



ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 12 APRIL 2016.

Contents	Page No.
DISCLAIMER	2
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3. ANNOUNCEMENTS BY THE PERSON PRESIDING	3
4. PUBLIC QUESTION TIME	4
4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.1.1 BRIAN HUMPHRIES	4
4.2 PUBLIC QUESTIONS	5
4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	8
4.4 PRESENTATION, DEPUTATIONS & PETITIONS	8
5. APPLICATIONS FOR LEAVE OF ABSENCE	8
6. CONFIRMATION OF MINUTES & NOTES	8
6.1 ORDINARY COUNCIL MEETING – 22 MARCH 2016	8
6.2 STRATEGIC BRIEFING NOTES – 22 MARCH 2016	8
7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	8
8. REPORTS OF OFFICERS	9
8.1 DIRECTOR OF PLANNING & SUSTAINABILITY	9
8.1.1 PROPOSED HOLIDAY HOME (STANDARD) - NO. 22 (LOT 38) HARPER STREET, DENMARK	9
8.1.2 PROPOSED GROUPED DWELLING - NO. 8/429 (STRATA LOT 4/LOT 2) MOUNT SHADFORTH ROAD, SHADFORTH	16
8.1.3 PROPOSED MIXED USE DEVELOPMENT – NO. 3 (LOT 200) STRICKLAND STREET, DENMARK	20
8.2 DIRECTOR OF COMMUNITY & REGULATORY SERVICES - Nil	35
8.3 DIRECTOR OF INFRASTRUCTURE SERVICES - Nil	35
8.4 DIRECTOR OF FINANCE & ADMINISTRATION - Nil	35
8.5 CHIEF EXECUTIVE OFFICER	36
8.5.1 PROPOSED NAMING OF RESERVE 41884 – NO. 27 (LOT 2369) MACPHERSON DRIVE, NORNALUP	36
9. COMMITTEE REPORTS & RECOMMENDATIONS - Nil	40
10. MATTERS BEHIND CLOSED DOORS	40
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	40
12. CLOSURE	40

Ordinary Council Meeting

12 April 2016

DISCLAIMER

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

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

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

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

MEMBERS:

Cr David Morrell (Shire President)
 Cr Kelli Gillies (Deputy Shire President)
 Cr Yasmin Bartlett
 Cr Ceinwen Gearon
 Cr Jan Lewis
 Cr Roger Seeney
 Cr Rob Whooley
 Vacant x 2

STAFF:

Mr Cliff Frewing (Chief Executive Officer)
 Mr Kim Dolzadelli (Director of Finance & Administration)
 Mrs Annette Harbron (Director of Planning & Sustainability)
 Mr Gregg Harwood (Director of Community & Regulatory Services)
 Mr Gilbert Arlandoo (Director of Infrastructure Services)
 Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	8.1.1	Proximity	Cr Gearon is a neighbour.
Cr Gearon	8.1.2	Impartiality	Cr Gearon is an acquaintance.
Cr Gillies	8.1.3	Impartiality	Cr Gillies' daughter is getting married at the applicant's property.
Cr Morrell	8.1.3	Impartiality	Mr Morrell owns property at the other end of Strickland Street.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Brian Humphries - Item 4.2.8 (Lime Quarry)

At the meeting held on 22 March 2016 Mr Humphries made comment and raised a number of questions which were taken on notice. The written responses provided to Mr Humphries are copied below;

"In response to your questions taken on notice at the Ordinary Council meeting held on Tuesday, 22 March 2016, regarding Council's Lime Quarry, I provide the following responses. Your questions and these written responses will be published in the next Council Agenda for the Ordinary meeting scheduled for Tuesday, 12 April 2016.

Question 1 - Mr Humphries referred to the Tenement Agreement that the Shire was required to rehabilitate the site, stating his estimate of the volumetric capacity was 200,000 cubic metres. Mr Humphries asked whether the Shire had any volumetric data to confirm or disagree with his estimate.

Response:

The Shire has not estimated the volumetric capacity as we are not required to backfill the excavated pit. We are only required to rehabilitate the walls of the pit with top soil and vegetation. This rehabilitation work has started and is progressing on Stage 1 of the lime quarry.

Question 2 - Mr Humphries stated that he had been informed that the contractor was not issuing weighbills and that this was causing concern for drivers and farmers who may question the capacity of loads delivered. Mr Humphries asked whether the Shire would consider enforcing the requirement for three copies of weighbills and whether the Shire had done any spontaneous inspections or audits to identify any trucks leaving the pit without weighbills.

Response:

Shire Officers do undertake regular site inspections, but are not directly involved in the administrative process between the contractor and the carrier. However, the fact that a weighbill was not being issued to the client's carrier has been raised with the contractor. Their response was that this has not been requested by the client at any time and that the weight docket is kept for their internal record. However, they are able to provide a copy of the printed weights to the client upon request. The Shire will consider enforcing this in future contracts.

Question 3 - Mr Humphries stated that he believed that the Shire was handing the pit contractor a list of all names of previous carriers, customers and farmers which he had been informed was causing some angst and conflict between past carriers and the pit operator. Mr Humphries stated that if this was the case then it could be perceived that the pit operator was gaining a potential competitive advantage. Mr Humphries asked whether the Shire could look at ensuring full transparency and stopping this practice and replace the list of names with a numbered list as he understood had been adopted in past years.

Response:

The farmer's details and the quantity of lime purchased are conveyed to the contractor to make necessary pickup arrangements. This has been the case

in the past few years. However, the Shire is not aware of the carriers and do not pass on such details to the contractor. The process will be reviewed in the future.”

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 Mr Jesz Fleming – Item 8.1.2 (Proposed Grouped Dwelling – No. 8/429 (Strata Lot 4/Lot 2) Mount Shadforth Road, Shadforth)

Mr Fleming thanked the Director of Planning & Sustainability and Council's Senior Planner for their efforts. Mr Fleming stated that he was happy with the Officer Recommendation and hoped that Council would support it.

4.2.2 Mr Graham Robertson – Item 8.1.3 (Proposed Mixed Use Development – No. 3 (Lot 200) Strickland Street, Denmark)

Mr Robertson expressed disappointment with a number of issues regarding the Council Officers' assessment of his application and the intricacy of some of the conditions which he believed were unnecessary and onerous.

4.2.3 Dr Phil Runham – Use of Glyphosate

Dr Runham raised concerns about the use and safety of glyphosate by the Shire for weed control. Dr Runham sought a commitment from Council to investigate other alternatives which would be safer and more environmentally sound.

4.2.4 Ms Beverley Ford – Demolition of the Former Infant Health Centre Building

Ms Ford referred to some questions which she had previously submitted and had received answers to and raised concerns in relation to the level of consultation which had occurred prior to Council making the decision to demolish the building. Ms Ford urged Council to retain the building so that it could be used by the community for other purposes.

The Chief Executive Officer responded to Ms Ford's comments and questions and Cr Seeney and Cr Morrell stated that prior to Council making its decision in 2014 to demolish the building, they had gone to the site to inspect it. Cr Seeney stated that there were a number of issues with the building including major cracks in walls and rising damp. Cr Morrell stated that he believed that the Council had made the decision not just because of the condition of the building but also in consideration of the best use for the site particularly given its central location within the CBD.

4.2.5 Mr Brian Humphries – Lime Quarry

Mr Humphries stated that from satellite imagery the lime pit is about 35 metres deep and there did not appear to be any benching of the excavation for safety purposes. Mr Humphries asked why the Shire Engineer did not require any stepped benching of the excavation, why the Shire Engineer allowed the depth to go to 35m and whether the Shire incurs the financial liability of rehabilitation and whether there were funds in the budget to do so.

The Shire President stated that the questions would be taken on notice and responded to in writing.

4.2.6 Mr Brian Humphries – Adventure Park

Mr Humphries referred to the Adventure Park now being open for business and asked whether the Shire had an overall duty of care regarding public safety and who would investigate if an accident was to occur.

The Director of Community & Regulatory Services stated that the Shire was limited to what it could specify in building conditions and that generally it would be Worksafe who would investigate any accident.

Mr Humphries asked what it was the Shire actually approve, was the applicant required to have structural engineering approval for the facilities and had the Shire specified any safety specifications.

The Director of Planning & Sustainability stated that Council approved the use of the land, that there was no condition for structural engineering certification and the Shire did not specify any safety requirements.

Mr Humphries asked that given the Shire did not specify any safety conditions for the facilities would the Shire not then incur a liability for its negligence of lack of duty of care for public safety if an accident was to occur.

The Shire President stated that he believed it to be a circular argument and could not answer the question.

4.38pm – The Chief Executive Officer left the room.

4.39pm – The Chief Executive Officer left the room.

4.2.7 Mr Don Millar – Demolition of the Former Infant Health Centre Building

Mr Millar stated that he believed that with respect to the current condition of the building Council had perhaps been given incomplete or inaccurate information. Mr Millar referred to Cr Seeney and Cr Morrell's former comment about Councillors having walked through the building prior to making a decision and asked whether a qualified expert had accompanied them.

