SHIRE OF DENMARK

Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 27 MAY 2014.

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Ordinary Council Meeting

27 May 2014

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm - The Shire President, Cr Ross Thornton, declared the meeting open.

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

MEMBERS:
Cr Ross Thornton (Shire President)
Cr John Sampson (Deputy Shire President)
Cr Kelli Gillies
Cr Jan Lewis
Cr David Morrell
Cr Ian Osborne
Cr Dawn Pedro
Cr Belinda Rowland
Cr Roger Seeney

STAFF:
Mr Dale Stewart (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)
Ms Claire Thompson (Executive Assistant)

APOLOGIES:
Mr Rob Whooley (Director of Infrastructure Services)

ON APPROVED LEAVE(S) OF ABSENCE:
Nil

ABSENT:
Nil

VISITORS:
Members of the public in attendance at the commencement of the meeting: 23
Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Osborne	8.4.3, 9.1 & 9.2	Impartiality	Cr Osborne is a member of the Carmarthen Bush Fire Brigade and the Denmark Riverside Club.
Cr Thornton	8.2.4 & 9.2	Impartiality	Cr Thornton is a member of the Denmark / Walpole Football Club and the Mt Lindesay Bush Fire Brigade.
Cr Sampson	8.4.3, 9.1 & 9.2	Impartiality	Cr Sampson is a member of the Denmark Environment Centre Inc and the William Bay Bush Fire Brigade.
Cr Seeney	8.5.1, 9.1 & 9.2	Impartiality	Cr Seeney is a member of the Denmark Lions Club and the Somerset Hill Bush Fire Brigade.
Cr Pedro	8.4.3	Impartiality	Cr Pedro is a member of the Denmark Environment Centre Inc.
Cr Lewis	8.4.3, 9.1 & 9.2	Impartiality	Cr Lewis is a member of the Denmark Environment Centre Inc and the Mt

			Lindesay Bush Fire Brigade.
Cr Rowland	9.2	Impartiality	Cr Rowland is a member of the Shadforth/Scotsdale Bush Fire Brigade.
Cr Gillies	8.4.3, 9.1 & 9.2	Impartiality	Cr Gillies is a member of the Denmark Environment Centre Inc. and the Tingledale Bush Fire Brigade.
Mr Harwood	10.1	Financial	The item concerns Mr Harwood's Contract of Employment.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that the Denmark Library had recently been announced as Australia's Favourite Rural Library. Cr Thornton congratulated Librarian, Robyn Fairclough, and her Staff on their tremendous efforts noting that the Denmark Library had been one of 200 nominations across Australia. Cr Thornton said that it was a huge achievement and a first for Denmark.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mrs Gail Guthrie – Re: Denmark Motorcross

At the meeting held Tuesday, 6 May 2014, Mrs Guthrie spoke in regard to a scheduled Motorcross interclub meeting which had been originally planned for the 10 May, but which had been refused permission to be held by officers of the Shire. The comments and questions were taken on notice on responded to in writing. The response, which was provided to Mrs Guthrie on the 16 May 2014, has been copied below.

"With respect to the questions and comments that you presented to Council at its meeting held on Tuesday, 6 May 2014, and were subsequently taken on notice, I provide the following responses.

1. *Why do the MotoX club have to continually apply for permission to run their inter-club events when these are held regularly, and at approximately the same time every year? Surely permission could be granted for a particular number of years to encourage the event.*

Response: As you may be aware Council Officers are, and indeed, the Council have over the past seven years, at least, been working with the Executive of the Motorcross Club to identify alternate sites within the Shire for their activities. Unfortunately, at present this has been to no avail. In the interim, Council and myself, as the CEO and in my capacity as delegate for the CEO of the Department of Environment (pursuant to legislation), has been prepared to accept and approve up to two events per annum on the existing property. The question is not whether we want to encourage the event but, more importantly, whether I or the Council have the capacity to approve the event(s) and whether there are amenity or noise issues that we have to consider on behalf of those that may be adversely affected.

2. *Why does it require 60 days' notice to make that application? Nothing changes from year to year.*

Response: The Environmental Protection (Noise) Regulations 1997, Regulation 8 (6) provides that the applicant must make an application for a specific event not less than 60 days prior to the event being held.

3. *Why did it take over 2 weeks to get an appointment to see the CEO & Director of Community Services? This is an ongoing problem not only with meetings but with the receival of answers to correspondence.*

Response: I, nor my Executive Assistant, are aware of any requests to meet with the myself that were unable to be achieved. I am also unaware of problems with yourself or others not being able to convene meetings with myself, nor am I aware of your concerns regarding the failure of myself or the Director of Community & Regulatory Services to respond to correspondence however, I am happy to receive such concerns in writing should you wish to provide me with further information.

4. *Why at that meeting were the club officials then encouraged to still put in the application when it was inside the required time, therefore intimating that the permission would be granted? I quote from the secretary of the club who was at that meeting "We left the meeting with no thought that the application would be rejected, as the response from them was very positive."*

Response: Given that I was at the meeting, I can assure you that I did not give the Club officials the impression that their application would be approved as a given. Indeed, we met with them on the basis that they were seeking to submit a noise management plan for coming season, not for them to advise us that there was a meet scheduled for five weeks time. As stated earlier the Regulations clearly state that applications for individual events should be not less than 60 days prior to an event with applications for ongoing events required to be submitted to enable advertising to the affected public with a minimum of 90 days advertising. These Regulations were amended in December 2013 and it is understandable that the Club may not have been aware of these changes. As you might be able to appreciate from the above, the process from receipt of application to commencement of advertising to conclusion of advertising, to consideration of submissions and determination, is likely to take a period of some 4 – 6 months. The Club submitted the application for a 12 month program on 16 April 2014. It is unlikely that this application will be determined until at least October 2014.

5. *Why then did it take a further 12 days to write that refusal. Had this not occurred, more reasonable notice could have been given to the potential participants, instead, late notice has inconvenienced 100's of people (potential guests to this shire).*

Response: As noted previously, the Club failed to comply with the required notice period and our organisation's response, whether it was 1 or 12 days, did not affect the result. The failure by the Club to comply with the legislation resulted in its negative determination.

6. *Why is one neighbour with questionable claims being allowed to dictate when the other neighbours support the event? While I do not have a copy of the email that has been tabled to the councillors, I do have an email from Mr Voss to myself, making outrageous claims which are blatantly untrue.*
    a) *Financial losses – Our own cottage in a better location, more widely advertised and with less restrictions on length of stay, netted $60,000, and would have only netted $45,000 if I had imposed the 4 night minimum stay which applies to his cottage.*
    b) *Accommodation booked for this date - "Council's CEO is not prepared to let the event proceed at short notice because the neighbour already has his property's accommodation booked" - yet on checking his booking calendar, the unit is not let for these dates.*
    c) *Track used every weekend – Not true. The owners used the track on just 5 weekends and 6 week days during the year (as diaratised by the owners mother who lives on the property), and*

approx. 15 weekends during the year by friends, often by small 2 stroke bikes which make no noise. When used in this way, the use is generally only for approx. 2 hours at a time and only from 1 to 5 bikes at any one time. This is private use on a private property which happens to have a dedicated bike track.

d) *Noise levels – another neighbour who is just marginally closer to the track than Mr Voss' cottage hardly hear the bikes, and on occasion have not been aware that an event has taken place. The nearest neighbours, being the cattle just wonder why they are not being moved, as bikes to them mean a new paddock, and find it interesting to watch. The noise is certainly not enough to scare them.*
e) *Guest complaints – At Ayr Sailean we permit guests to bring bikes and ride around our farm. Not once have we had complaints, and on the whole guests are not on site during the hours that the bikes are being ridden, as most guests go sightseeing and visiting the attractions and wineries during the times that the bike events take place.*
f) *Loss of bookings – When some club members went up to the house with the view to hiring the cottage, they were informed it was not for rent, but was being used only for family and friends. A permanent No Vacancy sign is on the gate as well as numerous No Trespassing signs.*

Response: Your views are noted and you are welcome to make a submission to this affect when Council advertises the proposal, however I and Council Officers will objectively assess the merits of claims of both those potentially negatively impacted as well as those potentially benefited in due course.

7. *Why is the shire not supporting events such as these which bring people (approx. 450) to the district at a time of year when tourism is traditionally quiet and such events should be encouraged, yet it is spending many thousands of $'s to bring people to the shire at times when the accommodation would be full anyway?*

Response: It is not the Shire's, nor my (as the delegate of the CEO of the Department of Environment) role to support events on the basis of its economic return. Our role will be to assess an application in accordance with the relevant legislation, which includes the aforementioned Regulations as well as the Planning & Development Act 2005.

8. *Why is the shire not supporting this club to hold regular local club events, involving the youth of this town, especially in the light of the fact that lives have been lost with the misuse of bikes in this town? Encouragement of such activities would take the youth off the streets and into a supervised environment where they would learn not only the correct use of the bikes, but also responsibility of the care of that bike, mechanical skills, driving skills etc.*

Response: Whilst I and the Council appreciate the spirit of your suggested benefits, we also have a role to ensure that the predicted negatives are also managed and assessed.

In light of the above, I therefore request council to approve 2 inter-club events per year, and also several club days a year, this approval to be automatic without the need to seek permission, and only the need to submit any relevant forms prior to the event to meet Environmental Act requirements.

This cancellation has not only inconvenienced many potential visitors to the shire, but has caused financial losses to many accommodation providers from ourselves, Peaceful Bay, Nornalup and Walpole, as well as the loss of fuel and food sales and the possibility of those same people returning as general guests in the future.

Response: As indicated earlier, it is my role, as delegate of the CEO of the Department of Environment, to approve or refuse such events pursuant to the aforementioned Regulations and Council's role, pursuant to the Planning & Development Act 2005.

I can assure you that both mine and Council's assessment will be made objectively, in accordance with relevant legislation and based on consultation with affected neighbours.

