website analytics

The Shire uses a range of tools provided by third parties, including Google and our Internet Service Providers to collect or view website traffic information. These sites have their own privacy policies. We also use cookies and session tools to improve your experience when accessing our websites.

The information collected by these tools may include the IP address of the device you are using and information about sites that IP address has come from, the pages accessed on our site and the next site visited. We use the information to maintain, secure and improve our websites and to enhance your experience when using them. In relation to Google Analytics you can opt out of the collection of this information using the Google Analytics Opt-out Browser Add-on.

Social media

The Shire of Denmark uses social media sites to share and promote its services and functions. When you communicate with us using these services we may collect your personal information to help us to communicate with you and the public. The social networking service will also handle your personal information for its own purposes. These sites have their own privacy policies.

Email addresses, telephone numbers

We collect your email addresses, telephone numbers (mobile and landline), address(es) and, sometimes other contact details, for the purposes of contacting you as a ratepayer or resident, when you log a request with the Shire or when you subscribe to services. We use this information for the purpose of communicating with you in regard to Council business, such as rates, debts, complaints, for sending you updates on the activities of the particular service, conducting surveys for ongoing research and development of our services, and to administer contact lists.

Public internet services

Shire of Denmark monitors the use our public wi-fi network and the public computers at our Library and other sites in order to maintain security and to prevent or detect criminal or unauthorised use of the Shire's computer hardware, software, network or systems.

Disclosure and use of personal information

Any personal information collected by the Shire of Denmark will only be used for the purpose for which it has been collected, or for a purpose you would reasonably expect in carrying out the Shire's activities and functions. Your information may also be used for ongoing research and development of our services.

The Shire will not disclose customer and stakeholder information to third parties to use for their personal or commercial advantage, but will disclose information to contracted third party providers who act on behalf of the Shire to provide services for the Shire.

The Shire will disclose personal information in circumstances such as the following:

- to undertake market research for the Shire in which case the supplier is prohibited from using your personal information except to provide these services to the Shire of Denmark. The Shire has a robust procurement process and only engages reputable market research companies
- if, on an application by a person for information under the Freedom of Information Act 1992, the Shire (or the Western Australian Information Commissioner on appeal), adjudges that disclosure of that personal information would on balance be in the public interest
- as required by a court order
- as otherwise required or authorised by law
- in order to complete the purpose or function for which the information was provided
- for collecting monies owed to the Shire
- in the recovering of outstanding library materials or monies, through a contracted debt collection agency
- otherwise, only with the consent, express or implied, of the customer or stakeholder.

Information received by the Shire of Denmark is protected from unauthorised use and disclosure by virtue of specific provisions in the Crimes Act 1914, Public Service Act 1999 and the Public Service Regulations 1999.

Storage

The Shire of Denmark is committed to keeping secure the data you provide us. The Shire works actively to ensure that information about customers and stakeholders is stored securely and accessed for approved purposes only.

Access and correction

Requests for access to documents that are not publicly available and held by the Shire of Denmark Council are handled under the Freedom of Information Act 1992 and can be directed to:

*Freedom of Information Officer Shire of Denmark
PO Box 183
Denmark WA 6333
Email: enquiries@denmark.wa.gov.au*

Budget / Financial Implications:

The total shared cost of delivering this survey in the Shire of Denmark will be \$25,500. The collaborative arrangement with the DFES Community Preparedness and Bushfire Risk Management Branch will result in the Shire of Denmark bearing a third of the cost (\$8,500). The current budget allocation for this project is \$10,000.

This represents a significantly improved style, reach and delivery of the Survey to the community for a third of the cost.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Shire's Corporate Business Plan. The survey will provide benchmarks for improved education and response to fire and emergency planning and will aid in community driven decision making for bushfire mitigation planning and community preparedness education.

Collaborating with our state government partners and utilising an external provider to undertake this reporting ensures that the process will meet current industry expectations, is open and transparent and the results are professionally analysed and reported.