The Shire President responded that there had been no qualified expert with them however the Director of Community & Regulatory Services and former Shire President and builder, Ross Thornton, had been with them at the time who both had some expertise.

Mr Millar talked about the heritage significance of the building and suggested that since there was now a new Council the issue of whether it should be demolished or not should be revisited and all residents consulted.

The Shire President responded stating that the Council had also been mindful of alternative and best uses for the site not.

The Director of Planning & Sustainability wished to clarify that the building was on the Municipal Heritage Inventory but not the State Register.

There was some discussion between Councillors and Officers in relation to the condition of the building.

4.2.8 Mr John Maxwell – Demolition of the Former Infant Health Centre Building

Mr Maxwell referred to the Plane Tree Development Concept Plan stating that there were no costings or details. Mr Maxwell asked how long it would take to come to fruition.

The Director of Planning & Sustainability advised that the plans were conceptual which would guide development detail and that funds for the demolition had been included in the 2015/16 Budget.

The Chief Executive Officer added that a grant application had been submitted for a value of approximately \$270,000 and there would be contributions from the Council and the Denmark RSL. Mr Frewing stated that he expected to know the outcome of the application by the end of next month.

Cr Whooley referred to the demolition funds in the Budget and questioned how the figure was arrived at.

The Chief Executive Officer stated the Council Officers had arrived at the figure and advised that should the grant application be successful the matter would be referred back to Council via a Report on the Council Agenda in accordance with normal practice which would include more details.

There was some discussion where a recent development on Strickland Street was referred to which was a building which was owned by Cr Morrell.

The Shire President, Cr Morrell, announced that he felt that, whilst not required during public question time, he should declare a proximity interest in that he owns the building being referred to in the discussion.

4.2.9 Mr Doug Head – Logging of Bluegums

Mr Head stated that he had had ongoing problems with the company who were logging Bluegums within proximity of his property particularly in relation to truck movements and hours of work. Mr Head said that often the hours that they worked were unreasonable to nearby residents sometimes commencing at 5.00am in the morning. Mr Head also raised concerns that the company seemed to increase their truck movements during peak tourist times with no consideration of other traffic increases at these times. Mr Head urged Council to consider establishing a policy in relation to this type of activity within the Shire, one that dictated working hours and road use.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

COUNCIL RESOLUTION
 MOVED: CR SEENEY SECONDED: CR LEWIS
 That the following Councillors be granted leave of absence;
 1. Cr Gillies for the meetings to be held on 3 May 2016, 24 May 2016 and 14 June 2016; and
 2. Cr Morrell for the meeting to be held on 5 July 2016.
 CARRIED UNANIMOUSLY: 7/0 Res: 010416

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 6.1
 MOVED: CR GILLIES SECONDED: CR SEENEY
 That the minutes of the Ordinary Meeting of Council held on the 22 March 2016 be confirmed as a true and correct record of the proceedings, subject to the following amendments;
 1. Page 52 to 54 – Replace all of the words from the Officer Recommendation to the end of the Reasons for Change as per the attached (refer Attachment 6.1).
 CARRIED UNANIMOUSLY: 7/0 Res: 020416

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 6.2
 MOVED: CR GILLIES SECONDED: CR LEWIS
 That the Notes of the Strategic Briefing Forum held on the 22 March 2016 be received.
 CARRIED UNANIMOUSLY: 7/0 Res: 030416

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

Prior to consideration of Item 8.1.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Gearon declares a proximity interest on the basis that is a neighbour.

5.12pm - Cr Gearon left the room and did not participate in discussion or vote on the matter.

8.1.1 PROPOSED HOLIDAY HOME (STANDARD) - NO. 22 (LOT 38) HARPER STREET, DENMARK

File Ref:	A1484 (2015/200)
Applicant / Proponent:	A Horwitz
Subject Land / Locality:	No. 22 (Lot 38) Harper Street, Denmark
Disclosure of Officer Interest:	Applicant is a family acquaintance of the author
Date:	24 March 2016
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Development Application Documentation 8.1.1b – Site Photos

Summary:

The proponent is seeking Development Approval for a Holiday Home (Standard) at No. 22 (Lot 38) Harper Street, Denmark. As per Town Planning Scheme Policy 19.5: Holiday Homes (Policy 19.5), the criteria references that crossovers and driveways are to be constructed to a sealed standard where the property is zoned Residential and fronts a sealed road. In this instance the proposal is for a gravel driveway and only part of the crossover being sealed, thus the applicant is seeking approval for this variation.

Having regard to the proposal, intent and provisions of 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 in October 2015 for a Holiday Home (Standard), with additional information and plan detailing extent of sealing proposed received in March 2016 – refer Attachment 8.1.1a.

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 (TPS No. 3) and Policy 19.5, and undertook the following level of consultation:

External Consultation

- Applicant
- Two (2) adjoining landowners inviting comment on the proposal

Internal Consultation

- Development Co-ordination Unit

From the advertising period, no objections were received.

Statutory Obligations:

TPS No. 3 specifies the pertinent planning provisions for the proposed use.

Should Council refuse this Development Application or impose conditions on a 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 that dwellings need to comply with and management responsibilities 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.

As per current Delegation D100601: Implementation of Town Planning Scheme, the Chief Executive Officer, Director of Planning & Sustainability and/or the Senior Town Planner only have the delegation to determine proposals for 'SA' land uses (such as holiday homes) where the application is compliant with relevant TPS No. 3 provisions, TPS Policies and no valid objections are received.

Budget / Financial Implications:

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

Strategic Implications:

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

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

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

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 considerations 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 or to require extensive sealing of the crossover/ driveway.	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation as the decision is based on sound planning grounds. If a decision is made to refuse the application or require extensive sealing, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant wish to pursue a Right of Review.

Comment/Conclusion:

In accordance with TPS No. 3, the subject site (lot size of 1401m²) is zoned “Residential (R2)”. As per Table 1 – Zoning Table of TPS No.3, the use class of ‘Holiday Home (Standard) is an ‘SA’ use in a 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 no objections received.

Planning Services have assessed the proposal having regard to Policy 19.5 and the proposal does not comply with the following criteria:

- 6.4 Access and Manoeuvring Requirements

As a minimum the following construction standards shall apply:

Table 3: Vehicle Crossover	
Existing Road Condition	Construction Standard
Where the property fronts an existing sealed (i.e. bitumen/asphalt) road.	<i>The crossover shall be constructed to a sealed standard (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>

Table 4: Accessway, Parking & Manoeuvring Areas	
Zoning of Subject Property	Construction Standard
Residential Special Residential	<i>Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>

Following a site visit it was observed that the existing crossover (which is over 65m in length) is located at the intersection of Harper Street and Lunan Roads such that it presents safety issues (see Attachment 8.1.1b). It is noted that this crossover is historic; whilst there is no approval for its location, as the dwelling was constructed in the 1960s this detail was not assessed by Council at the time.

Engineering Services have met the proponent onsite (who has recently purchased the property) and a new crossover location has been agreed upon, having regard to the slope from Harper Street to the property and vehicle site lines (refer Attachment 8.1.1a). Due to the length of the crossover and the applicant’s justification regarding preference for a non-sealed access the applicant has requested that only a portion (10-12m) of the crossover be sealed.

Whilst the Shire has not supported variation to this requirement relating to a Holiday Home application in the past (that the officer is aware of) no request has been received previously that such a variation be taken to Council for its consideration. Consideration has been given to the individual merits of the proposal having regard to the purpose for the sealed requirement and unique characteristics of the site.

Crossover

Sealed crossovers onto sealed roads is a standard requirement applied consistently for the last decade or so to a range of developments including single houses, and triggered where upgrade is required for commercial use proposals as well as some additions. The purpose of a sealed crossover is primarily to improve the visual appearance to the street, particularly due to likelihood for gravel to spill over onto the road and for the crossover to degrade over time, which also poses a safety concern as a result of loose material on the road and potholes. This requirement is only partially proposed to be varied in this instance, and it is considered that sealing of 10-12m will address the overall intent of a crossover, noting that Engineering Services (which issues approvals for crossovers) are in support of the request.

Driveway/Parking

The rest of the crossover has been considered on the same merits as the onsite accessway/manoeuvring area. It is noted that the development provides for one sealed parking space under an existing carport (noting that two spaces are required as per Policy 19.5). Refer Attachment 8.1.1b for site photos showing the existing access and sealed parking area.

The requirement for sealed access is largely to improve visual appearance, reduce potential issues relating to dust, erosion and drainage, improve manoeuvrability for vehicles (particularly where there is a large slope involved) and in the case of a commercial land use such as a holiday home to provide a similar standard to commercial development in a Commercial Zone for equity reasons.

Engineering and Planning Services have reviewed the request and are supportive based on the following:

- The existing accessway is in good condition on fairly flat land (after an initial slope from Harper Street which will be sealed) and does not pose a dust concern or safety issue to vehicles;

- The 10-12m of sealed crossover will give the appearance from Harper Street of a sealed access, noting that the rest of the accessway is not visible from the street or any surrounding properties due to the slope from the street and vegetation along the road reserve;
- The existing driveway adds to the natural/rustic character of the property (see site photos, attachment 8.1.1b). It is noted that the subject property is bound by nature reserve backing onto the inlet, and does not have the appearance from the street of a typical suburban frontage.