Whilst regrettable, any losses or inconvenience associated with cancellation of the Club's planned events cannot be attributed to myself, nor the Council, nor any of its Staff."

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 Graeme Thallon – Item 9.1 (Bush Fire Advisory Committee – Bush Fire Mitigation)

Mr Thallon, Chief Bush Fire Control Officer, provided some background on the Bush Fire Advisory Committee's recommendation, stating that it was important to protect the Denmark Townsite by ensuring that there was a holistic approach to prescription burning. Mr Thallon requested that Council explore the options and look at what other Local Governments are doing.

4.2.2 Mr Tony Pedro – Item 9.1 (Bush Fire Advisory Committee – Bush Fire Mitigation)

Mr Pedro stated that he was aware that prescription burning could actually increase the density of understorey vegetation which caused more of a problem in the long run. Mr Pedro stated that prescription burning was only one aspect of fire mitigation and urged Council to look at all different aspects to solve the problem, including perhaps a high quality, high surveillance system.

4.2.3 Mr Craig Chappelle – Item 8.4.4 (Denmark Village Theatre Request for Reserved Annual Booking Denmark Civic Centre)

Mr Chappelle spoke on behalf of the Denmark Village Theatre urging Council to support the Officers Recommendation.

4.2.4 Mr Adrian Kranendonk – Item 9.2 (Bush Fire Advisory Committee – Live Drive Pumps on Fire Appliances)

Mr Kranendonk, a member of the Shadforth Bush Fire Brigade for 50 years, expressed his concern about Council accepting new fire units with live drive pumps as he believed they were unsuitable for bush fire control. Mr Kranendonk stated that some other local governments had had similar issues with the pumps and he believed that they could potentially be dangerous for volunteers. Mr Kranendonk said that he believed some of the Bush Fire Advisory Committee (BFAC) members had been unsure about the issue and therefore requested that Council send the recommendation back to the BFAC for reconsideration.

4.2.5 Mr Noel Phillips – Items 8.2.2 & 8.2.3 (dinghy, Paddle Boat & Paddle Board Hire / Tour Boat & Bibbulmun Track Water Taxi based at the Rivermouth Caravan Park)

As the applicant, Mr Phillips congratulated Council on the new bike path along Inlet Drive stating that he believed that it would be well used. Mr Phillips raised concern with the condition in the Officers Recommendation which would require him to put aware all but two of the paddle boats each night. Mr Phillips stated that the boats weighed approximately 200kg and that this condition could be a little too onerous on himself and his Staff.

With respect to the Water Taxi proposal, Mr Phillips stated that the Bibbulmun Track Foundation had been trying to get this type of service up and running for a number of years and that the service would be good for walkers of the Bibbulmun Track and tourism as a whole in Denmark. Mr Phillips felt confident that the Bibbulmun Track Foundation would also provide some promotion of the service and hence providing additional promotion of Denmark.

4.2.6 Mr Alex Syme – Rehabilitation of the Denmark River Catchment

Mr Syme provided the following comments as a response to the Minister for Water's recent media release titled, "Department of Water wins national prize for reversing salinity in Denmark River'.

"The Minister's announcement fails to recognise the incisive role played by the Denmark community in this matter.

In the 1980s concern was being expressed across the Shire of Denmark for the state of the environment. Before anyone else considered whole-of-catchment management, the community-based Coalition for Denmark's Environment (CDE), with others, produced ***The Land Is Our Future****: Rehabilitation of the Denmark River Catchment: A strategy for catchment repair, incorporating proposals for a sustainable agriculture, environmentally sound afforestation and native forest management in the Denmark River Catchment on the South Coast of Western Australia.*

The authors were CDE; Australian Conservation Foundation; Campaign to Save Native Forests; and the Sustainable Agriculture Research Institute. (August 1988. Available in the Denmark Environment Centre library 13B CDE).

This strategy was arrived at after a draft for comment was published, and submissions from relevant government agencies were solicited and received.

Action did not stop there. Member groups of CDE worked with the Department of Agriculture's senior hydrologist, Ruhi Ferdowsian, identifying and mapping salt discharge areas within the upper catchment. The groups then worked on revegetation of those areas.

In the meantime, government water supply agencies turned to a new water supply for Denmark: the Quickup Dam was built and started supplying water for Denmark in the early 1990s but struck a number of problems, and government agencies returned to focus on rehabilitation of the Denmark River first put forward by the Denmark community.

This coincided with the bluegum plantation industry showing interest in the upper catchment. The Denmark community supported the rehabilitation of the Denmark River Catchment and the plantation timber industry.

In other words, it was the local community which first set about solving the salinity problem and spearheaded rehabilitation work within the catchment - an important fact omitted or ignored by the Minister."

4.2.7 Ms Jana Shearer – Item 8.4.4 (Denmark Village Theatre Request for Reserved Annual Booking Denmark Civic Centre)

Ms Shearer provided an overview of the objective, practices and projects of Falun Gong. Ms Shearer thanked Council, the Director of Finance & Administration and the Senior Customer Service Officer for their support stating that they were happy to move their Civic Centre booking to Easter to enable the Denmark Village Theatre to have the Civic Centre over the Christmas holiday period.

4.2.8 Mr Jim King – Item 9.2 (Bush Fire Advisory Committee – Live Drive Pumps on Fire Appliances)

Mr King, a member of the Shadforth Bush Fire Brigade stated that he was aware of a brigade, in another Shire, that had demonstrated their concerns regarding safety with the Department of Fire and Emergency Services and their Local Government and the unit had been replaced as a result. Mr King said that if the brigade had to accept an unsafe unit then there may be occupational health and safety issue for the Shire of Denmark. Mr King urged Council not to accept trucks that wouldn't be acceptable to the local brigades.

4.2.9 Ms Diane Harwood – Item 8.4.3 (Community Financial Assistance Fund 2014/15)

Ms Harwood sought to clarify a statement in the Officers Report which stated that the Denmark Weed Action Group received $15,000 annually from Council to undertake works in line with Council's strategy. Ms Harwood stated that the DWAG only received $7,500 and that is why they had requested additional funds to undertake the work at the Denmark Railway Station No. 3 Heritage Precinct.

The Director of Planning & Sustainability provided clarification for Councillors and noted that the DWAG did only receive an allocation of $7,500. It was agreed that this would be amended in the Report.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

4.4.1 Petition – Infant Health Centre, Carmarthen School and Denmark Cottage Crafts Building Retention (Plane Tree Precinct Development Concept Plan)

A Petition containing 63 signatures, has been received on 14 May 2014, submitted by Ms Jean Phillips, regarding the above with the following preamble;

"*We the undersigned: wish the Shire to reconsider the planned development of the Mitchell Street Heritage Precinct as there has been no community consultation on this matter regarding the value to the town of all the existing heritage buildings, their contribution to the townscape, the community and their value in the preservation of our unique history."*

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 6.1
MOVED: CR SAMPSON SECONDED: CR SEENEY

That the Petitioner be thanked for the Petition and it be included in submissions with respect to the Plane Tree Precinct Development Concept Plan currently being assessed by the Director of Planning & Sustainability and the associated Project Team.

CARRIED UNANIMOUSLY: 9/0 Res: 070514

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

COUNCIL RESOLUTION ITEM 6.1
MOVED: CR PEDRO SECONDED: CR LEWIS

That Leave of Absence be granted for;

1. Cr Morrell for the period from the 18 September 2014 to the 13 October 2014 (inclusive); and
2. Cr Seeney for the meeting to be held on 17 June 2014.

CARRIED UNANIMOUSLY: 9/0 Res: 080514

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 6.1
MOVED: CR SEENEY SECONDED: CR PEDRO

That the minutes of the Ordinary Meeting of Council held on the 6 May 2014 be confirmed as a true and correct record of the proceedings.

CARRIED UNANIMOUSLY: 9/0 Res: 090514

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 PROPOSED HOLIDAY HOME (LARGE) – NO. 18 (LOT 89) HEATHER ROAD, OCEAN BEACH

File Ref:	A499 (2014/45)
Applicant / Proponent:	P & C Clement
Subject Land / Locality:	No. 18 (Lot 89) Heather Road, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	9 May 2014
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Planning Application Documentation 8.1.1b – Schedule of Submissions 8.1.1c – Proponent's Response to Submission Received

Summary:
The proponent is seeking Planning Approval for a Holiday Home (Large) at No.18 (Lot 89) Heather Road, Ocean Beach.

Having regard to the issues raised from the submissions received and the objectives and provisions of Town Planning Scheme Policy No. 19.4: Holiday Homes (Policy 19.4), it is recommended that Planning Approval be granted subject to appropriate conditions.

Background:
Current Application
An application for Planning Approval was lodged with Planning Services in March 2014 seeking Planning Approval to use the existing dwelling as a holiday home (large) – refer Attachment 8.1.1 a. It should be noted that although approval for a Holiday Home (Large) application could be for up to 12 persons, based on the number of beds, the proponent is only seeking approval for a maximum of 8 persons (or 9 if a cot is used for an infant).

Policy 19.4
Policy 19.4 was adopted by Council at its meeting of 6 November 2012. Policy 19.4 provides details on preferred locations for the establishment/operation of holiday homes, 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.

As per the provisions of Policy 19.4, the subject site is located within 'Area 2 – Rural' – which is one of the preferred locations for holiday homes to establish. Whilst not a rural block, the density of the area is similar to that on the eastern side of Ocean Beach Road (Area 1 – Wilson Inlet Environs) which is also a preferred location, noting that the area not preferred is the higher density inner townsite.

Consultation:
External Consultation:

- The application was referred to thirteen (13) adjoining landowners inviting comment on the proposal.
- The applicant.

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3 (refer 'Consultation' section of the report), with three (3) submissions received. Attached as Attachment 8.1.1b is the Schedule of Submissions – with the submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission. The

proponent has also provided a response to the submissions received – refer Attachment 8.1.1c.

Internal Consultation:

- Development Co-ordination Unit.

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

Should Council refuse this Planning Application, 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 19.4 – Holiday Homes provides details on preferred locations for the establishment/operation of holiday homes, 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.