Corporate Business Plan actions that directly relate to this report include:

- L5.2.7 Undertake a community risk acceptability survey in relation to bushfire to understand community priorities

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:

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to endorse the Denmark Community Bushfire Survey resulting in the loss of the \$8,500 committed to the process	Possible (3)	Minor (2)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation or Accept Risk
That Council choose not to endorse the Denmark Community Bushfire Survey resulting in the loss of vital information regarding community acceptability of bushfire risk	Possible (3)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Officer Recommendation or Accept Risk

Comment/Conclusion:

The Denmark Community Bushfire Survey is a unique opportunity to collaborate with a key State Government partner (DFES) in the bushfire mitigation space.

The survey will allow the Shire to demonstrate its commitment of open and transparent communication and collaboration with the community in key decision making within the Shire. The survey results will provide direction for the Bushfire mitigation planning process, in line with community expectations. It will also provide the Shire of Denmark and DFES with a benchmark for future community education programs and other bushfire mitigation initiatives within the Shire.

Supporting this survey will ensure the Shire can partner with DFES in the delivery, providing a significantly enhanced product in terms of content, delivery, credibility and repeatability.

Endorsing the draft Privacy Statement as the guiding principles for the delivery of the Denmark Community Bushfire Survey will provide greater clarity for Shire officers and ensure that the community is informed in the ways that data is collected and managed by the Shire during this process.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.2
MOVED: CR GIBSON	SECONDED: CR LEWIS
That in relation to the Denmark Community Bushfire Survey, Council;	
1. Endorse the collaborative approach between the Shire of Denmark and the Department of Fire and Emergency Services to undertake the Denmark Community Bushfire Survey; and	
2. Endorse the draft Privacy Statement as guiding principles to deliver the Denmark Community Bushfire Survey, noting that the Survey will be undertaken by an external provider, Research Solutions.	
CARRIED UNANIMOUSLY: 9/0	Res: 111019

Cr Phillips declared a financial interest on the basis that she is a part owner of the Peaceful Bay Caravan Park.

5.17pm - Cr Phillips left the room and did not participate in discussion or vote on the matter.

8.3.3 PEACEFUL BAY CARAVAN PARK LEASE

File Ref:	LEA.33
Applicant / Proponent:	ML, JF & RJL Phillips
Subject Land / Locality:	Lots 305 & 306 on Deposited Plan 220017, Portion of Reserve No. 24510, Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	13 October 2019
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.3.3 – Peaceful Bay Caravan Park submission schedule

Summary:

Council are asked to consider the submissions received in response to advertising its intention to commence negotiations with the applicant for a new lease.

Background:

In 2007, the Lease for the Peaceful Bay Caravan Park was assigned from Seafront Asset Pty Ltd to ML, JF & RJL Phillips for a 21 year term due to expire on 29 May 2028.

In May 2019 the Lessee sent in a formal request for a new 21 year lease for them to facilitate major upgrades to some ageing facilities within the park and the addition of three new ablution blocks.

At the July 2019 Council meeting, Council resolved to proceed with advertising the intention to lease the subject land for a period of 21 years for an amount of \$40,000 (incl GST) per annum.

Consultation:

The intention to lease the subject land to the applicant was advertised for public for comment over 14 days, with a deadline for which was 4pm on Friday 13 August. Print advertisements were placed in the Walpole Weekly (14 August edition), Voice of the South (15 August edition) and the Denmark Bulletin (8 August edition). The consultation was also advertised on the Shire website, notice boards and Facebook page.

The Peaceful Bay Progress Association was asked to provide assistance with promoting the consultation period within the Peaceful Bay area.

A total of 14 submissions were received, all in support of the proposal.

Statutory Obligations:

The Reserve is managed by the Shire of Denmark for the purpose of "Recreation, Camping Caravan Park and Holiday Cottages" with the power to lease for up to 21 years, subject to the approval of the Minister for Lands.

Section 3.58 of the Local Government Act 1995 (3) states that a local government can dispose of property if it gives local public notice, describing the property concerned and giving details of the proposed disposition, including the names of parties concerned, the consideration to be received and the market value. The local government must then consider any submissions received.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The current annual rent paid by the Lessee is \$33,267.83 (including GST).

The cost of the 2019 rental valuation by Landgate was borne by the Shire, pursuant to Clause 2.01 of the Lease (as amended via Resolution No. 100815). The valuation cost \$5,142.50 and has been accommodated under Legal Expenses (GL14202320). The new annual rent payable from 1 July 2019 will be \$40,000 (including GST). This will be applied to their existing lease from 1 July 2019 and also be used as the market valuation for a new lease.