Having regard to the unique characteristics of the site and the intent and provisions of Policy 19.5 it is recommended that Development Approval be granted subject to appropriate conditions.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.1

That with respect to the development application for the Proposed Holiday Home (Standard) at No. 22 (Lot 38) Harper Street, Denmark, Council resolves to grant Development Approval subject to the following:

Conditions

The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 28 October 2015 and 15 March 2016.

1. 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 c), after which it may be renewed for a three year period (refer Advice Note i).
2. 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 Councils operative Fees and Charges Schedule at the initial 'premises' application stage and annually thereafter (refer Advice Note ii).
3. A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
4. The holiday home can only be rented for a maximum period of 3 months to any one person in any one twelve (12) month period.
5. 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.
6. Prior to the commencement of activities, the applicant shall provide a copy of an approved Property Management Plan to adjoining land owners/occupiers (see Advice Note iii for extent of properties that notices are to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.
7. Prior to the commencement of activities, hardwired smoke alarms to be provided in the bedrooms and emergency lighting to exit the building to the satisfaction of the Shire of Denmark (Building Services) - refer Advice Note iv.
8. The vehicle crossover shall be constructed, drained and sealed (concrete, asphalt or brick pavers) for a minimum of 10m to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained.
9. The existing crossover (to the extent detailed on the approved plan dated 15 March 2016) is to be removed and the verge area is to be reinstated to the satisfaction of the Shire of Denmark (Infrastructure Services).
10. Provision of two (2) car parking bays associated with the development, with the car parking bays, manoeuvring and circulation areas to be suitably constructed to an all-weather standard and thereafter maintained.
11. 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.
12. 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;
13. 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 on 9848 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.24 (Lot 39) Harper Street, Denmark
 - No. 15 (Lot 37) Harper Street, Denmark
- iv. In relation to Condition 7, there is a need to provide emergency lighting on exit paths and hardwired smoke alarms are required in all bedrooms.
- v. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.

COUNCIL RESOLUTION

ITEM 8.1.1

MOVED: CR SEENEY

SECONDED: CR MORRELL

That with respect to the development application for the Proposed Holiday Home (Standard) at No. 22 (Lot 38) Harper Street, Denmark, Council resolves to grant Development Approval subject to the following:

Conditions

The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 28 October 2015 and 15 March 2016.

1. 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 2), after which it may be renewed for a three year period (refer Advice Note i).
2. 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 Councils operative Fees and Charges Schedule at the initial 'premises' application stage and annually thereafter (refer Advice Note ii).
3. A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
4. The holiday home can only be rented for a maximum period of 3 months to any one person in any one twelve (12) month period.
5. 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.
6. Prior to the commencement of activities, the applicant shall provide a copy of an approved Property Management Plan to adjoining land owners/occupiers (see Advice Note iii for extent of properties that notices are to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.

7. Prior to the commencement of activities, hardwired smoke alarms to be provided in the bedrooms and emergency lighting to exit the building to the satisfaction of the Shire of Denmark (Building Services) - refer Advice Note iv.
8. The vehicle crossover shall be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained.
9. The existing crossover (to the extent detailed on the approved plan dated 15 March 2016) is to be removed and the verge area is to be reinstated to the satisfaction of the Shire of Denmark (Infrastructure Services).
10. Provision of two (2) car parking bays associated with the development, with the car parking bays, manoeuvring and circulation areas to be suitably constructed to an all-weather standard and thereafter maintained.
11. 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.
12. 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;
13. 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 on 9848 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.24 (Lot 39) Harper Street, Denmark
 - No. 15 (Lot 37) Harper Street, Denmark
- iv. In relation to Condition 7, there is a need to provide emergency lighting on exit paths and hardwired smoke alarms are required in all bedrooms.
- v. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.

CARRIED: 4/2

Res: 040416

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

FOR: Cr Gearon, Cr Whooley, Cr Seeney, Cr Morrell and Cr Bartlett.

AGAINST: Cr Gillies and Cr Lewis.

REASONS FOR CHANGE

Council changed condition 8 to ensure that the access and crossover was within the applicants Lot and not through Council's Reserve.

5.22pm – Cr Gearon returned to the room.

Prior to consideration of Item 8.1.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Gearon is an acquaintance and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declares that she will consider this matter on its merits and vote accordingly.

8.1.2	PROPOSED GROUPED DWELLING - NO. 8/429 (STRATA LOT 4/LOT 2) MOUNT SHADFORTH ROAD, SHADFORTH
--------------	---

File Ref:	A5776 (2016/23)
Applicant / Proponent:	Bennett Range Pty Ltd
Subject Land / Locality:	No. 8/429 (Strata Lot 4/Lot 2) Mount Shadforth Road, Shadforth
Disclosure of Officer Interest:	Nil
Date:	24 March 2016
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2a – Planning Application Documentation 8.1.2b – Site Photos

Summary:

The proponent is seeking Development Approval for a Grouped Dwelling at No. 8/429 (Strata Lot 4/Lot 2) Mount Shadforth Road, Shadforth. As per Town Planning Scheme Policy 46: Karri Mia Design Guidelines (Policy 46), the criteria references a minimum side setback of 5m; in this instance the proposal is for a 1.5m side setback.

Having regard to the proposal, intent and provisions of Policy 46 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 in February 2016 for a dwelling, with additional plans received in March 2016 – refer Attachment 8.1.2a.

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 (TPS No. 3) and Policy 46, and undertook the following level of consultation:

External Consultation

- Applicant

Internal Consultation

- Development Co-ordination Unit

Statutory Obligations:

TPS No. 3 and Policy 46 specify the pertinent planning provisions for the proposal.

As per current Delegation D100601: Implementation of Town Planning Scheme, the Chief Executive Officer, Director of Planning & Sustainability and/or the Senior Town Planner only have the delegation to determine proposals for 'P' land uses where the application is compliant with relevant TPS No. 3 provisions and TPS Policies.

Should Council refuse this Development Application or impose conditions on a 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:

Policy 46 is relevant to this application.

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

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

Budget / Financial Implications:

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

Strategic Implications:

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

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

There are no known significant environmental considerations 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)
The proponent may lodge an application for review to the State Administrative	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or	Accept Officer Recommendation as the decision is based on sound planning

<p>Tribunal if the Council’s decision was to refuse the proposal or to impose conditions on the approval that the applicant is aggrieved by.</p>				<p>Compliance Requirements</p>	<p>grounds. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant wish to pursue a Right of Review.</p>
--	--	--	--	--------------------------------	---

Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site is zoned “Tourist (T1)”. As per the Conditions of Tourist Use which relate, the use class of ‘Grouped Dwelling’ is a ‘P’ use for the subject property – that is the use is permitted provided the relevant standards and requirements are complied with.

Public advertising of the proposal was not undertaken noting that the variation will have no impact on surrounding lots. Furthermore, having regard to internal strata lot boundaries, it is noted that the current owner owns the subject strata lot as well as the affected adjoining strata lot, and that the prospective owners (of whom the dwelling is proposed for) are also in the process of purchasing the adjoining strata lot.

Planning Services have assessed the proposal having regard to Policy 46 and the proposal complies with all relevant provision with the exception of the following:

- *Side setback – policy criteria minimum side setback of 5.0 metres; proposed 1.5 metres.*

The prospective owner has provided the following justification in relation to the reduced setback:

- *The 1.5m setback is restricted to the shower in the bathroom, for the rest of this wall the setback is 2.5m.*
- *The use of windows along this wall is minimal, with none in the family/living room/lounge.*
- *As previously mentioned, we will also be the owners of Lot 3, and as such would have no objection to the reduced setback.*
- *In discussion with Hermann we conclude that the likely location of the Owner’s Residence on Lot 3 would be between the two existing Studios, in order to minimise the loss of view from the two Studios, and not close to the boundary between Lot 4 and Lot 3, and*
- *The site for constructing the Owner’s Residence is somewhat limited in size and thus to achieve our desired residence we have tried to accommodate all of the requirements of the Planning Policy, and seek approval to have this reduced setback accepted.*

From a planning perspective the variation is supported as it is not envisioned that the proposal will detract from the visual amenity of the overall development, and having regard to the above justification. The dwelling is proposed to be of a consistent design and form (albeit slightly larger) as that of the surrounding chalets, with minimal earthworks to achieve an open feel between buildings – further noting that there is adequate room on the adjoining strata lot to achieve a reasonable separation between the proposed dwelling and future residence on the adjoining strata lot.