Clause 8.2.4 of TPS No. 3 states:
A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

Budget / Financial Implications:
There are no known financial implications upon the Council's current Budget or Plan for the Future.

Strategic Implications:
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.

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 considerations relating to the report or officer recommendation.

- **Social:**

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

Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site (lot size of 1012m^2) is zoned "Residential (R 10)". As per Table 1 – Zoning Table of TPS No.3, the use class of 'Holiday Home (Large) 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 in accordance with Clause 6.4 of the TPS No. 3.

Having regard to the issues raised from the submissions and assessment of the proposal having regard to the objectives and provisions of Policy 19.4, it is recommended that Planning Approval be granted subject to appropriate conditions being imposed. As Planning Approval is only granted initially for 12 months from the date of registration of the premises as a holiday home, in circumstances where valid complaints regarding the holiday home operations are received, the Shire has the right to not renew the approvals to operate.

Voting Requirements:

Simple majority.

5.16pm – Cr Thornton left the room.
5.16pm – Cr Thornton returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.1.1
MOVED: CR SAMPSON SECONDED: CR SEENEY

That Council with respect to the planning application for the Proposed Holiday Home (Large) at No. 18 (Lot 89) Heather Road, Ocean Beach:

1. Notes the submissions received.
2. Grants Planning Approval subject to the following:
   Conditions
   a) The Holiday Home shall be in accordance with the attached stamped approved details and dated 10 March 2014.
   b) 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 3), after which it may be renewed for a three year period (refer Advice Note i).
   c) 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).
   d) A maximum of eight (8) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
   e) 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.
   f) 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.
   g) Prior to the commencement of activities, the applicant shall provide a copy of the approved Property Management Plan to adjoining land owners/occupiers (see Advice Note 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.
   h) 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).

i) The vehicle crossover onto Heather Road is to be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
j) Provision of three (3) car parking bays associated with the development, with the car parking bays, manoeuvring and circulation areas to be suitably constructed, sealed (concrete, asphalt or brick pavers), drained and thereafter maintained.
k) 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.

l) 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;

m) 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 0300 regarding the requirements for registration of the premises as a 'Holiday Home', noting approval will not be forthcoming until all relevant conditions of this Planning Approval have been complied with.
iii. The 'Property Management Plan' shall be provided to the following properties:
No. 11 (Lot 104) Heather Road, Ocean Beach
No.9 (Lot 105) Heather Road, Ocean Beach
No.15 (Lot 102) Heather Road, Ocean Beach
No.13 (Lot 103) Heather Road, Ocean Beach
No.21 (Lot 99) Heather Road, Ocean Beach
No.17 (Lot 101) Heather Road, Ocean Beach
No.12 (Lot 86) Heather Road, Ocean Beach
No.16 (Lot 88) Heather Road, Ocean Beach
No.19 (Lot 100) Heather Road, Ocean Beach
No.22 (Lot 91) Heather Road, Ocean Beach
No.20 (Lot 90) Heather Road, Ocean Beach
No.14 (Lot 87) Heather Road, Ocean Beach
No.24 (Lot 92) Heather Road, Ocean Beach
iv. In relation to Condition h, there is a need to provide emergency lighting on exit paths and hardwired smoke alarms are required in all bedrooms.
v. In relation to Condition k, the fire evacuation route map needs to show directions back to Ocean Beach Road with arrows pointing to Denmark – noting that the Property Management Plan documentation will need to be updated to reflect this requirement.
vi. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.

3. Advise the submitters of Council's decision.

CARRIED: 8/1 Res: 100514

8.1.2 PROPOSED OUTBUILDING AND RAINWATER TANK – NO. 36 (LOT 3) SEA CHANGE CLOSE, HAY

File Ref:	A3858 (2014/37)
Applicant / Proponent:	D & L Leake
Subject Land / Locality:	No. 36 (Lot 3) Sea Change Close, Hay
Disclosure of Officer Interest:	Nil
Date:	9 May 2014
Author:	Marieke de Vries, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2a – Plans of Proposed Development & Applicant's Justifications 8.1.2b – Site Photos

Summary:
The applicant is seeking Planning Approval to construct an Outbuilding and Rainwater Tank on No. 36 (Lot 3) Sea Change Close, Hay.

The subject site is currently vacant and no house plans have been submitted for planning approval, thus as per the provisions of Town Planning Scheme Policy No. 13.4: Outbuildings (Policy 13.4) and Shire of Denmark's Delegation D100601: Implementation of Town Planning Scheme, outbuildings on vacant Special Rural zoned lots require Council approval.

Having regard to the objectives, intent and provisions of Policy 13.4 and the applicant's justification, it is recommended that Planning Approval be granted subject to appropriate conditions.

Background:
Current Application
An application for Planning Approval was lodged with Planning Services in March 2014 for an outbuilding on No. 36 (Lot 3) Sea Change Close, Hay (refer Attachment 8.1.2a).

Consultation:
External Consultation
- Applicant
- Six (6) adjoining landowners

Internal Consultation
- Development Co-ordination Unit

Statutory Obligations:
Town Planning Scheme No. 3 (TPS No. 3) and related policies specify the pertinent development requirements for the site. Clause 8.2.4 of TPS No. 3 states:

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

As per current Delegation D100601: Implementation of Town Planning Scheme, the Chief Executive Officer, Director of Planning & Sustainability and/or the Senior Town Planner have the delegation to determine proposals for outbuildings on vacant lots in accordance with the requirements of the relevant Town Planning Scheme Policy pertaining to Outbuildings.

As approval is sought without Planning Approval and a Building Permit for a Single House being obtained as per Policy 13.4, the matter is required to be referred to Council for determination accordingly.

Should Council refuse this Planning Application, 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. 13.4: Outbuildings and Planning Policy No. 40: Rainwater Tanks & Greywater Re-Use Systems are relevant to this application.

Budget / Financial Implications:
There are no known financial implications upon the Council's current Budget or Plan for the Future.

Strategic Implications:
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.

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 Objective: 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 considerations relating to the report or officer recommendation.

- **Social:**

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

Comment/Conclusion:
The proposal has been assessed having regard to the relevant provisions of the 'Special Rural (SR1)' zone and Policy 13.4, and the proposal does not comply with the following Policy 13.4 provisions:

- *Outbuildings are not permitted to be constructed upon vacant Special Rural or Rural Multiple Occupancy zoned lots unless Planning Approval and a Building Permit has been obtained for a Single House (NB: Building Permit for Single House and Outbuilding can be obtained concurrently).*

  Planning Approval and a Building Permit have not been obtained for a Single House at this point in time, nor is there an application for either approval lodged.

- *Maximum cumulative area of outbuilding(s) per lot – 150m²*

  Proposed outbuilding is 153.45m^2.

- *Maximum wall height – 3.5 metres*

  Proposed outbuilding has a wall height of 4.7 metres.

- *Maximum ridge height – 4.2 metres*

  Proposed outbuilding has a ridge height of 5.76 metres.

Notwithstanding the above, Council does have the ability to approve the proposal if it considers that it has merit having regard to the objectives and requirements of Town Planning Scheme No. 3 and/ or any relevant Planning Policies.

As part of the consideration of this proposal, it was referred to six (6) adjoining landowners for comment – with no comments received.

The outbuilding is likely to have some impact on local amenity due to its size and the lack of a dwelling. The impact is mitigated somewhat by its location to the rear of the block and via proposed vegetation screening. In addition, vegetation to the front of the neighbouring dwelling provides screening from the approach on Sea Change Close from South Coast Highway (refer Attachment 8.1.2b). It is further noted that a future dwelling would be located to the front of the outbuilding (based on the proposed building envelope) which would help to break up the bulk of the outbuilding as viewed from the street.

On balance, and taking into account the proponent's justification and plans to build a dwelling in the near future, it is considered that the proposal should be supported, subject to appropriate conditions.

It should be noted that approval to this proposal will not set a precedence as each proposal will be considered on its merits and determined accordingly.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.1.2
MOVED: CR OSBORNE SECONDED: CR ROWLAND

That with respect to the planning application for the Proposed Outbuilding and Rainwater Tank for No. 36 (Lot 3) Sea Change Close, Hay, Council resolves to grant Planning Approval subject to the following:

Conditions

1. Development to be in accordance with the attached stamped approved plans dated 6 March 2014 (floor plan and elevations), 1 April 2014 (site plan) and 9 May 2014 (fill details).
2. Vegetation screening to be planted and subsequently maintained in the areas identified on the approved site plan to the satisfaction of the Shire of Denmark (Planning Services).
3. The vehicle crossover shall be suitably constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained.
4. Driveway/accessway to the outbuilding shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles.
5. The approved outbuilding shall not be used for human habitation, commercial or industrial uses – refer Advice Note 1.
6. The approved rainwater tank shall provide an adequate permanent water supply of not less than 10,000 litres for bush fire-fighting purposes, accessible by a DFES approved coupling for emergency purposes only.
7. The rainwater tank (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the proposed outbuilding.
8. Any runoff from the rainwater tank must not overflow onto adjoining properties.

Advice Notes:

a) In relation to Condition 5, the outbuilding can be utilised to accommodate the storage and minor maintenance of one (1) school bus only.
b) 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.
c) 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: 8/1 Res: 110514

8.1.3 SCHEME AMENDMENT 138 – REZONING NO. 10 (LOT 402) MYERS ROAD, SHADFORTH FROM 'RURAL' TO 'SPECIAL RURAL'

File Ref:	TPS3/SA138 (A665)
Applicant / Proponent:	Ayton Baesjou Planning on behalf of Hillboi Nominees Pty Ltd
Subject Land / Locality:	No. 10 (Lot 402) Myers Road, Shadforth
Disclosure of Officer Interest:	Nil
Date:	8 May 2014
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.3 – Proposed Scheme Text Provisions, Zoning Map and Subdivision Guide Plan

Summary:
Planning Services have received a request to initiate a Scheme Amendment to Town Planning Scheme No. 3 (TPS No. 3) to rezone No. 10 (Lot 402) Myers Road, Shadforth from "Rural" to "Special Rural" to facilitate the creation of seven (7) freehold lots for rural living purposes.