Under the provisions of the Lease, the Lessee is responsible for payment of rates relating to the subject property.

Costs associated with a new lease would be incurred by the Lessee, pursuant to clause 3.02 of the current Lease.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

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

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.

B3.5 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.

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

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

Corporate Business Plan

Nil

Sustainability Implications:➤ **Governance:**

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

➤ **Environmental:**

Due consideration must be given with respect to the Coastal Hazard Risk Management & Adaptation Plan (Ocean Beach and Peaceful Bay) which was developed using the methodology outlined in State Planning Policy 2.6 – Coastal Planning Policy.

➤ **Economic:**

The Peaceful Bay Caravan Park is a significant tourist accommodation destination within the Shire of Denmark. The Caravan Park proprietors also operate a small shop and takeaway

fish and chip business. The request for a new 21 year lease will provide the proprietors with the confidence to make significant investment into the Park and the shop providing improved facilities (including increased accessibility) for its customers and visitors to the 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)
That the CEO and the Lessee are unable to reach a consensus on a draft lease.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Risk & should negotiation prove unsuccessful that the proposed draft lease be presented to Council for consideration.

Comment/Conclusion:

In May 2019 the Lessee sent in a formal request for a new 21 year lease for them to facilitate major upgrades to some ageing facilities within the park and the addition of three new ablution blocks.

The intention to lease the subject land to the applicant was put out to the public for comment, the deadline for which was 4pm on Friday 13 August.

A total of 15 submissions were received and all were in support of a new lease.

Should Council agree to authorise the CEO to commence new lease negotiations, the final draft lease will be presented to Council for approval prior to execution.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.3.3
MOVED: CR CARON		SECONDED: CR ALLEN
That with respect to the Peaceful Bay Caravan Park and Shop Lease, located on Lots 305 & 306 on Deposited Plan DP220017, Peaceful Bay, Council;		
1. Note the submissions received;		
2. Authorise the Chief Executive Officer to negotiate a new 21 year lease with current lessee, giving due regard to the Coastal Hazard Risk Management & Adaptation Plan for Ocean Beach and Peaceful Bay.		
3. Request that the draft lease be brought back to Council for consideration prior to execution.		
CARRIED: 7/1		Res: 121019
<i>Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;</i>		
FOR:	Cr Allen, Cr Caron, Cr Gibson, Cr Gearon, Cr Whooley, Cr Lewis & Cr Osborne.	
AGAINST:	Cr Seeney.	

5.30pm – Cr Phillips returned to the room.

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR ALLEN
That Item 11 be considered at this point of the meeting.	
CARRIED UNANIMOUSLY: 9/0	Res: 131019

11. NEW BUSINESS OF AN URGENT NATURE

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 11
MOVED: CR PHILLIPS	SECONDED: CR GIBSON	
That Council accept an item of new business to consider a request from the Spirit of Play Community School to consent to them taking out a mortgage with the Department of Education, to enable them to access the State Funding stream which has recently been approved by the State Treasury.		
CARRIED UNANIMOUSLY: 9/0		Res: 141019

11.1 SPIRIT OF PLAY COMMUNITY SCHOOL – CONSENT TO MORTGAGE

File Ref:	A5598 & LEA.41
Applicant / Proponent:	Spirit of Play Community School
Subject Land / Locality:	Reserve No. 30277, No. 2 (Lot 952) Inlet Drive, Denmark
Disclosure of Officer Interest:	Nil
Date:	10 October 2019
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	Nil

Summary:

The Spirit of Play Community School are requesting Council’s consent to mortgage with the Department of Education for the purpose of gaining access to State and Federal funding.

Background:

The Spirit of Play Community School have operated at the site since 2003.

A new 15 year lease between the Shire of Denmark and the Spirit of Play Community School was executed this year, pursuant to Council’s Resolution No. 260219, at the 19 February 2019 Council Meeting.

At the 17 September 2019 Council approved the School’s Development Application for a proposed classroom, vehicle access and carparking works (shared use area).