Having regard to the proposal and the intent and provisions of Policy 46 it is recommended that Development Approval be granted subject to appropriate conditions.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.2

MOVED: CR GILLIES

SECONDED: CR LEWIS

That with respect to the development application for the Proposed Grouped Dwelling at No. 8/429 (Strata Lot 4/Lot 2) Mount Shadforth Road, Shadforth, Council resolves to grant Development Approval subject to the following:

Conditions

1. The development shall be in accordance with the attached stamped approved plans dated 29 March 2016.
2. The dwelling shall be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas*.
3. The approved dwelling shall be connected to the onsite potable water supply.
4. The approved dwelling shall be connected to an approved Aerobic Treatment Unit (ATU) to the satisfaction of the Shire of Denmark (Environmental Health Services) – Refer Advice Note i.
5. The driveway/accessway shall be constructed, sealed (concrete, asphalt or brick pavers) and thereafter maintained.
6. Fencing of survey strata lot boundaries is not permitted. An outdoor living area associated with the dwelling may be fenced subject to such fencing being a maximum of 1.2 metres high and of a colour/material that complements the dwelling on-site – noting that colorbond fencing will not be accepted in any circumstance.
7. Landscaping within survey strata lots should be limited to low and medium sized shrubs that do not exceed 6.0 metres in height.
8. Bin storage areas and clothes drying areas to be located such that they are not visible from internal access roads or from the adjoining developments (i.e. from Chimes Spa Retreat (Lot 85) and Southern End Restaurant & Functions Centre (Lot 83)). Where required, landscaping and/or screen walls can be utilised.
9. All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Denmark (Infrastructure Services).

Advice Notes

- i. The Shire's Principal Environmental Health Officer advises approval for the ATU system is also required from the WA Department of Health.
- ii. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- iii. It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

CARRIED UNANIMOUSLY: 7/0

Res: 050416

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

Cr Gillies' daughter is being married at the applicants' property and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gillies declares that she will consider this matter on its merits and vote accordingly.

Cr Morrell owns property at the other end of Strickland Street and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Morrell declares that he will consider this matter on its merits and vote accordingly.

8.1.3 PROPOSED MIXED USE DEVELOPMENT – NO. 3 (LOT 200) STRICKLAND STREET, DENMARK
--

File Ref:	A1483 (2015/216)
Applicant / Proponent:	Williams Consulting on behalf of Nostrebor Holdings Pty Ltd, Frenesi Pty Ltd & S Robertson
Subject Land / Locality:	No. 3 (Lot 200) Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	31 March 2016
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.3a – Development Application 2015/216 Documentation 8.1.3b – Schedule of Submissions 8.1.3c – Proponent's Response to Submission Received 8.1.3d – Table 4 of the R-Codes 8.1.3e – Marked Up Car Parking Plan

Summary:

The proponent is seeking Development Approval for a mixed use development (eight (8) tenancies at ground level for commercial (shop/office) usage and eight (8) multiple dwellings (first floor permanent residential units) on No. 3 (Lot 200) Strickland Street, Denmark.

After assessment of the proposal having regard to the relevant requirements of Town Planning Scheme No. 3 (TPS No. 3), relevant Town Planning Scheme Policies, the Residential Design Codes and the submission received during the advertising period, the proposal represents a reasonable development outcome for the site with appropriate conditions being imposed – and in particular addressing the car parking shortfall.

Background:

An application for Development Approval was lodged with Planning Services in November 2015 for a mixed use development comprising eight (8) tenancies at ground level for commercial (shop/office) usage and eight (8) residential units on the first floor – refer Attachment 8.1.3a for the plans and the accompanying Planning Report (noting an amended car parking plan was provided in March 2016).

At its meeting of 19 January 2016, Council considered two preliminary matters (being appropriate density code to apply and landowner's request for refund of application fees paid) in relation to this Development Application wherein Council resolved as follows (Res No: 060116):

That Council with respect to the development application for the Proposed Mixed Use Development on No. 3 (Lot 200) Strickland Street, Denmark:

- 1. Advertise the development proposal for a minimum period of 21 days in light of the 'Multiple Dwelling' component of the development being a 'Use Not Listed' as per Town Planning Scheme No.3 and the proposed R40 density coding to apply, with the application to be referred back to Council accordingly for final consideration;*

2. Advise the proponent that a full assessment of the development application having regard to the relevant provisions of Town Planning Scheme No. 3, the Residential Design Codes and any submissions received on the proposal will be undertaken in due course – with the ‘R40’ density coding forming the basis for the assessment considerations; and
3. Advise the proponent and landowner that the request to refund the Development Application fees of \$5,555.00 associated with Development Application 2015/216 has been denied on the basis that:
 - a) The proposal lodged is a new application that is substantially different to the former development proposal thus requiring a full assessment by the Shire;
 - b) The fees provided for in the Shire of Denmark’s 2015/2016 Fees & Charges Schedule are in accordance with the maximum prescribed fees provided for in the Planning and Development Regulations 2009; and
 - c) The lodgement of a new development application for the site has not arisen as a result of a decision of the Shire of Denmark’s, therefore all associated development costs are the responsibility of the landowner.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework, the relevant provisions of TPS No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council’s resolution, and consequently the development application was the subject of public advertising from 2 February 2016 to 26 February 2016 (being 24 days) as per the following:

- Advertising notice in the Denmark Bulletin on 4 February 2016 inviting public comment;
- Referral to eight (8) adjoining landowners inviting comment;
- Sign on-site inviting public comment;
- Development Application Scheme Amendment documentation and model was available for viewing at the Shire Administration Office and on the Shire’s website inviting public comment (NB: model was on display at Shire Administration Office only).

At the close of the advertising period, one (1) submission was received. Attached as Attachment 8.1.3b is the Schedule of Submissions – with the submission received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission. Attached as Attachment 8.1.3c is the proponent’s response to the submission points.

Statutory Obligations:

TPS No. 3, the R-Codes (State Planning Policy 3.1) and numerous town planning scheme policies (refer ‘Policy Implications’ section below for relevant policies) specify the pertinent planning provisions for the proposal.

In accordance with TPS No.3, the subject site is zoned “Commercial (R25)”, and given the proposal is for a mixed use development, as per Clause 5.3.3 of TPS No 3 Council is to determine the applicable density code that relates to the development proposal (notwithstanding the designation on the Scheme map).

Policy Implications:

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

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

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

Budget / Financial Implications:

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

As per Council's 2015/16 Fees & Charges Schedule, cash in lieu of car parking is to be calculated as per the following:

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

Definition of formula terms:

- *"Bay Size" = 27m²*
- *"Construction Cost" = \$2,225 per bay*
- *"Land Value per m²" = as determined by a licensed valuer, and agreed to by the Shire of Denmark*
- *"Shortfall" = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided*

The car parking shortfall for this development is four (4) car parking bays (refer 'Comment/Conclusion' section of the report for more information in this regard), and Planning Services are recommending that Council require a cash-in-lieu payment for the entire shortfall.

For Council's information in considering the likely figure that would apply in this instance, a commercial development in Strickland Street recently paid \$10,250 for a shortfall of one (1) car parking bay (noting that the applicable construction cost was only \$2,150 per bay). Therefore utilising this as an indicative figure, this would result in a cash-in-lieu payment of \$41,000.

As at March 2016, the Shire has \$20,565.00 held as 'Restricted Cash' as cash-in-lieu payments received from other commercial developments in the CBD area (noting in the last three (3) years cash-in-lieu funds totalling \$205,803.17 have been utilised for provision of public car parking at Randall Park & Millars Creek/North Street).

Strategic Implications:

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

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

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

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

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

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation; noting that the officer recommendation recommends Development Approval with conditions imposed to address the environmental related matters (e.g. stormwater management).

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation; noting however that the development, both during and after construction, will provide local employment opportunities.

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

The proposal has been assessed having regard to the relevant provisions of TPS No. 3, relevant Town Planning Scheme Policies, the R-Codes and the issues referenced in the submission received, and the proposal is generally compliant with, or can be conditioned to comply with, the relevant requirements with the exception of the following issues that require Council's determination:

- The density coding to apply to this proposal;
- The car parking requirements to apply;
- The rear boundary setback; and

- Visual privacy setback.

Each of these issues is discussed in detail below.

Density Coding

As per the SAT determination on the former development proposal for the site (refer Item 8.1.2 attachments from the 19 January 2016 minutes of the Ordinary Council Meeting), as per Clause 5.3.3 of TPS No. 3 the Council has the ability to determine the applicable density code that is to relate to the development proposal notwithstanding the designation on the Scheme map.

The subject proposal is seeking approval for the development of eight (8) multiple dwellings on-site, in addition to eight (8) commercial (shop/office) units – which with a plot ratio of 0.45 and being a two-storey development would result in the R40 density coding applying to the site.

In determining the appropriate density coding to apply to this particular proposal, Council should initially give due regard to the 'R25' designation provided on the Scheme map, the 'R30' density coding that was applied to the development proposal approved by Council in July 2014 (noting that this approval has not been enacted to date (valid until 4 August 2016) and should this development proposal be approved by Council it would supersede the July 2014 approval) and then consider whether the subject proposal warrants any variation to the density coding as a result – taking into account a range of factors including but not limited to building bulk, scale, height, provision of appropriate facilities (e.g. car parking, open space) and relationship to adjoining developments.