Having due regard to the relevant provisions of TPS No .3, the Shire's adopted Local Planning Strategy (2011) and the numerous State Planning Policies and Town Planning Scheme Policies that are relevant to this proposal, it is recommended that Scheme Amendment 138 be initiated.

Background:
Current Application
A request to initiate a Scheme Amendment to TPS No. 3 to rezone the subject lot from "Rural" to "Special Rural" was lodged with Planning Services in July 2013. It should be noted that since lodgement, the Scheme Amendment documentation has been the subject of an internal review by the Shire's Development Co-ordination Unit where a number of key modifications/issues were identified that Shire officers considered needed to be addressed in the Scheme Amendment documentation prior to the matter being referred to Council for consideration of initiation.

Attached at Attachment 8.1.3 are the proposed Scheme Text provisions, Zoning Map and SGP. Due to the size of the document, a copy of the Scheme Amendment report documentation is available for Councillors via Dropbox or USB, with a printed version available for Councillors upon request.

In summary, the proposed Scheme Text provisions and the proposed SGP provide for the subject lot to be developed into seven (7) green title lots for rural living purposes as per the following:

- Lot 1 – 5.2 hectare lot that contains the existing dwelling and outbuildings with access/egress off Myers Road.
- Lots 2-7 – ranging from 4.0 hectares to 4.8 hectares with access/egress via the new public road off Cussons Road.

Consultation:
In accordance with the *Town Planning Regulations 1967*, public advertising is required to be undertaken for a minimum period of 42 days once the Environmental Protection Authority have considered the Scheme Amendment.

External Consultation
- Ayton Baesjou Planning

Internal Consultation
- Development Co-ordination Unit

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- *Town Planning Regulations 1967* – The Regulations set the procedure for amending a town planning scheme; and
- Town Planning Scheme No. 3 – the subject land is currently zoned "Rural".

Policy Implications:

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

- State Planning Policy No. 1: State Planning Framework Policy
- State Planning Policy No. 2.5: Land Use Planning in Rural Areas
- State Planning Policy No. 3 – Urban Growth and Settlement
- State Planning Policy No. 3.4: Natural Hazards and Disasters
- Draft Country Sewerage Policy
- Town Planning Scheme Policy No. 5: Minimum Setbacks
- Town Planning Scheme Policy No. 29: Rural Settlement Strategy

Budget / Financial Implications:

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

Strategic Implications:

The site is designated in the adopted Local Planning Strategy as 'Rural Smallholdings', and due regard has been given to the relevant Local Planning Strategy provisions within Scheme Amendment 138.

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

Social Objective: Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.

Social Goal: Lifestyle – that the Shire of Denmark endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Environment Objective: Denmark's natural environment is regionally significant, wild and beautiful, yet so inviting and fragile that its protection and enhancement is carefully balanced in meeting the needs of current and future generations' lifestyle, development and tourism needs.

Environment Goal: Natural Environment – that the Shire of Denmark acknowledge the importance of the natural environment to the residents of Denmark and the region, and works with residents and all relevant agencies to maintain a high standard of environmental protection and its integration with community life.

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 implications relating to the report or officer recommendation.

- **Economic:**

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

- **Social:**

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

Comment/Conclusion:

Scheme Amendment No. 138 proposes to rezone the subject lot from “Rural” to “Special Rural” to facilitate development of the lot for rural living purposes.

In terms of the zoning of “Special Rural” as opposed to “Rural Smallholdings” (being the designation in the Local Planning Strategy (2011)), Planning Services and the Department of Planning have agreed that rather than introduce a “Rural Smallholdings” zone into TPS No. 3 at this point in time, that any Scheme Amendments to TPS No. 3 should utilise the current “Special Rural” zoning provisions with the special provisions/conditions to have regard to the intent of rural smallholding development. Zoning of this site, along with all other “Special Rural” zones, to a zone that reflects the ‘Rural Residential’ or ‘Rural Smallholdings’ designations as per the Local Planning Strategy (2011) can be addressed via Local Planning Scheme No. 4.

From a Planning Services perspective it is considered that the proposed SGP for the site and the associated Scheme provisions are appropriate noting that the subject site is designated as ‘Rural Smallholdings’ in the Local Planning Strategy (2011), therefore it is recommended that Council initiate Scheme Amendment No. 138 to TPS No. 3 accordingly.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.1.3
MOVED: CR MORRELL SECONDED: CR ROWLAND

That with respect to the request to initiate a Scheme Amendment to rezone No. 10 (Lot 402) Myers Road, Shadforth from "Rural" to "Special Rural", Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005 initiate Town Planning Scheme No. 3 Amendment No. 138 by:
   a) Rezoning No. 10 (Lot 402) Myers Road, Shadforth from "Rural" to "Special Rural – SR26" and amend the Scheme maps accordingly.
   b) Inserting Special Rural Zone No. 26 provisions in Appendix VI – Special Rural Zone of the Scheme Text as follows:
      - Column 1 – Particulars of the Land
        26.
        ~~No. 1670 (Lot 3) South Coast Highway, Shadforth~~
        No. 10 (Lot 402) Myers Road, Shadforth
      - Column 2 – Proposed Uses
        Rural Smallholding
        Permitted Uses (P): Single House
        Permitted at Council's Discretion (AA): Rural Pursuit, Horticulture, Holiday Accommodation, Holiday Home (Standard), Holiday Home (Large), Home Occupation, Home Business, Cottage Industry
      - Column 3 – Special Provisions
        i. Subdivision and development shall generally be in accordance with the Subdivision Guide Plan 12-39-SGP(e) dated May 2014.
        ii. The minimum lot size shall be 4.0 hectares.
        iii. Building envelopes (maximum 3000m^2) should generally be as per the endorsed Subdivision Guide Plan, with all buildings and effluent disposal systems to be located within the building envelopes.
        iv. Any proposals seeking to vary the location of the building envelopes needs to at least have regard to the following:
            a. A minimum front boundary setback of 20 metres to Myers Road and the new road off Cussons Road.
            b. A minimum setback of 100 metres to the South Coast Highway lot frontage.
            c. A minimum setback of 50 metres to Cussons Road lot frontage.
            d. Minimum side and rear boundary setbacks of 15 metres, with the exception that Lots 3 and 4 are to have a side/rear boundary setback of 100 metres having regard to the extreme fire risk associated with the adjoining vegetation.
            e. Minimum setback of 30 metres from the Vegetation Protection Area as identified on the Subdivision Guide Plan.
            f. Visual impact/amenity from adjoining roads.
            g. Other issues as identified on the Opportunities and Constraints Plan for the land as provided for in the Scheme Amendment 138 documentation
        v. Zincalume or white coloured roofs and external wall materials shall not be permitted.
        vi. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it should be of rural construction such as post and strand (or similar) to the satisfaction of Council.
        vii. Vegetation Protection and Revegetation
            1. No clearing of vegetation shall occur except for:
               - Clearing to comply with requirements of the Bush Fires Act 1954 (as amended).
               - Clearing within the building envelope as may be reasonably required to construct an approved building and curtilage.
               - Trees which are dead, diseased and dangerous.

- Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council.

2. Council may request the Commission to impose a condition at the time of subdivision for the revegetation of areas shown on the Subdivision Guide Plan. Council shall require the use of endemic native shrubs and trees and shall require that these are maintained for a period of at least three years.
3. Additional tree planting may be required as a condition of development approval.

viii. With the intention of preventing erosion or practices detrimental to the amenity within the zone, 'Rural Pursuit' and 'Horticulture' land uses shall not be permitted unless with the consent of the Council. The Council may impose limits on stocking or any other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.

ix. The keeping of livestock shall be restricted to fenced, pastured areas of the lot. The owner is responsible for the construction and maintenance of stock proof fencing to protect remnant vegetation.

x. Provision of potable water shall be the responsibility of the individual landowner at the time of development and shall involve the installation of a water storage tank of not less than 92,000 litre capacity.

xi. On-site effluent disposal shall be the responsibility of the individual landowner at the time of development, with the effluent disposal system to be approved by Council.

xii. Subdivision and development shall be in accordance with the approved Fire Management Plan for the land.

xiii. All Single Houses shall be constructed to AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended), with no building requiring greater construction rating than BAL-29.

xiv. When considering the land use of 'Holiday Accommodation', support of a holiday accommodation proposal will only be forthcoming where the accommodation is limited to solely within the dwelling.

2. Refer Town Planning Scheme No. 3 Scheme Amendment No. 138 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.
3. Determine that Town Planning Scheme No. 3 Amendment No. 138 is consistent with the criteria listed under Section 25(2) of the Town Planning Regulations 1967 and resolve to proceed to advertising of the amendment for public inspection after consideration by the Environmental Protection Authority.

CARRIED UNANIMOUSLY: 9/0 Res: 120514

8.2 Director of Community & Regulatory Services

8.2.1 DENMARK YOUTH SERVICES 10 YEAR STRATEGIC PLAN DEVELOPMENT GRANT

File Ref:	SER.4
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	18 May 2014
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.1 – Grant Application

Summary:
The officer report discusses and recommends the acceptance of a $9,500 Youth Friendly Communities grant that has been offered to Council by the Department of Local Government and Communities for the development of a 10 year Youth Services Plan that must be accepted prior to the 30 June 2014.

Background:
In May 2012, the then Youth Centre Coordinator submitted the attached $9,500 Youth Friendly Communities grant application for funding to assist with the preparation of a 10 year Youth Services Plan.

This application was initially unsuccessful, but the Department of Communities have since offered Council the requested funding on the proviso that it be accepted by the 30 June 2014.

Comment:
The preparation of a ten year Youth Services Plan is consistent with both Policy P080301 and good community development and organisational practice and on this basis acceptance of the grant is recommended.