Consultation:

Advice from the Shire’s Solicitors has been sought on the School’s request for consent.

Statutory Obligations:

Clause 24.7 of the Lease states that “*The Lessee must not mortgage nor charge the Premises*”. This notwithstanding the Council may consent to the mortgage of the Lease by formal resolution.

Should Council agree to grant consent, the Shire of Denmark, the Lessee and the Department as mortgagee can enter into a Deed of Consent. This does not require an amendment to the Lease.

Clause 29.1 of the Lease states that prior written consent from the Minister for Lands is required prior to the lodgement at Landgate any interest including a mortgage. This is also pursuant to section 163 of the Land Administration Act 1997.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Costs associated with a Deed of Consent will be borne by the Lessee.

Strategic & Corporate Plan Implications:

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

Denmark 2027

E1.0 Our Economy

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

Corporate Business Plan

Nil

Sustainability Implications:

➤ **Governance:**

Consent to mortgage is a clause which is consistent with other commercial leases, such as the Rivermouth Caravan Park.

➤ **Environmental:**

There are no environmental implications.

➤ **Economic:**

Enabling the School to mortgage their lease allows them to access external funding from the State Government and, potentially, the Federal Government to be spent locally on building and infrastructure works.

➤ **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)
That the Lessee defaults on their mortgage and the Department of Education take possession of the premises, resulting in a default under the Lease.	Rare (1)	Minor (2)	Low (1-4)	Ineffective Management of Facilities and Events	Accept Risk

Comment/Conclusion:

The State Treasury have approved some low interest loans through the Department of Education which the School has been pre-approved for, however, the Department require a mortgage over the premises before they can release the funds. The funding will be used for the works associated with their recently approved Development Application including common area works within the Reserve (as required to be undertaken under Clause 10.2 of their Lease Schedule.

In addition, there is a Capital Grant program through the Federal Government which the School can access, and should they be successful with an application, these funds would be used to pay off a significant portion of the State Government loan.

Consent to mortgage is over the premises (buildings and improvements only) which are owned by the Lessee. This excludes any Shire owned assets, such as the Old Post Office.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 11.1
MOVED: CR PHILLIPS	SECONDED: CR GIBSON
That Council approve the Spirit of Play Community School's request for consent to mortgage over their Leased Premises (excluding land) subject to:	
<ol style="list-style-type: none"> 1. The Minister for Lands consent to the lodgement at Landgate of the document or dealing described in clause 29.3 of the Lease; 2. The consent being limited to the mortgaging of the Lease to the Department of Education; 3. The Shire, the Lessee and the mortgagee entering into a deed of consent in a form acceptable to the Shire in all respects which states that the mortgaging of the Lease is subject to and conditional upon the Minister for Lands consent and attaches a copy of the Minister for Lands consent; and 4. The Shire's costs of providing its consent including legal costs are paid by the Lessee. 	
CARRIED UNANIMOUSLY: 9/0	Res: 151019

9. COMMITTEE REPORTS AND RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR LEWIS	SECONDED: CR PHILLIPS
That the meeting move behind closed doors for the following reason;	
<ol style="list-style-type: none"> 1. Pursuant to Section 5.23 (2) (b) of the Local Government Act 1995, for the consideration of Item 10.1 to allow the successful applicant's name to remain confidential to Council until the official announcement at the Denmark Senior High School Graduation Ceremony. 	
CARRIED UNANIMOUSLY: 9/0	Res: 161019

10.1 SHIRE OF DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP

File Ref:	PBR.1.A.1819
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	October 2019
Author:	Claudia Simpson, Community Development Officer
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	10.1a – List of Previous Recipients 10.1b – Applications (confidential to Councillors)

Summary:

Council is requested to determine the successful applicant for 2019 Shire of Denmark Agricultural Scholarship and consider amending Council Policy P080201.

Background:

The Shire of Denmark Agricultural Scholarship has been a Council Policy for over 15 years. The purpose of the Agricultural College Scholarship is to encourage students with an interest in agriculture to complete Years 10, 11 and 12 at the Denmark Agricultural College.

Recurrent low applicant numbers prompted a review of the Agricultural Scholarship in 2018. Council then resolved to change the applicant level of study from Y10 to Y9 and increase the amount of the scholarship from \$1,000 to \$1,500 paid over 3 years.