In relation to what density code is appropriate for the site, the following is provided for Council's preliminary consideration:

- The density coding of 'R25' to the town centre (including the subject lot) was introduced via Amendment No. 59 to TPS No. 3 – noting that Amendment No. 59 reviewed all residential density codings in the vicinity of the Denmark townsite to allow development to a higher density coding in appropriate areas. Prior to Amendment No. 59 the site had a density coding of 'R15'.
- If the 'R25' density coding was to be applied to the subject site, as per Table 1 of the R-Codes the maximum permissible number of dwellings (single house, grouped dwelling or multiple dwelling) that could be developed on-site is four (4).
- In July 2014 Council granted Development Approval to a mixed use development on the site consisting of seven (7) multiple dwellings on-site in addition to a restaurant (café) and four (4) commercial (shop/office) units. The density coding that Council applied to this development was 'R30' (maximum plot ratio of 0.5 – proposed 0.34; two-storey development); noting at the time of approval of this development in July 2014 the R-codes did not have minimum site area requirements for multiple dwellings with a density coding of R30 and above – that is the extent of development was guided by requirements such as plot ratio, setbacks, building height, car parking and open space. This approach essentially provided for a 'building envelope' within which a development proposal could be considered rather than taking the approach that development on-site is initially governed by a limit on the number of residential units – thus providing for the design to respond accordingly utilising design principles.
- In October 2015, the R-Codes were amended such that a minimum site area requirement for multiple dwellings now applies to 'R30' density coded land; subsequently resulting in the maximum permissible number of dwellings (single house, grouped dwelling or multiple dwelling) that could be developed on-site being five (5) in line with Council's previous determination that the 'R30' density coding is to apply to development on-site.
- From a Planning Services perspective, mixed use developments in a town centre environment whereby activation and vitality is encouraged is appropriate. The key is to ensure that overall a good development outcome is achieved, and it is acknowledged in some part that the application of a 'R25' or 'R30' density coding to the residential component could be a limiting factor in achieving a good design outcome for the site.

- Table 4 of the R-Codes (attached at Attachment 8.1.3d) is utilised to assess multiple dwelling applications in areas coded R40 or greater as per the 'Deemed-to-Comply' provisions of the R-Codes (that is if the development complies with such provisions then there is no ability for the Council to refuse the proposal as such).

This proposal is for a development with a plot ratio of 0.45, thus on this basis alone it would comply with the maximum plot ratio provisions for the density codings ranging from R40 – R160.

- Plot ratio provisions should not be considered in isolation of other development requirements when determining an appropriate density coding to apply, thus Table 4 of the R-Codes also references setback and height requirements (noting however that TPS No. 3 setbacks will apply in this instance).

The maximum height provisions that relate to R40 density codings effectively provides for two-storey development as-of-right, whilst the maximum height provisions that relate to R50 density codings and above provide for three-storey development as-of-right and so on. The current proposal provides for a maximum top of wall height of 7.5 metres and a maximum top of roof height of 9.0 metres thus does not comply with the 'Deemed-to-Comply' maximum wall height provisions that would relate to R40 density codings (refer Attachment 8.1.3d).

From a Planning Services perspective it is considered that these minor encroachments should be dealt with utilising the 'Design Principles' criteria of the R-Codes rather than applying a higher density coding to the site for applying a higher density coding effectively approves three-storey developments as-of-right – noting that this is the approach that Council took when considering the development proposal in July 2014.

When assessing the current proposal in terms of building bulk, scale and height only, it is considered that the proposal as presented is a reasonable development outcome that has been able to be achieved utilising the R40 density coding applying to the site and the minor height encroachments being supported via assessment of 'Design Principles' criteria.

Having regard to all of the above, Planning Services recommend that Council should acknowledge that applying the 'R25' and 'R30' density coding for the subject site could be a limiting factor in achieving the desired outcomes for mixed use development in the Denmark CBD area and that application of the 'R40' density coding provides the opportunity for a two-storey mixed use development to be considered on-site; and that consequently having regard to Clause 5.3.3 of TPS No. 3 determines that the applicable density code that relate to the subject site is R40 – noting that Council is prepared to consider variations to the maximum height criteria as referenced in Table 4 of the R-Codes having regard to the 'Design Principles' criteria that applies to Building Height.

It should be noted that the above recommendation for the applicable density coding has also been considered in context of the car parking requirements for this site – refer section below addressing this issue.

Car Parking Requirements

As per TPS No. 3 and the Deemed-to-Comply criteria C3.1 of Clause 6.3.3 Parking of the R-Codes (noting this assumes the density coding of R40 is supported by Council), the on-site car parking requirements for the development are as follows:

Land Use	Applicable Scheme or R-Code Provision	Required No. Of Bays
Shop/Office	1 bay per 40m ² gross leasable area	13 bays (based on 509m ² gross leasable area)
Multiple Dwellings	<p><u>Location B</u> (NB: applies when Location A criteria does not. Location A criteria is that the site is within 800m of a train station on a high frequency rail route or 250m of a high frequency bus route)</p> <ul style="list-style-type: none"> • Less than 110m² and/or 1 or 2 bedrooms – 1.25 bays • Visitors car parking spaces (per dwelling) – 0.25 bays 	12 bays (based on 1.25 bays each for all units; 2 bays for visitor parking)
		TOTAL – 25 bays

NB: the above car parking calculations are based on the development site being 1 lot; noting that the applicant has recently submitted a subdivision application to the Western Australian Planning Commission to subdivide the property into four (4) freehold lots with lot sizes ranging from 328m² to 503m². If car parking numbers were to be calculated on the proposed subdivision configuration, then the car parking requirements overall would be 29 bays (being 7 bays each for Lots 1-3 and 8 bays for Lot 4).

The development proposal as presented references that 25 car parking bays are provided, however following a review of the car parking plan by Planning & Infrastructure Services the following issues have been identified with the car parking configuration:

- Car parking bay 25 is not able to be accessed by a vehicle given the tight turning circle off Laverack Lane;
- With a one-way aisle, car parking bays 11 and 12 are not configured correctly and encroach into the manoeuvring aisle needed for bays 19 and 20;
- The manoeuvring aisle between the car parking bays should be absolute 5.8 metres (currently drawn as 5.4 metres), thus resulting in the car parking bays being moved further south slightly; and
- Given the one-way aisle, Bay 13 should be re-orientated to a 30 degree angled bay – however noting that as per Clause 5.14 of TPS No. 3 a loading bay is required to be provided on-site separate to car parking areas and access ways; the proposal as presented does not provide an on-site loading bay and it is considered that the area in the vicinity of proposed car parking bays 12 and 13 would be best served as a loading bay – with the remaining area being landscaped which will then address the on-site landscaping shortfall.

Taking into account the above, the actual number of car parking bays that can be achieved on-site is only 21 car parking bays, thus representing a shortfall of four (4) car parking bays. At Attachment 8.1.3e is a marked-up car parking plan that shows the compliant 21 car parking bays and the loading zone proposal.

In this regard, the applicant is requesting Council not require cash-in-lieu apply to any shortfall in car parking bays on-site on the basis that there is available car parking already in the adjoining locality (i.e. right angle car parking on Strickland Street directly abutting the site and the car parking bays on the northern side of North Street).

From a Planning Services perspective it is not considered appropriate to waive the requirement for cash in lieu associated with the four (4) car parking bay shortfall having regard to the following:

- The applicant is seeking Council approval to maximise the extent of development on-site (both commercial and residential) whilst also seeking Council approval to not provide the required car parking in either the private (i.e. on-site) or public realm (via cash-in-lieu). From a Planning Services perspective, the applicant/landowner is effectively seeking to “have their cake & eat it” – that is seeking to develop the site with no expense to the landowner or with limited community benefit as a result.

From a Planning Services perspective, if the developer does not wish to pay cash-in-lieu for the car parking shortfall, then the development should be redesigned accordingly such that the development footprint is reduced thus providing the opportunity for all car parking required to be provided on-site.

- Notwithstanding that the subject site is located in the CBD, this development proposal will generate a genuine requirement for car parking (either on-site or in the public realm) associated with both the commercial and residential components of the development.
- Car parking in the surrounding areas has more recently been funded via townscape improvement projects (via combination of Country Local Government Funds and municipal funds (i.e. ratepayer monies)) and cash-in-lieu car parking funds received from other commercial developments that did not meet their on-site car parking requirements (e.g. Denmark Medical Centre paid cash-in-lieu for a shortfall of 15 car parking bays of \$152,625).
- Notwithstanding that the Morgan Richards Community Centre has provided the required on-site car parking bays, the very nature of the usage of these site may likely generate the need for additional off-site car parking at any time (day or night; 7 days a week). Coupled with the existing Denmark CBD car parking demands for public parking, the assumption by the applicant that there is ample ‘available’ parking is not considered correct.
- From discussions with the applicant it was referenced that as the site is located within the Denmark CBD the need for reliance on a vehicle is reduced. Planning Services do not necessarily support this assumption noting that not everyone’s employment, service & facility needs can be met from the existing development in the Denmark CBD, thus it is considered highly likely that a development of this nature will still require residential car parking to be provided on-site to address such needs.
- Car parking numbers have been calculated on the basis of the development site being 1 lot notwithstanding Planning Services are aware that the landowner is going to be subdividing the property into four (4) freehold lots – which if car parking calculations were undertaken on this basis the car parking requirements overall would be 29 bays, thus resulting in an overall shortfall of eight (8) car parking bays.
- The 2014/15 Shire of Denmark Community Needs and Customer Satisfaction Survey Report, 58.54% of respondents strongly disagreed or disagreed that parking was adequate in the CBD area; as a result the recommendation arising was ‘that the survey responses and results be noted by Council and further opportunities to expand and upgrade the CBD car parking be explored by Council utilising development contributions where able’.
- Accepting payment of cash in lieu by commercial developments that are unable to provide on-site car parking provides suitable funding mechanisms to enable Council to provide such parking in the public domain which will benefit all commercial developments in the CBD area.