Policy P080301 (Provision of Youth Services) reads as follows:

"Council provides facilities and services needed to support the community, including the youth, of Denmark and is committed to provide the resources to ensure that the Youth Centre has adequate equipment and is appropriately staffed to run youth focused events or activities and to continually strive for best practice.

Objectives
The activities at the Youth Centre are initiated and run, wherever possible, by young people enabling them to gain a strong sense of ownership and empowerment through proactive participation and management.

The Centre:
- *Provides opportunities to explore and develop youth focused programs and activities aimed at promoting positive mental and physical wellbeing.*
- *Provides an environment that is welcoming for young people.*
- *Acts as a conduit when appropriate, between young people, local police and community members.*
- *Provides support and guidance to young people by presenting a positive role model and mentorship.*
- *Assists in the creation of partnerships that encourage business and community participation options with young people in the Denmark community.*
- *Facilitates in the development of opportunities for young people to make a positive contribution to the Denmark community."*

DENMARK YOUTH CENTRE – GUIDELINES, PROCEDURES & POLICIES (located at the Youth Centre) adopted by Council - 27FEB07

The plan once completed will be of use to Council in both planning and coordinating the development of its youth services, attracting and engaging with other youth agencies that may wish to use the facility and as a basis for obtaining further grant funding.

Consultation:
No consultation has taken place in regards to the acceptance of the $9,500 Youth Friendly Communities grant and the development of a 10 year strategic plan.

The resultant 10 year strategic plan however will involve significant community and stakeholder consultation.

Statutory Obligations:
There are no relevant statutory obligations.

Policy Implications:
The following policies and delegations relate to the acceptance of this grant:

P080301 Provision of Youth Services & D040223 Grants & Subsidies relating to the acceptance of grants.

Budget / Financial Implications:
The acceptance of the grant will contribute $9,500 to the Youth Centres income and require $11,500 in "in kind" resources which for the most part will be met out the centre's existing resources.

The Youth Centre currently employs two staff with degrees in sociology and Clare Harrison, who is the current coordinator, has extensive experience in community development related project management.

Given that the grant must be accepted by the 30 June 2014 it will be necessary for Council to amend its current budget and to carry the expenditure over into its 2014/2015 budget (in-kind).

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.

Youth: ...encourage opportunities, employment and facilities for young people, and aims to involve them in decisions made within the community.

Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Sustainability Implications:

- **Governance:**

The preparation of a 10 year strategic plan will have significant governance considerations in as much that it will enable the progress and development of the Shire's youth services to be measured and reported on.

This is an important organisational outcome because what gets measured improves. This is an important consideration in achieving the outcomes sought by Policy P0803010.

- **Environmental:**

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

- **Economic:**

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

- **Social:**

The acceptance of this grant and the preparation of a 10 year strategic plan will assist Council in providing facilities and services that are needed to support the community, and the youth, of Denmark and ensure that the Youth Centre has adequate equipment and is appropriately staffed to run youth focused events or activities and to continually strive for best practice

Comment/Conclusion:
Acceptance of the $9,500 Youth Friendly Communities grant and the development of a 10 year strategic plan is supported by the officer as it is consistent with Council's policies and strategic plans and the Youth Centre has the operational capacities to fulfil the terms of the grant.

Voting Requirements:
An absolute majority is required with respect to amending the Budget.

5.50pm – The Director of Planning & Sustainability left the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR GILLIES	SECONDED: CR PEDRO
That Council accept the $10,000 Youth Friendly Communities grant that has been offered to Council by the Department of Local Government and Communities for the development of a 10 year Youth Services Plan and amend its 2013/2014 Budget accordingly by showing an income of $10,000 against GL 1620243 and increased forecast surplus by $10,000.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	Res: 130514

8.2.2 DINGHY, PADDLE BOAT & PADDLE BOARD HIRE FROM THE RIVERMOUTH CARAVAN PARK

File Ref:	A1324, HLT.4
Applicant / Proponent:	Noel Phillips, Rivermouth Caravan Park
Subject Land / Locality:	Rivermouth Foreshore and Wilson Inlet
Disclosure of Officer Interest:	Nil
Date:	18 May 2014
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.2 – Letter from Rivermouth Caravan Park

Summary:
This report considers a proposal to add 6 paddle boats and 6 paddle boards to the existing power boat, kayak and bicycle hire business that operates from the Rivermouth Caravan Park.

The proposal also seeks to increase the horse power of the 6 power boats that are currently approved from 6hp to 25hp.

The officer report recommends approval for a five year period based on the fact that the kayak and bicycle hire has operated since 2009 and the power boat hire has operated since 2010 without complaint.

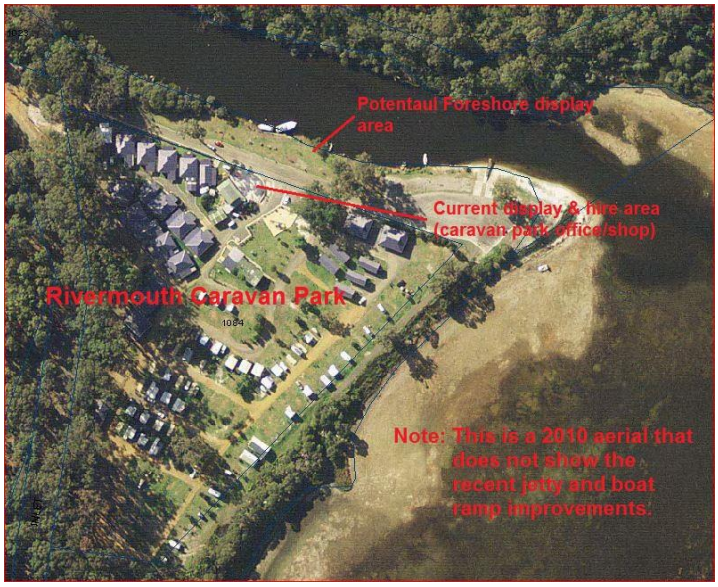
Background:
At its 24 November 2009 meeting Council granted permission to the Rivermouth Caravan Park to operate a kayak and bicycle hire business from the shop at the caravan park. This approval represented a formalisation of the hire business that had been conducted from the caravan park at various scale over many years.

Following on from this at its 26 October 2010 meeting Council granted a further approval to expand this business by hiring out six, 6hp outboard powered dinghies in addition to kayaks and bicycles.

The reason why the applicant limited the power of the boats to 6hp in the 2010 proposal was to increase their marketability as a Recreational Skippers Ticket is only required beyond this horse power.

The reason why permission for a 25hp motor is now being sought is that the inlet large open body of water that is subject to quickly changing weather conditions and 6hp motors at times have difficulty making headway when they have multiple passengers.

Comment:



The availability of paddle boats and paddle boards in addition to small power boats kayaks and bicycles at the Rivermouth Caravan Park will add to Denmark's profile as a tourist town and increase level of facilities available to the users of the Rivermouth area.

The Rivermouth Caravan Park has operated a kayak and bicycle hire business from the caravan park shop for several years and in November 2009 and October 2010 sought formal approval from Council to operate their business in order to more fully comply with Department of Planning and Infrastructure licensing requirements. They are now seeking permission to add six paddle boats and paddle boards to their business operation and the increase the power their six dinghies, outboards from 6hp to 25hp to better cope with inlet conditions.

The current business involves hiring out of kayaks that are stored in racks which are fixed to the walls of the office and bicycles that are parked in front of the office. The storage areas used for these items are neat and tidy and do not detract from the amenity of the caravan park or the foreshore strip. The dinghies each have their own trailer and are stored within the caravan park and are only be made available with their trailer on dry hire only basis. People hiring them will have the choice of either launching them from the Rivermouth boat ramp or towing them to another location. The increase from 6hp to 25hp motors will mean that anyone who hires them will need to have a recreational skipper's ticket.

Given the business is being conducted on land that the applicant already leases from Council an annual trader's permit is not required and the objective of this report is to provide Council with sufficient information to make a decision regarding whether or not an expansion of the existing trading use should be permitted within the caravan park's leasehold area. The reason why an annual trader's permit is not required is that the kayaks, bicycles, dinghies and paddle boats and paddle boards, if approved by the Council, will be hired out within the park's leasehold area and the people who hire them then take them to the boat ramp, foreshore or cycle paths to use them. Council's approval as a land holder is however required as the activity represents a variation, albeit minor, of the original purpose of the lease hold land that will inevitably utilise Council's adjoining Foreshore Reserve, if only through launching and retrieving.

That said, for the purposes of practicality to the operator and convenience to the user, the officer recommendation includes scope for Council's CEO to issue an appropriately conditioned annual traders permit present up to 2 paddle boats, 2 pushbikes, 2 kayaks and 2 paddle boards on the Rivermouth foreshore for hire.

In considering this proposal it should be noted that many water front caravan parks hire out small boats, kayaks and bicycles themselves or have businesses near them that do so, and the public has come to expect that services will be available in water front tourist areas.

Given that the public normally expects that power boats, kayaks and bicycles will be available at water front tourist locations, it is reasonable for Council to consider issuing approval for the hire of up to 6 paddle boats, 6 paddle boards and 6, 25hp outboard powered dinghies, kayaks and bicycles at the Rivermouth Caravan Park.

Consultation:
Consultation has taken place with the Department of Transport and the Riverside Stage 2 project team who are focused Denmark River power boat usage and foreshore land uses and interface issues.

Statutory Obligations:
Council has power to control and issue trader's permits to use its land under the Local Government Act 1995 and the Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001.

Council's role in issuing this approval is as a landowner giving permission for the activity to take place on its land, whereas the Department of Transport are the licensing authority giving permission for the water based aspects of the hire business to take place and accordingly are the agency with primary responsibility for this activity. Notwithstanding these comments a condition will be placed on the approval notifying the proprietor of their responsibilities in this regard.

Policy Implications:
Council's Recreational Boating Plan, which was written in 2007, indicates that the Rivermouth boat ramp is a preferred site for launching power boats, so the hire of small power boats from the Rivermouth Caravan Park is considered to be compatible with this plan.