A list of the previous Scholarship recipients is also attached.

Consultation:

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

The 2019 Agricultural Scholarship was marketed and promoted as follows:

- General advertisement in the Denmark Bulletin.
- Promotion on Shire of Denmark Notice Boards
- Promotion on Shire of Denmark website & Facebook page.
- Promotion on dedicated 4Youth Facebook page and Instagram.
- Email to Councillors & Employees
- Liaison with the Denmark Agricultural College Student Coordinator and direct email to prospective students.
- Liaison with Denmark Senior High School, promotion included in the high school newsletter.

Statutory Obligations:

Nil

Policy Implications:

Council Policy P080201 reads as follows:

DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP

Council shall make available an annual Denmark Agricultural College Scholarship.

Objective

To encourage and assist Year 9 students residing in the Shire of Denmark to pursue further education at the WA College of Agriculture, Denmark.

Guidelines

1. *The applicant must be a student who intends to complete Years 10, 11 & 12 at the WA College of Agriculture – Denmark and is;*
2. *A Year 9 student residing in the Denmark Shire.*
3. *The Scholarship will not be based wholly on academic record. Interest in agriculture and family need is a consideration.*
4. *Preference will be given to those students who are likely to continue agricultural pursuits within the Shire boundaries.*
5. *The Scholarship amount will be determined by Council and \$500 will be paid at the start of the first year and upon successful completion and continuation, \$500 will be paid at the start of the second year. Upon successful completion and continuation, \$500 will be paid at the start of the third year.*

6. *The CEO and/or the Shire President shall address the year 9 students at the commencement of the advertising of the program (generally in September) to promote the Scholarship;*
7. *The Sponsorship shall be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;*
8. *A Scholarship will not be awarded if no applicants are suitable.*
9. *The decision of Council and/or the delegated Committee shall be final.*
10. *The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council and presentation at the relevant school's graduation ceremony.*

Since the amendments in 2018, with respect to guideline 6, the Denmark Senior High School have expressed their desire not to have the Shire address their students regarding the Scholarship because it is seen as encouraging current Denmark High students to attend an alternative school. This notwithstanding, the Denmark Senior High School did assist the Shire by placing information about the Scholarship in their Newsletter.

In addition, applicant numbers have remained low with only three applications being received this year, however this just may reflect a low number of prospective year 9 students who qualify for this scholarship. Opening the opportunity up to year 10 students could result in more applications being received from families who could use the assistance.

Payment of the Scholarship has traditionally been spread over each year of attendance which was done before year 11 & 12 schooling was compulsory. It is recommended that this be changed to a once off payment upon proof of enrolment.

In light of the above, and to open the opportunity up more students, Officers recommend that the guidelines be amended to reflect the following;

1. *Replace guideline 6 with the words "Shire Officers shall work closely with the WA College of Agriculture, Denmark to promote the availability of the scholarship."*
2. *Change the objective and guideline 2 to reflect a year 9 or a year 10 student;*
3. *Change the payment to a once off sum, payable upon proof of enrolment.*

The amended Policy would read as follows;

Policy P080201 DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP

Council shall make available an annual Denmark Agricultural College Scholarship.

Objective

To encourage and assist Year 9 or 10 student to pursue further education at the WA College of Agriculture, Denmark.

Guidelines

1. *The applicant must be a student who plans to attend the WA College of Agriculture – Denmark and is;*
2. *A Year 9 or 10 student residing in the Denmark Shire.*
3. *The Scholarship will not be based wholly on academic record. Interest in agriculture and family need is a consideration.*
4. *Preference will be given to those students who are likely to continue agricultural pursuits within the Shire boundaries.*
5. *The Scholarship amount will be determined by Council via the Annual Budget process and is payable as a lump sum upon proof of enrolment.*
6. *Shire Officers shall work closely with the WA College of Agriculture, Denmark to promote the availability of the scholarship.*
7. *The Sponsorship shall be widely promoted in local papers, notice boards, Council's website and social media;*

- 8. A Scholarship will not be awarded if no applicants are suitable.
- 9. The decision of Council shall be final.
- 10. The closing date for applications will be determined each year by the Manager Community Services to allow sufficient time for determination of the winner by Council and presentation at the relevant school's graduation ceremony.