Having regard to the above, Planning Services recommend that a condition be imposed on the Planning Approval that the shortfall of four (4) car parking bays be addressed via a cash-in-lieu payment as per Clause 5.23 of TPS No. 3.

Rear Boundary Setback

As per TPS No. 3, the rear boundary setback is 6.0 metres. The proposal as presented provides a rear boundary setback ranging from 4.4 metres through to 22 metres (noting that these setbacks have been measured to the cantilevered upper storey as the upper storey incorporates enclosed storeroom areas and balcony space).

The overall extent of the building that encroaches into the rear setback is 5m² associated with the Unit 1 balcony area only, thus on this basis it is considered that this minor intrusion will have minimal impact on the adjoining locality and the intent of the setback is not compromised (noting would be to provide opportunity for on-site car parking, landscaping, loading zone etc) – noting that as per Clause 6.2 of TPS No. 3 Council has the discretion to modify development standards where it is satisfied that:

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

Visual Privacy Setback

As per the Deemed-to-Comply criteria C1.1 of Clause 6.4.1 Visual Privacy of the R-Codes (noting this assumes the density coding of R40 is supported by Council), unenclosed outdoor active habitable spaces setback is 7.5 metres (unless permanent screening is provided to restrict views). The proposal as presented does not incorporate permanent screening of the balcony areas and provides for the balcony associated with Unit 1 having a visual privacy setback of 4.8 metres – 7.0 metres and the southern 3.2 metres of the Unit 2 balcony having a visual privacy setback of 6.4 metres – 7.5 metres (noting the remaining 1.2 metres of the Unit 2 balcony is compliant with the visual privacy setback).

Where a proposal does not meet the Deemed-to-Comply criteria of the R-Codes, consideration is given to assessment against the related Design Principles, being:

P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

- *building layout, location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

P1.2 Maximum visual privacy to side and rear boundaries through measures such as:

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows and/or;*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The extent of the visual privacy setback that intrudes into the adjoining property is approximately 20m², which when considered in the context of the adjoining lot having an overall lot size of 1146m² represents 1.75% of the property being overlooked; noting that the property is currently utilised for residential purposes however is zoned 'Commercial' in accordance with TPS No. 3 and could be developed for non-residential purposes in the future.

Having regard to the Design Principles associated with this element, it is considered that the proposed visual privacy setbacks are sufficient without requiring screening and/or modification accordingly.

Conclusion

Overall the development proposal as presented from a ‘built form’ perspective is considered to be a reasonable development outcome, noting that this summation is subject to the requirement for cash-in-lieu to be paid for the associated car parking shortfall that results from the development as proposed.

Voting Requirements:

Simple majority

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION</p> <p>MOVED: CR SEENEY</p> <p>That with respect to the development application for the Proposed Mixed Use Development on No. 3 (Lot 200) Strickland Street, Denmark, Council resolves to:</p> <ol style="list-style-type: none"> 1. Determine, as per Clause 5.3.3 of Town Planning Scheme No. 3, that the appropriate density code to apply for development requirement purposes for the subject site is “R40” – noting that Council is prepared to give due consideration to variations to Building Height having due regard to the ‘Design Principles’ criteria as opposed to Table 4 (being the ‘Deemed-to-Comply’ provisions) of the Residential Design Codes. 2. Grant development approval subject to the following: <p><u>Conditions</u></p> <ol style="list-style-type: none"> a) Development shall be in accordance with the attached stamped approved plans dated 24 November 2015 and 24 March 2016 (car parking layout plan) including the following modifications: <ol style="list-style-type: none"> i. The manoeuvring aisles between the car parking bays being an absolute minimum 5.8 metres; ii. Car parking bay 25 being deleted and the access point into the site off Laverack Lane incorporating a curved entry on the western side of the accessway to facilitate easier accessibility into the site; iii. Bays 11, 12 and 13 being deleted and replaced with a loading bay and a landscaping strip along the eastern boundary; b) The vehicle crossovers to North Street (noting left out only turn movement is permissible) and Mackay Lane (noting access movement only is permissible; no egress movement) to be constructed, drained and sealed (concrete, asphalt or brick paved) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services). c) A minimum of twenty one (21) car parking bays being provided on-site, with all car parking bays and vehicle accessways complying with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off Street Car Parking, the Building Code of Australia and Australian Standard AS2890.6:2009 Parking Facilities Part 6: Off-street Parking for People with Disabilities. d) Prior to the issuance of any Occupancy Certificate for the development, a cash in lieu contribution for the shortfall of four (4) car parking bays on-site is to be paid to the Shire of Denmark, with such payment to be calculated as per Council’s operative Schedule of Fees & Charges applicable at the time of payment (refer Advice Note a). e) A minimum of four (4) bicycle spaces (three for residents; 1 for visitors) being provided on-site, with the bicycle spaces being designed in accordance with Australian Standard AS2890.3:2015 Parking Facilities Part 3: Bicycle Parking. f) All vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, kerbed, marked, signed (where required) and thereafter maintained. g) All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes. 	<p>ITEM 8.1.3</p> <p>SECONDED: CR GILLIES</p>
--	---

- h) No parking or display of vehicles and/or equipment shall occur within the adjoining road verge area(s) at any time.
- i) The loading and unloading of goods to and from the premises shall be carried out entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- j) The installation of any outdoor lighting on the building and/or in the car parking area(s) shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
- k) The existing footpaths on North Street and Strickland Street road reserves being modified, at the developer's expense, such that they provide for a continuous footpath from the road carriageway through to the property boundary line, with all required modifications being approved by the Shire of Denmark (Infrastructure Services).
- l) Existing infrastructure located within the North Street and Strickland Street road reserves shall be retained and protected during the construction period with any damage to the infrastructure to be repaired by the developer at their expense to the satisfaction of the Shire of Denmark (Infrastructure Services).
- m) Prior to the issuance of a building permit, engineering plans providing details on crossovers, car parking, vehicle accessways, associated vehicle accessway signage and/or linemarking, footpath (internal and external of the site), bicycle racks and associated infrastructure works being submitted to and approved by the Shire of Denmark (Infrastructure Services).
- n) Prior to the issuance of a building permit, a stormwater management plan being submitted to and approved by the Shire of Denmark (Infrastructure Services), with such stormwater plan to be in accordance with water sensitive urban design principles.
- o) Prior to the issuance of a building permit, a landscaping plan shall be submitted to and approved by the Shire of Denmark (Sustainability Services), with the landscaping areas being those identified on the approved site plan. The landscaping plan shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:
 - i. Proposed trees and shrubs to be planted including species, number and size of plants (NB: emphasis should be on native plants because of their general hardiness and low water requirements). Trees and plants are to be shown in exact location using clear symbols.
 - ii. Site layout and context including property boundaries, street names, building/s, parking areas, paved areas, adjacent verges, existing trees and vegetation to be retained.
 - iii. Reticulation methods.
 - iv. Maintenance arrangements.
 - v. Weed control measures (if applicable) associated with any existing weed infestations on-site.
 - vi. Details of any hard landscaping, paving materials, street furniture, bollards, bins, lighting etc.
- p) Prior to occupancy of the development, all landscaping shall be carried out in accordance with the approved landscaping plan and thereafter shall be maintained as landscaping at all times.
- q) External clothes drying area(s) appurtenant to the dwelling(s) shall be provided in a location such that they are screened from public view from the street. Mechanical driers are available to be used as an alternative to external clothes drying area(s).
- r) Balconies associated with the multiple dwellings shall not be used for clothes drying purposes at any time.
- s) The cantilevered awning over the Strickland Street footpath having a minimum height of 2.75 metres.
- t) Any fencing proposed on-site in the vicinity of the North Street boundary shall be open/permeable type fencing to the satisfaction of the Shire of Denmark (Planning Services).