The Plan however seeks to, where practical, delineate the area upstream of the Denmark traffic bridge as being suitable for non-powered craft such as canoes, kayaks and paddle boats and nominates the area below the bridge as being more suitable for powered boats.

While the mixing of powered and non-powered water craft is not the preferred solution under that plan this activity has been successfully occurring at the Rivermouth and there is sufficient infrastructure, visibility and reduced speed limits for power boat users to be aware of non-powered craft.

Budget / Financial Implications:
There are no known financial implications upon the Councils current Budget or Plan for the Future.

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.

Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Recreation: ...monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

Natural Environment: ...acknowledge the importance of the natural environment to the residents of Denmark and the region, and works with residents and all relevant agencies to maintain a high standard of environmental protection and its integration with community life.

Natural Environment: ...acknowledge the importance of the natural environment to the residents of Denmark and the region, and works with residents and all relevant agencies to maintain a high standard of environmental protection and its integration with community life.

Tourism: ...acknowledge the importance of tourism to the region, and, by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

Sustainability Implications:

- **Governance:**

There are no known governance implications to the report or the officer recommendation.

- **Environmental:**

Several boat launching of ramps are available in the Denmark area so the proposed boat hire should not lead to damage of the foreshore.

Similarly the boats at 25hp will still be well below to power of most of the boats that use the inlet.

- **Economic:**

Tourism is an important local industry that provides door trade for many local businesses. The presence of power boat, kayak, paddle boat and paddle board and bicycle hire at the Rivermouth Caravan Park will contribute to the facilities in Denmark that are available for tourists.

- **Social:**

The presence of power boat, kayak paddle boat and paddle board and bicycle hire at the Rivermouth Caravan Park will contribute to the recreational opportunities that are available in Denmark which in turns will improve the health and wellbeing of its residents.

Comment/Conclusion:

Given that public normally expects that power boats, kayaks and bicycles will be available at water front tourist locations and the fact that the existing business has operated for several years without incident or compliant it is reasonable for Council to consider issuing approval for the hire of up to 6 paddle boats, 6 paddle boards and 6, 25hp outboard powered dinghies, kayaks and bicycles at the Rivermouth Caravan Park.

Voting Requirements:

Simple majority.

5.57pm – The Director of Planning & Sustainability returned to the room.

6.07pm – Cr Gillies left the room.

6.10pm – The Director of Finance & Administration left the room.

6.10pm – Cr Gillies returned to the room.

6.12pm – The Director of Finance & Administration returned to the room.

OFFICER RECOMMENDATION ITEM 8.2.2

That with respect to the request of the proprietors of the Rivermouth Caravan to review their 2009 permit to hire recreational equipment from the office at the Rivermouth Caravan Park and seek permission to add to their existing equipment, Council authorise the Chief Executive Officer, pursuant to Delegation, to issue permits to trade on public land, to;

1. Approve the permit annually, subject to;
    a) No empty boat trailers being parked within the foreshore Reserve or boat trailer parking area adjoining the Rivermouth Caravan Park;
    b) Ensuring that the hire equipment, whether on trailers or not, is not ordinarily stored or displayed on Council's foreshore land adjoining, unless specifically approved by the Council's Chief Executive Officer via an annual trading permit for trading on Council's land;

c) The applicant demonstrating the necessary extensions on their public liability insurance(s) to the satisfaction of the Council's Chief Executive Officer who will have regard to advice from Council's Insurers.
d) The applicant obtaining the necessary approvals for water hire craft from the Department of Transport;
e) The maximum water craft and other equipment being as follows;
    - six paddle boats;
    - six paddle boards;
    - six outboard powered dinghies (maximum 25hp);
    - 12 pushbikes and;
    - 9 kayaks / canoes.
f) Restrictions to display or store on Council's Foreshore at any one and time during daylight hours only is limited to;
    - 2 paddle boards;
    - 2 push bikes;
    - 2 kayaks / canoes; and
    - 2 paddle boats.
g) Any proposed signage being subject to separate consideration and assessment.

COUNCIL RESOLUTION ITEM 8.2.2
MOVED: CR OSBORNE SECONDED: CR ROWLAND

That with respect to the request of the proprietors of the Rivermouth Caravan to review their 2009 permit to hire recreational equipment from the office at the Rivermouth Caravan Park and seek permission to add to their existing equipment, Council authorise the Chief Executive Officer, pursuant to Delegation, to issue permits to trade on public land, to;

1. Approve the permit annually, subject to;
    a) No empty boat trailers being parked within the foreshore Reserve or boat trailer parking area adjoining the Rivermouth Caravan Park;
    b) Ensuring that the hire equipment, whether on trailers or not, is not ordinarily stored or displayed on Council's foreshore land adjoining, unless specifically approved by the Council's Chief Executive Officer via an annual trading permit for trading on Council's land;
    c) The applicant demonstrating the necessary extensions on their public liability insurance(s) to the satisfaction of the Council's Chief Executive Officer who will have regard to advice from Council's Insurers.
    d) The applicant obtaining the necessary approvals for water hire craft from the Department of Transport;
    e) The maximum water craft and other equipment being as follows;
        - six paddle boats;
        - six paddle boards;
        - six outboard powered dinghies (maximum 25hp);
        - 25 pushbikes and;
        - 9 kayaks / canoes.
    f) Restrictions to display or store on Council's Foreshore at any one and time during daylight hours only is limited to;
        - 2 paddle boards;
        - 2 push bikes;
        - 2 kayaks / canoes; and
        - 2 paddle boats.
    g) Any proposed signage being subject to separate consideration and assessment.

h) There being no degradation of the foreshore that can be attributed to the increased usage, storage, launching or retrieval of any of the water craft.

Advice Note
Council may be prepared to support an application for permanent moorings or jetties only if it is in its name.

CARRIED UNANIMOUSLY: 9/0 Res: 140514

REASONS FOR CHANGE
Council increased the number of push bikes from 12 to 25, added part h) and an Advice Note.

8.2.3 TOUR BOAT & BIBBULMUN TRACK WATER TAXI BASED AT RIVERMOUTH CARAVAN PARK

File Ref:	A1324, HLT.4
Applicant / Proponent:	Noel Phillips, Rivermouth Caravan Park
Subject Land / Locality:	Rivermouth Foreshore and Wilson Inlet
Disclosure of Officer Interest:	Nil
Date:	18 May 2014
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.3 – Letter from Rivermouth Caravan Park

Summary:
This report considers a proposal from the Rivermouth Caravan Park for in principle support for the establishment of a tour boat and a Bibbulmun Track water taxi to be based at the Denmark Rivermouth and proposed by the proponent to moored in an additional floating structure at that location at the proponent's expense.

This proposal is supported by the Great Southern Development Commission and Bibbulmun Track Foundation and the officer recommends that Council grant in principle approval subject a number of conditions being met.

Background:
The Bibbulmun Track passes over the bar at the mouth of the Wilson Inlet and as a result is only passable for part of the year, meaning that when the bar is open, walkers must travel into Denmark and walk along the Denmark – Nornalup Heritage Rail Trail until they reach the Hay River bridge, cross it and then walk to Youngs Siding followed by a final walk across the length of the Nullaki Peninsular to pick up the sand bar on the other side of the bar opening.

This detour takes a few days and detracts from the overall experience of the South Coast element of the trail and Bibbulmun Track Foundation and the Great Southern Development Commission have approached the lessee of the Rivermouth Caravan Park regarding the possibility of operating a tour boat/ water taxi that would be able to take them across the inlet to 'Robinson's' Jetty or in to Denmark to access accommodation and services.

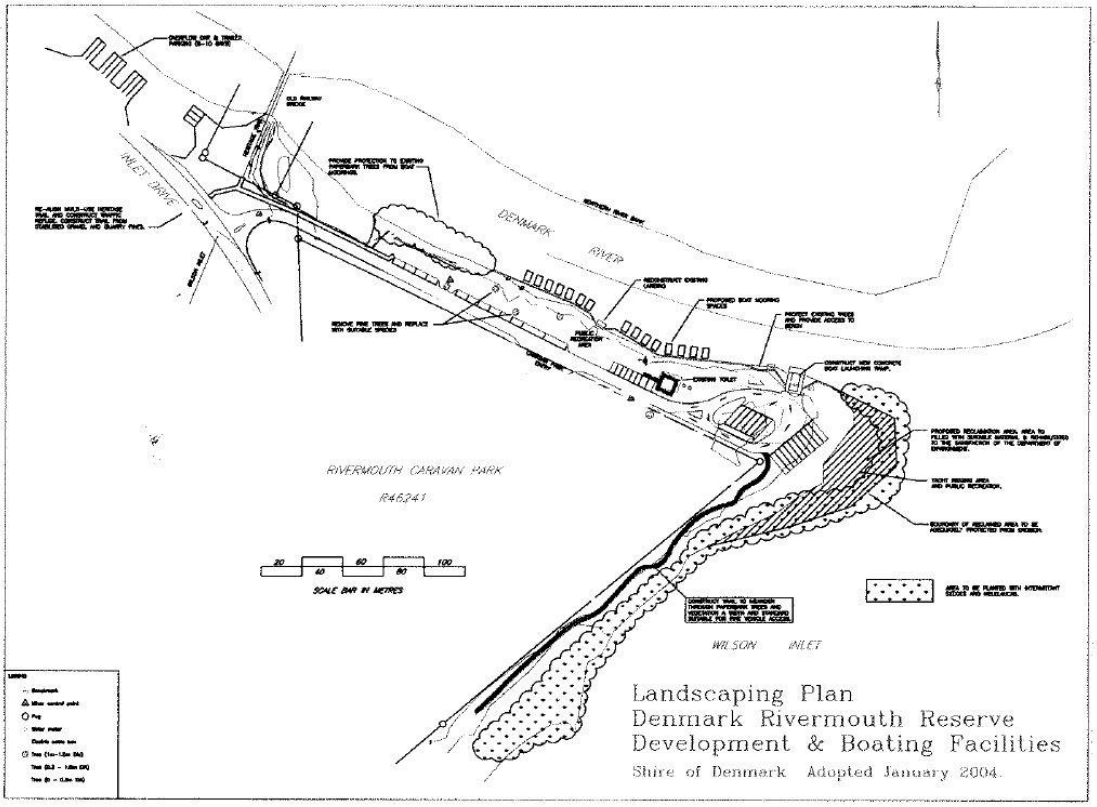
The Rivermouth Caravan Park is logical starting place for such a request because it is stable and viable business in its own right that already offers accommodation services to Bibbulmun Track walkers and has a shop front and an existing boat hire business.