Budget / Financial Implications:

The 2019/20 Council Budget includes an amount of \$1,500 for the 2019 Agricultural College Scholarship (GL1610832).

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:

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.

E1.4 To recognise the importance of Agriculture in our local economy and protect prime agricultural land.

Corporate Business Plan

E1.3.3 Recognise and support the educational achievements of students through the Denmark Agricultural College Scholarship and Shire of Denmark Youth Leadership Award.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The Shire of Denmark Agricultural Scholarship is an opportunity for Council to encourage and assist a local young person to pursue a career in Agriculture and related fields of study.

➤ **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 no application is suitable and therefore the 2018 Agricultural Scholarship is not awarded.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Three student applications have been received and have been forwarded to Councillors for consideration under separate confidential cover.

The Officer recommendation seeks to amend Policy P080201 by:

1. Replace guideline 6 with the words “*Shire Officers shall work closely with the WA College of Agriculture, Denmark to promote the availability of the scholarship.*”
2. Change the objective and guideline 2 to reflect a year 9 or a year 10 student;
3. Change the payment Council determine an amount each year which is paid in one lump sum, payable upon proof of enrolment.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR GEARON
That Standing Orders be suspended to enable open discussion on the applications received.	
CARRIED UNANIMOUSLY: 9/0	Res: 171019

COUNCIL RESOLUTION	
MOVED: CR GIBSON	SECONDED: CR GEARON
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 9/0	Res: 181019

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 10.1
MOVED: CR GIBSON	SECONDED: CR SEENEY	
That with respect to the Shire of Denmark Agricultural Scholarship, Council;		
<ol style="list-style-type: none"> 1. Announce EMBARGOED as the 2019 successful recipient at the Denmark Senior High School end of year assembly; 2. Keep the name of the recipient of the scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargo until announcement at the 2019 High School Assembly. 3. Amend Council Policy P080201 be amended as detailed in the Policy Implications section of the report. 		
AMENDMENT		
MOVED: CR LEWIS	SECONDED: CR PHILLIPS	
That part 3 be removed.		
LOST: 2/7	Res: 191019	
<i>Pursuant to Council Policy P040134 all Councillors' votes on the above resolution are recorded as follows;</i>		
<i>FOR:</i>	<i>Cr Lewis & Cr Phillips.</i>	
<i>AGAINST:</i>	<i>Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon, Cr Whooley & Cr Osborne.</i>	
AMENDMENT		
MOVED: CR PHILLIPS	SECONDED: CR LEWIS	
That part 3 be separated from the motion and it be voted on separately.		
CARRIED UNANIMOUSLY: 9/0	Res: 201019	
AMENDED MOTION		

That with respect to the Shire of Denmark Agricultural Scholarship, Council;

1. Announce EMBARGOED as the 2019 successful recipient at the Denmark Senior High School end of year assembly;
2. Keep the name of the recipient of the scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargo until announcement at the 2019 High School Assembly.

CARRIED UNANIMOUSLY: 9/0 Res: 211019

COUNCIL RESOLUTION ITEM 10.1 b)
 MOVED: CR SEENEY SECONDED: CR GIBSON

That with respect to the Shire of Denmark Agricultural Scholarship, Council amend Policy P080201 as detailed in the Policy Implications section of the report.

CARRIED: 7/2 Res: 221019

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

FOR: Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon, Cr Whooley & Cr Osborne.

AGAINST: Cr Lewis & Cr Phillips.

COUNCIL RESOLUTION ITEM 11.1
 MOVED: CR PHILLIPS SECONDED: CR GIBSON

That the meeting resume in public.

CARRIED UNANIMOUSLY: 9/0 Res: 231019

11. NEW BUSINESS OF AN URGENT NATURE

11.1 SPIRIT OF PLAY COMMUNITY SCHOOL – CONSENT TO MORTGAGE

This item was considered prior to Item 9, pursuant to Resolution No. 131019. See page 53.

12. CLOSURE OF MEETING

6.04pm – 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: _____
David Schober – Acting 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.)