- u) Prior to the issuance of a building permit, a waste management plan shall be submitted and approved by the Shire of Denmark (Infrastructure Services/Health Services). Such plan is to detail how all refuse generated from the site will be dealt with, including the location and design of all refuse storage areas having regard to the requirements of the Shire of Denmark's Health Local Laws 2008 (as amended) and the means by which waste disposal vehicles will access the bins (noting that generally the Shire's rubbish collection service does not extend to utilising private property for rubbish collection).
- v) A Construction Management Plan shall be submitted to and approved by the Shire of Denmark (Planning/Building Services) as part of the Building Permit application, with such plan to address the following:
 - a) Access to and from the site.
 - b) The delivery of materials and equipment to the site.
 - c) The storage of materials and equipment on the site.
 - d) The parking arrangements for contractors and sub-contractors.
 - e) Management of construction waste.
 - f) Dust and sand mitigation measures.
 - g) Construction times (if proposing different times to the relevant Regulations) and associated noise prevention measures.
 - h) Other matters likely to impact on surrounding properties.
- w) The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Denmark.
- x) The development is to be connected to a reticulated water supply provided by a licensed water provider.
- y) The development shall be connected to sewer.
- z) No signage has been approved as part of this development application – refer Advice Note b).
- aa) At the time of lodgement of the building permit application, the developer to pay the Development Contributions for Road Infrastructure fee as per the Shire of Denmark's Operative Fees and Charges Schedule (refer Advice Note c).
- bb) As per Town Planning Scheme Policy No. 42: Public Art, the developer shall incorporate public art within the development or contribute financially to the Shire's Public Art Fund, with the value being determined on the basis of 0.5% of the value of the construction cost of development.

Should the developer seek to comply with this condition by incorporating public art within the development, prior to the issuance of a building permit, details of the proposed public artwork/s (having regard to Clause 6.3.1 of Town Planning Scheme Policy No. 42: Public Art) are to be submitted to and approved by the Shire of Denmark (Planning Services).

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

- cc) Immediately prior to the occupation of the development for its approved purpose, the developer shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Development Approval.

Advice Notes:

- a) In relation to Condition d), in accordance with Council's 2015-2016 Fees & Charges Schedule, cash in lieu of car parking is calculated as per the following:

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

Definition of formula terms:

"Bay Size" = 27m²

"Construction Cost" = \$2,225 per bay

“Land Value per m²” = as determined by a licensed valuer, and agreed to by the Shire of Denmark

“Shortfall” = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided

- b) In relation to Condition z), consultation should occur with the Shire of Denmark (Planning Services) regarding approval requirements for signs having regard to Town Planning Scheme No. 3 and Town Planning Scheme Policy No. 32: Signs.
- c) In relation to Condition aa), as per the Council’s 2015/16 Fees & Charges Schedule, the applicable development contribution fee is \$1,860 per residential dwelling and \$1,860 per 1000m² of land or commercial floorspace, whichever is greater.
- d) In relation to the verandah and modified footpath along Strickland Street as shown on the car parking plan, the applicant/landowner is advised that the Shire of Denmark has not considered this proposal as part of this development application consideration. Any consideration of amendments to the public realm footpath and car parking in this area will be the subject of separate consideration by Council in due course.
- e) It is the responsibility of the developer to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- f) It is the responsibility of the developer/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

AMENDMENT

MOVED: CR WHOOLEY

SECONDER: CR GEARON

- 1. Remove parts o) i to v and remove the word “hard” from part o) vi.
- 2. In Condition 2 v – replace the words “(Planning/Building services)” with “(Infrastructure services)”.

6.04pm – CEO left the room.

6.06pm – CEO returned to the room.

CARRIED: 5/2

Res: 060416

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

FOR: Cr Gearon, Cr Gillies, Cr Whooley, Cr Morrell and Cr Bartlett

AGAINST: Cr Lewis and Cr Seeney.

AMENDED MOTION

That with respect to the development application for the Proposed Mixed Use Development on No. 3 (Lot 200) Strickland Street, Denmark, Council resolves to:

- 1. Determine, as per Clause 5.3.3 of Town Planning Scheme No. 3, that the appropriate density code to apply for development requirement purposes for the subject site is “R40” – noting that Council is prepared to give due consideration to variations to Building Height having due regard to the ‘Design Principles’ criteria as opposed to Table 4 (being the ‘Deemed-to-Comply’ provisions) of the Residential Design Codes.
- 2. Grant development approval subject to the following:

Conditions

- a) Development shall be in accordance with the attached stamped approved plans dated 24 November 2015 and 24 March 2016 (car parking layout plan) including the following modifications:

- i. The manoeuvring aisles between the car parking bays being an absolute minimum 5.8 metres;
 - ii. Car parking bay 25 being deleted and the access point into the site off Laverack Lane incorporating a curved entry on the western side of the accessway to facilitate easier accessibility into the site;
 - iii. Bays 11, 12 and 13 being deleted and replaced with a loading bay and a landscaping strip along the eastern boundary;
- b) The vehicle crossovers to North Street (noting left out only turn movement is permissible) and Mackay Lane (noting access movement only is permissible; no egress movement) to be constructed, drained and sealed (concrete, asphalt or brick paved) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
 - c) A minimum of twenty one (21) car parking bays being provided on-site, with all car parking bays and vehicle accessways complying with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off Street Car Parking, the Building Code of Australia and Australian Standard AS2890.6:2009 Parking Facilities Part 6: Off-street Parking for People with Disabilities.
 - d) Prior to the issuance of any Occupancy Certificate for the development, a cash in lieu contribution for the shortfall of four (4) car parking bays on-site is to be paid to the Shire of Denmark, with such payment to be calculated as per Council's operative Schedule of Fees & Charges applicable at the time of payment (refer Advice Note a).
 - e) A minimum of four (4) bicycle spaces (three for residents; 1 for visitors) being provided on-site, with the bicycle spaces being designed in accordance with Australian Standard AS2890.3:2015 Parking Facilities Part 3: Bicycle Parking.
 - f) All vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, kerbed, marked, signed (where required) and thereafter maintained.
 - g) All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
 - h) No parking or display of vehicles and/or equipment shall occur within the adjoining road verge area(s) at any time.
 - i) The loading and unloading of goods to and from the premises shall be carried out entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
 - j) The installation of any outdoor lighting on the building and/or in the car parking area(s) shall be in accordance with the requirements of Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
 - k) The existing footpaths on North Street and Strickland Street road reserves being modified, at the developer's expense, such that they provide for a continuous footpath from the road carriageway through to the property boundary line, with all required modifications being approved by the Shire of Denmark (Infrastructure Services).
 - l) Existing infrastructure located within the North Street and Strickland Street road reserves shall be retained and protected during the construction period with any damage to the infrastructure to be repaired by the developer at their expense to the satisfaction of the Shire of Denmark (Infrastructure Services).
 - m) Prior to the issuance of a building permit, engineering plans providing details on crossovers, car parking, vehicle accessways, associated vehicle accessway signage and/or linemarking, footpath (internal and external of the site), bicycle racks and associated infrastructure works being submitted to and approved by the Shire of Denmark (Infrastructure Services).
 - n) Prior to the issuance of a building permit, a stormwater management plan being submitted to and approved by the Shire of Denmark (Infrastructure Services), with such stormwater plan to be in accordance with water sensitive urban design principles.
 - o) Prior to the issuance of a building permit, a landscaping plan shall be submitted to and approved by the Shire of Denmark (Sustainability Services), with the landscaping areas being those identified on the approved site plan. The landscaping plan shall be submitted

- at a scale of 1:200 or 1:100 and shall detail any landscaping, paving materials, street furniture, bollards, bins, lighting etc.
- p) Prior to occupancy of the development, all landscaping shall be carried out in accordance with the approved landscaping plan and thereafter shall be maintained as landscaping at all times.
 - q) External clothes drying area(s) appurtenant to the dwelling(s) shall be provided in a location such that they are screened from public view from the street. Mechanical driers are available to be used as an alternative to external clothes drying area(s).
 - r) Balconies associated with the multiple dwellings shall not be used for clothes drying purposes at any time.
 - s) The cantilevered awning over the Strickland Street footpath having a minimum height of 2.75 metres.
 - t) Any fencing proposed on-site in the vicinity of the North Street boundary shall be open/permeable type fencing to the satisfaction of the Shire of Denmark (Planning Services).
 - u) Prior to the issuance of a building permit, a waste management plan shall be submitted and approved by the Shire of Denmark (Infrastructure Services/Health Services). Such plan is to detail how all refuse generated from the site will be dealt with, including the location and design of all refuse storage areas having regard to the requirements of the Shire of Denmark's Health Local Laws 2008 (as amended) and the means by which waste disposal vehicles will access the bins (noting that generally the Shire's rubbish collection service does not extend to utilising private property for rubbish collection).
 - v) A Construction Management Plan shall be submitted to and approved by the Shire of Denmark (Infrastructure Services) as part of the Building Permit application, with such plan to address the following:
 - a) Access to and from the site.
 - b) The delivery of materials and equipment to the site.
 - c) The storage of materials and equipment on the site.
 - d) The parking arrangements for contractors and sub-contractors.
 - e) Management of construction waste.
 - f) Dust and sand mitigation measures.
 - g) Construction times (if proposing different times to the relevant Regulations) and associated noise prevention measures.
 - h) Other matters likely to impact on surrounding properties.
 - w) The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Denmark.
 - x) The development is to be connected to a reticulated water supply provided by a licensed water provider.
 - y) The development shall be connected to sewer.
 - z) No signage has been approved as part of this development application – refer Advice Note b).
 - aa) At the time of lodgement of the building permit application, the developer to pay the Development Contributions for Road Infrastructure fee as per the Shire of Denmark's Operative Fees and Charges Schedule (refer Advice Note c).
 - bb) As per Town Planning Scheme Policy No. 42: Public Art, the developer shall incorporate public art within the development or contribute financially to the Shire's Public Art Fund, with the value being determined on the basis of 0.5% of the value of the construction cost of development.