Comment:
One of the critical elements of a successful year round and 'at demand' tour boat/water taxi business in a town the size of Denmark is that it needs to be financially viable for the operator to provide that service and this can generally only be achieved if it is coupled to an existing high turnover high tourist traffic business.

The Rivermouth Caravan Park meets this criterion and already provides accommodation services to Bibbulmun Track walkers and other tourists and is ideally placed to deliver those clients via boat to the Berridge Park and the CBD where businesses can benefit from them.

In addition to this the boat ramp, jetty, moored boats, the existing hire business, caravan park and other associated at Rivermouth all give visitors the impression that it is the logical place to find either find a tour boat/water taxi service or be delivered to by that service. It is also the ideal spot from which to launch both short and long tours of the inlet.

The construction of a jetty and the mooring of tour boat/water taxi at this location is also consistent development strategy that was prepared and adopted for the area in 2004 which is as follows:



Consultation:
Consultation has taken place with the Department of Transport and the Riverside Stage 2 project team who are focused Denmark River power boat usage and foreshore land uses and interface issues and the proposal is complimentary to the intended outcomes of this project.

The proposal is supported by the Great Southern Development Commission and Bibbulmun Track Foundation.

Statutory Obligations:
Council has power to control and issue trader's permits to use it land under the Local Government Act 1995 and the Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001.

Council's role in issuing this approval is as a landowner giving permission for the activity to take place on its land where as the Department of Transport are the licensing authority giving permission for the maritime charter activity and the licencing agency for any jetties and so are the agency with primary responsibility for this activity. Notwithstanding these comments, a condition is proposed to be placed on the approval notifying the proprietor of their responsibilities in this regard.

Policy Implications:
Council's Recreational Boating Plan which was written in 2007 indicates that the Rivermouth boat ramp is a preferred site for launching and mooring power boats so operation of a tour boat/ water taxi from the Rivermouth foreshore is considered to be compatible with this plan.

The construction of additional jetties at the Rivermouth foreshore is also consistent with the development strategy that was prepared for the area in 2004.

The Recreational Boating Plan has the following specific comments relating that support the principles espoused in the report and officer recommendation;

1. *Management of current uses and activities*

   1.1. *Limit size of boats to be launched at this ramp or in general for all waterways in the area such as no boats over 7m in length. This will discourage, house boats, large recreational craft and ocean going fishing vessels.*

   This strategy would effectively remove the need for deepening the channel and would if well promoted, give clear guidance as to the types of vessels deemed acceptable on local waters. It is a fact that the average boat is getting larger and that owners have an expectation that they will still be able to access the water with a larger vessel.

   1.2. *Develop maximum capacity signage directing boats in peak use times to alternative launching sites of Yacht Club Reserve (if upgraded) and Poddyshot.*

   In order to reduce congestion and its subsequent consequences it is recommended that signage be developed that guides users towards alternative launch sites in peak times. The signs could include a mud map of the location of other launch sites and approximate travel times to them.

   1.3. *Placement of navigation marker lights at the entrance to the river mouth.*

   This would increase the safety of vessels entering or exiting the inlet at night or during times of poor visibility.

2. *Planned construction of additional facilities to accommodate future increases*

   2.1. *Addition of universally accessible finger jetty between the two boat ramps as planned.*

   The Rivermouth boat ramp design included a finger jetty effectively splitting the ramp into two ramps. This jetty is essential due to the cross winds which currently swing boats around making it virtually impossible to make the maximum use of the ramp. The delay has been due to the difficulty in designing something that accommodates both high and low water levels. This needs to be resolved quickly and construction completed prior to next summer.

   2.2. *Dredging and widening of channel to Wilson Inlet*

   The river channel requires dredging due to the build up of sand and the dredging program should involve Poddyshot and the Yacht Club reserve in order to achieve economies of scale.

   2.3. *Expansion of yacht set up and launching area on Wilson Inlet side*

   If the Yacht Club reserve is not completed then greater pressure will be brought to bear on the Rivermouth launch area during the yachting season. An expansion of the set up area on the southern side of the Rivermouth will be required and may be a less expensive interim exercise which could delay the completion of the Yacht Club reserve until more funds became available.

2.4. Repair and licensing of river moorings alongside grassed area

The River moorings currently accommodate a range of classic and some not so classic craft. It is recommended that a retaining wall be constructed along the river bank and that the moorings are renovated to the desired standard by the users or removed. A lease fee should also be applied to the users. Clear signage should then be constructed indicating that no further beaching of craft is allowed upriver and fines should be applied to those deliberately beaching craft outside of the designated area.

2.5. Construction of retaining wall on river bank to reduce erosion and demarcate mooring areas

(as discussed above)

2.6. Expansion of car park area by footbridge

The small carpark near the base of the footbridge (old rail bridge) should be expanded to take over flow of single vehicles (no trailers). Clear signage is also required to guide users to this car park rather than into the Rivermouth boat launching area.

2.7. Construction of moorings and access piers for commercial operators (limited to number of Licenses and contribution to construction costs to be made by Licensee)

The area immediately upriver of the launching ramp currently used by commercial operators such as the Jasmin B should be redeveloped to become a commercial operators mooring area. The cost of construction would be contributed to by the Leaseholders.

2.8. Construction of change rooms

Though not a priority for fisherman and recreational boaters a change room is a desired facility for the yachtsman when they descend en mass for race days.

2.9. Wash down area for boats

Again this is a want rather than a need could cause congestion of not appropriately located. In simple terms a fresh water tap and hose with reasonable pressure is all that is required.

2.10 Planting of additional shade trees

A request for additional shade trees on the grassed area in front of the current classic boat moorings would appear a reasonable request however the future of this area needs to be determined as future pressure for overflow parking could be accommodated here.

3. <u>Mitigation strategies to restrict inappropriate vessels and activities and divert them to more appropriate sites:</u>

3.1. Launching fee/license.

This is perhaps the most controversial recommendation however it may in time prove to be the most effective. The recommendation is a method by which the number of boats using the water ways can be controlled and revenue gained to maintain the public facilities. The

concept is similar to a seasonal fishing license and would relate to the use of public launching facilities providing access to the Wilson Inlet. The license could be issued by the Shire or obtained over the internet and once a predetermined limit is reached then no more are issued. Some form of identification would be issued so that if challenged users could provide proof of purchase. The time frame for this type of measure could be limited to the summer peak season and though in the early stages people would react quite strongly against it would create a controlled demand for access. It may be one of the few strategies that would ensure the natural environment is protected. Local fisherman could pay for it as part of their Shire rates.

As there would be a number of difficulties in establishing this measure the time frame suggested in the Strategic Plan allows for sufficient time to fully explore the strategy and engage the local community and stakeholders in discussions around protecting the environment.

3.2. *Directional signs for recreational craft such as jet skis and ski boats.*

Additional signs should be placed in or around the areas indicated, so that people know when they have entered the appropriate zone for their intended use. It is vital that all information on the area relating to use of the waterways includes information on appropriate vessels. This would serve to reduce the risk of disappointment by boat owners being told their craft is unsuitable after considerable investment in travel etc. It would also serve to reduce conflict between user groups and those required to enforce any mitigation strategies such as a no jet skis policy.

Council Policy P120602 Private Jetties in Wilson Inlet and Denmark River states as follows;

"With regards to private jetties in Wilson Inlet and Denmark River, Council, where it relates in its capacity as the managing body for the adjoining foreshore reserve and/or road reserve:

a) *Recognises the existing rights of owners of jetties that are licensed by the Department of Transport.*
b) *Will not support any new private jetty applications that abut public land as they alienate public use and enjoyment of the waterways and foreshore environments and there is concern with the potential for clearing, boat launching and retrieval walk trails to obtain access and other associated unauthorised developments to take place in the public realm as a result.*
c) *Will allow owners of existing unlicensed jetties a period of twelve (12) months from the adoption of this policy to seek a jetty licence from the Department of Transport; and where such approval is not obtained, advise the Department of Transport that such jetty should be dismantled and/or removed, with such costs associated with dismantling and/or removal to be met by the Jetty owner, if known, or the Department of Transport, if required, having regard to Section 8A of the Jetties Act 1926."*

In accordance with this policy, the jetty / pontoon structure should be licensed in the name of the Council (as it will abut public (Council) land).

Budget / Financial Implications:
There are no known financial implications upon the Council's current Budget or Plan for the Future other than the annual 'traders permit' fee due to Council. This fee is set by Council each year and is currently $360 per annum.

Strategic Implications:
Approval for the proposed structure in the River will require approval of the Department of Transport – who will possibly enquire with Council about the state of the existing 'unlicensed' structures abutting the Caravan Park and 'dotted' along the river bank on the west side from the Railway Bridge down to the Council's ablution block.

The request also calls into question the 'rights' of users to 'reserve' or 'moor' their boats against Council' public foreshore for in some instances, 12 months of the year, without any licensed jetty nor any recompense to the Council or the Department of Transport (and with liability of the unlicensed broken structures resting with Council).

The question of the preferred 'style' and nature of development of the Rivermouth foreshore on the west side south of the Rail Trail Bridge has yet to be addressed by this Council other than the concept plan prepared be adopted in 2004.