Should the developer seek to comply with this condition by incorporating public art within the development, prior to the issuance of a building permit, details of the proposed public artwork/s (having regard to Clause 6.3.1 of Town Planning Scheme Policy No. 42: Public Art) are to be submitted to and approved by the Shire of Denmark (Planning Services).

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

- cc) Immediately prior to the occupation of the development for its approved purpose, the developer shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Development Approval.

Advice Notes:

- a) In relation to Condition d), in accordance with Council's 2015-2016 Fees & Charges Schedule, cash in lieu of car parking is calculated as per the following:
 Shortfall x [(Bay Size x Land Value per m²) + Construction Cost]
 Definition of formula terms:
 "Bay Size" = 27m²
 "Construction Cost" = \$2,225 per bay
 "Land Value per m²" = as determined by a licensed valuer, and agreed to by the Shire of Denmark
 "Shortfall" = difference between the number of car parking bays required to be provided on-site as per TPS 3 and the number of car parking bays to actually be provided
- b) In relation to Condition z), consultation should occur with the Shire of Denmark (Planning Services) regarding approval requirements for signs having regard to Town Planning Scheme No. 3 and Town Planning Scheme Policy No. 32: Signs.
- c) In relation to Condition aa), as per the Council's 2015/16 Fees & Charges Schedule, the applicable development contribution fee is \$1,860 per residential dwelling and \$1,860 per 1000m² of land or commercial floorspace, whichever is greater.
- d) In relation to the verandah and modified footpath along Strickland Street as shown on the car parking plan, the applicant/landowner is advised that the Shire of Denmark has not considered this proposal as part of this development application consideration. Any consideration of amendments to the public realm footpath and car parking in this area will be the subject of separate consideration by Council in due course.
- e) It is the responsibility of the developer to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- f) It is the responsibility of the developer/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND CARRIED UNANIMOUSLY: 7/0 Res: 070416

8.2 Director of Community & Regulatory Services

Nil

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

Nil

8.5 Chief Executive Officer

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

File Ref:	A2479
Applicant / Proponent:	Not applicable
Subject Land / Locality:	No. 27 (Lot 2369) Macpherson Drive, Nornalup (Reserve No. 41884)
Disclosure of Officer Interest:	Nil
Date:	4 April 2016
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Cliff Frewing, Chief Executive Officer
Attachments:	8.5.1a – Map of Reserve 8.5.1b – Letter from the Nornalup Residents and Ratepayers Association 8.5.1c – Dual Naming Map

Summary:

Council is asked to consider naming Reserve 41884, located at 27 Macpherson Drive, Nornalup.

Background:

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

Over the past few years Council has been working through its reserves and applying names to unnamed reserves as required. In this regard, in 2015 Council Officers wrote to the Nornalup Residents & Ratepayers Association (NRRA) to ascertain whether they were aware of a name (colloquially) for the Reserve or, if it was unnamed, whether they had a suggestion for a name.

Council did receive a suggested name from the NRRA and from a local resident which is detailed under the Community Consultation heading of this report.

In 2012, Council undertook an Indigenous Dual Naming project, with the assistance of a grant from the Department of Aboriginal Affairs (DAA), to identify a number of iconic topographical features within the Shire of Denmark which could be dual named. A Working Group was formed with the following members;

- Local Noongar Elder, Mr Wayne Webb
- Department of Aboriginal Affairs representative, Mr Harley Coyne
- Former Councillor Ian Osborne
- Mr Tony Pedro
- Former Chief Executive Officer, Mr Dale Stewart
- Denmark Historical Society representative, Mr Ian Conochie
- Project Officer, Ms Helen Heydenrych.

The Working Group agreed on 19 dual indigenous names which were advertised for public comment. There were no objections received from the community and the names were then submitted to Geographic Names for comment and consideration. One of the recommended dual names was “Kwakoorillup” (meaning “*place of the Quokka*”) for the Frankland River, which is in very close proximity to Reserve 41884.

In 2015, Geographic Names Committee assigned a Geospatial Information Officer to work through the recommendations and with respect to the proposed dual name for the Frankland River, their advice was that “any dual name for a linear feature such as a river must apply to its entire extent and the proposed name may not necessarily be the appropriate name for the whole river because it runs through four local governments and appears to have different indigenous

names (dialect groups) along its extent.” Geographic Names have suggested that their preference would be for the name “Kwakoorillup” to be applied to a specific place instead.

Consultation:

The NRRRA consulted with their members and following their meeting held on 5 October 2015, wrote to the Chief Executive Officer (letter dated 1 December 2015) with the suggested name of “*Ian Macpherson Park*”. A copy of their letter is attached (refer Attachment 8.5.1a) which provides their level of consultation and reasons for the proposed name.

On the 25 October 2015, the Chief Executive Officer received a letter from a Nornalup Resident expressing objection to the proposed name. An extract of the letter is copied below;

“Latest minutes from Ratepayers committee meeting indicate that the NRRRA committee are determined to endorse the name IAN MACPHERSON PARK for this piece of public reserve.

I see no evidence of member discussion, or acknowledgement of other potential names. Just a brief statement that they (committee) will submit original name to you.

I am disappointed that this will have no association/relevance for most of the residents of this township.

We already live in MACPHERSON DRIVE. There are many more early white landholder families in the area.

... I do believe a generic, inclusive name would be appropriate and appreciated by the present and future residents.

I know the Ratepayers would not endorse any Aboriginal connection. So I propose a FLORA or FAUNA unique to this area be honoured.

The Ratepayers lobby hard for the burning and clearing of the habitat of our quokka population. As I see them on the endangered species list already, I would like to see them honoured and celebrated by naming this public reserve for them. QUOKKA COMMUNITY RESERVE.”

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 has recommended that any proposed name be advertised for wider community comment which is also in keeping with the policies and standards of Geographic Names.

Should Council choose a proposed indigenous name then it is recommended that further consultation occur with local Noongar Elder, Wayne Webb, the Department of Aboriginal Affairs and the South West Aboriginal Land and Sea Council, given that the name would apply to a particular place rather than the Frankland River which was originally proposed through the dual naming project.

Statutory Obligations:

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

In consideration of the *Policies and Standards for Geographical Naming in Western Australia* the Author believes that either suggested name would be considered by GNC as both suggested names fall within the State’s guidelines.

Policy Implications:

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

Objective

To enable Council to prioritise and determine the allocation of road names to roads that are new or require a new name or named for the first time.

Policy

The Council will as a general rule, defer to the guidelines adopted by the Department of Land Information's Geographic Names Committee and the following list;

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

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

Key

LI Local Identity

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

- Policy P110706 – Aboriginal Heritage reads as follows;

“ABORIGINAL RECONCILIATION

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

- *Aboriginal Reconciliation is an issue in which each and every Australian has a choice: to silently ignore injustice and inequality, or lend their voice to the growing call to face the truth of the past treatment of indigenous people.*
- *What was done to Aboriginal people in the past was unjust and regrettable – particularly the taking of Aboriginal children from their families.*
- *The Noongar people’s historical presence in and special attachment to this district is acknowledged, as is their right to continue living according to their own values and customs, within the law.*
- *The special places, culture and history of the Noongar people are respectfully recognised.*
- *Changes brought to this district by early white European Settlers were dramatic, imposed without regard for the indigenous people and frequently damaging to them, through the taking of their land, their health and sometimes their lives.*
- *This Council expresses sorrow at these injustices, and commits itself to participating in a future in which all people enjoy mutual respect, full recognition and equal rights.*

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

In this regard, the Shire of Denmark will;

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

Budget / Financial Implications:

Costs associated with advertising the proposed name can be accommodated within Council's existing Advertising Budget.

Strategic Implications:

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

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

GOVERNANCE GOAL

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

Council have the option to propose *Ian Macpherson Park* or *Kwakoorillup Park* for the Reserve, not to name the Reserve at all or choose an alternate name.

The origin of the name Macpherson Drive, as provided by GNC, is “Early settler” which would suggest that the name was chosen in recognition of the Macpherson family, possibly Ian Arthur Macpherson (1948 – 1977). The name was approved in 1990. Whilst duplication of names is not preferred, GNC will consider naming a park or recreational reserve to that of an adjacent road as long as it is satisfied that the duplication will not cause confusion.

The name Macpherson has already been used in the vicinity and pays tribute to the Macpherson family. Given the comments from GNC regarding the proposed dual naming of the Frankland River, in the Author’s opinion it would be worth considering naming the park “Kwakoorillup” in recognition of not only the fauna (quokka) but also the indigenous connection to the area. This of course would need to be endorsed by the Shire’s local Noongar Elder, the Department of Aboriginal Affairs and the South West Aboriginal Land and Sea Council.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.5.1
 MOVED: CR LEWIS SECONDED: CR GILLIES

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

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

CARRIED UNANIMOUSLY: 7/0 Res: 080416

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

6.15pm – There being no further business to discuss the Shire President, Cr Morrell, declared the meeting closed.

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

Signed: _____

Cliff Frewing – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

Signed: _____

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