Should it serve permanent moorings / pens with the opportunity for an annual or 5 year 'tender' for licensees to be 'let' by Council (with the Department of Transport approval)? For fisherman for example? Should there be several 'public' moorings for Caravan Park 'users' during their stay? How many moorings / pens / jetties are required / desired?

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.

Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.

Lifestyle: ...endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Recreation: ...monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

Tourism: ...acknowledge the importance of tourism to the region, and, by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

Sustainability Implications:

- **Governance:**

There are no significant governance considerations associated with the officer report and recommendation.

- **Environmental:**

The requirement to obtain Department of Transport approval in terms of environmental and river flow impacts for any proposed jetties will ensure that any unforseen environmental matters are addressed.

- **Economic:**

Tourism is an important local industry and the presence tour boat/ water taxi at the Rivermouth Caravan Park will contribute to the facilities in Denmark that are available for tourists.

- **Social:**

There are no significant social considerations associated with the officer report and recommendation.

Comment/Conclusion:
The Rivermouth Caravan Park is logical starting place for tour boat/ water taxi because it is stable and viable business in its own right that has a shop front and an existing boat hire business and therefore is more likely to be able to offer services year round to both locals, Bibbulmun Track walkers and other tourists.

The Rivermouth tour boat/ water taxi proposal is recommended to Council for in principle support.

The proposed boat size is yet to be determined but his would need to be established in conjunction with the Department of Transport with respect to the license required and also the jetty / pontoon structure proposed for the location.

In July 2007, Council considered a similar request for a tour boat (hovercraft) / Bibbulmun transport vessel operating from Berridge Park, the Resolution (No. 228/07) required further information from the proponent and following receipt of required information the proposal was to be advertised for public comment.

This service has however not developed due, in the officer's opinion, to the lack of continuity and connectivity with an existing allied service or facility (such as Caravan Park on the banks of the River) as mentioned earlier.

Voting Requirements:
Simple majority.

OFFICER RECOMMENDATION ITEM 8.2.3

1. That Council grant in principle approval to the proponent, being the proprietors of the Denmark Rivermouth Caravan Park, to operate a tour boat/water taxi from the Denmark Rivermouth Foreshore subject to the following conditions being met to the satisfaction of the Council's Chief Executive Officer;
   a) The boat operations and licenses, together with the proposed jetty / pontoon design being approved by the Department of Transport in terms of safety and appropriate design and, if required, the Department of Water in terms of environmental and river flow impacts.
   b) The proposed jetty's suitability with respect the size of vessel proposed (maximum 7.9m in length), durability and aesthetic and practical compatibility with the Rivermouth area and;
   c) The proponent demonstrating the necessary extensions on their public liability insurance(s) having regard to advice from Council's insurers.
   d) The proponent obtaining a Trading in Public Places Licence which is subject to annual assessment and payment of appropriate fees.
   e) The proposed jetty being licensed in the name of the Shire of Denmark as a 'private jetty' or similar at the discretion of the Department of Transport, with the annual license fees recoverable from the proponent and maintenance of the structure being the sole responsibility of the applicant pursuant to conditions incorporated into the proposed Trading in Public Places License.
   f) Until such time as the proposed jetty is completed, the tour boat is launched and retrieved immediately prior to and after each use and either stored in the Caravan Park or off site, not on Council's Foreshore Reserve.
   g) The in principle approval is subject to a regular service commencing within 2 years of the date of this decision.
2. That Council apply for a Recreation Boating Facilities Grant to undertake a needs analysis, review of the 2004 concept design and to undertake community consultation with respect to the recommendations contained in the Denmark Rivermouth Foreshore Zone 3 of the Recreation Boating Plan.

COUNCIL RESOLUTION ITEM 8.2.3
MOVED: CR MORRELL SECONDED: CR LEWIS

1. That Council grant in principle approval to the proponent, being the proprietors of the Denmark Rivermouth Caravan Park, to operate a tour boat/water taxi from the Denmark Rivermouth Foreshore subject to the following conditions being met to the satisfaction of the Council's Chief Executive Officer;
   a) The boat operations and licenses, together with the proposed jetty / pontoon design being approved by the Department of Transport in terms of safety and appropriate design and, if required, the Department of Water in terms of environmental and river flow impacts.
   b) The proposed jetty's suitability with respect the size of vessel proposed (maximum 7.9m in length), durability and aesthetic and practical compatibility with the Rivermouth area and;
   c) The proponent demonstrating the necessary extensions on their public liability insurance(s) having regard to advice from Council's insurers.
   d) The proponent obtaining a Trading in Public Places Licence which is subject to annual assessment and payment of appropriate fees.
   e) The proposed jetty being licensed in the name of the Shire of Denmark as a 'private jetty' or similar at no cost to Council and at the discretion of the Department of Transport, with the annual license fees recoverable from the proponent and maintenance of the structure being the sole responsibility of the applicant pursuant to conditions incorporated into the proposed Trading in Public Places License.
   f) Until such time as the proposed jetty is completed, the tour boat not be stored on Council's foreshore Reserve or is appropriately moored.
   g) The in principle approval is subject to a regular service commencing within 2 years of the date of this decision.
2. That Council apply for a Recreation Boating Facilities Grant to undertake a needs analysis, review of the 2004 concept design and to undertake community consultation with respect to the recommendations contained in the Denmark Rivermouth Foreshore Zone 3 of the Recreation Boating Plan.

CARRIED UNANIMOUSLY: 9/0 Res: 150514

REASONS FOR CHANGE
Council corrected the length of the vessel, in part b), from 7.0m to 7.9 and part f) was amended so the applicant was not required to launch and retrieve the vessel immediately prior to and after each use, if appropriately moored.

6.33pm - Public Question Time
The Shire President stated that the second public question time would begin & called for questions from members of the public.

Mrs Julie Hodges – Items 8.2.2 & 8.2.3
Mrs Hodges thanked Council for supporting the Rivermouth Caravan Park's proposals and noted that the Department of Transport had indicated that they would be looking to licence the existing jetty, not a new one.

COUNCIL RESOLUTION
MOVED: CR LEWIS SECONDED: CR GILLIES

That the meeting be adjourned for a short break

CARRIED: 7/2 Res: 160514

6.45pm – The meeting resumed with all Councillors and Officers who were present prior to the adjournment.

Prior to consideration of Item 8.2.4 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Thornton is a member of the Denmark / Walpole Football Club and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Thornton declares that he will consider this matter on its merits and vote accordingly.

8.2.4 POLICY ON ADVERTISING SIGNAGE AT MCLEAN PARK

File Ref:	A3035
Applicant / Proponent:	Not applicable
Subject Land / Locality:	McLean Park, portion of Reserve 15513, 73 Brazier Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 May 2014
Author:	Damian Schwarzbach, Manager Recreation & Youth Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	Nil

Summary:
This report considers the implementation of a proposed policy with respect to Advertising Signage at McLean Park. The Officer recommends the policy be adopted by Council.

Background:
McLean Park is on land managed by Council, being Reserve Number 15513, vested in the Shire of Denmark for the purposes of Recreation and Showground.

The McLean Park precinct is the major sporting and recreational facility in the Shire of Denmark, and all advertising and signage should, in the opinion of the Author, reflect a high standard. The facility is the main attraction to the community participating in both social and competitive physical activities.

There are two distinct point of reference at the complex;
1. McLean Park – the precinct that has frontage on Brazier Street and includes the Skate Park, Youth Centre (Tha House), Scout Hall, Change rooms, Club rooms, Recreation Centre and Oval.
2. McLean Oval – the oval inside the McLean Park precinct where sport and recreational activities are played. The oval has a driveway or car park around the perimeter for approximately three quarters of the circumference.

Consultation:
At present only the Denmark Walpole Football Club has been consulted. If the Officer recommendation is supported the proposed policy will be referred to the McLean Park User Group for input and referral back to Council. Council could concurrently, if it so determined, advertise the proposed policy for wider input, however it is the view of the officer that this should only occur after the input of the User Group and the Policy has their 'majority' support.

Statutory Obligations:
Nil

Policy Implications:
This particular policy proposed primarily relates to the Oval.

The current signage fence on the Oval was erected and is maintained by the Denmark Walpole Football Club at the club's expense. This fencing is 30 metres long and 1.1 metres high and presents in a satisfactory manner. The DWFC collect all income currently generated from the signage. As far as can be ascertained, this practice has been in place for approximately 20 years.

The scoreboard in the north-west corner of the oval also has signage and was built and managed by the DWFC. It's use is solely for the benefit of Australian Rules Football and is therefore appropriately 'signed' by advertisers supporting the DWFC.

This policy is also in line with the wording from the Shire of Denmark Town Planning Scheme Policy No.32, adopted on the 22 May 2001. Parts of this policy that are applicable are the following;

12.0 EXISTING SIGNS

12.1 Existing signs are those which were erected, placed or displayed lawfully prior to the coming into force of this Policy.

12.2 No provision of this Policy shall prevent the continued use of a sign for which, immediately prior to this Policy coming into operation, all licences and approvals required to authorise the erection of the sign, were duly obtained and are current.

12.3 However, where Council considers that a particular sign conflicts with the aims or objectives of this Policy it may serve an enforcement notice to require the advertiser to remove or adapt the sign.

5.30.7 DERELICT OR POORLY MAINTAINED SIGNS

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:

(i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or

(ii) remove the advertisement.

Budget / Financial Implications:

The proposed Policy establishes and authorises the Denmark – Walpole Football Club to continue to receive all income from advertising whilst making that club and subsequent community sporting groups that take up a similar opportunity, responsible for the fence that the signage is affixed to.

Adopting a proactive guiding policy may have the added benefit of encouraging existing sporting groups that regularly utilise the oval to identify and attract sponsors that will have a twofold benefit – an ongoing revenue stream to the particular club and also assist 'enclose' the oval which will provide the following additional benefits;

- Assist provide a more 'intimate' venue;
- Assist retain 'balls' that currently progress further into or under parked cars or further - making retrieval more time consuming / difficult;
- Assist prevent unauthorised access to the oval surface, resulting in damage.

It is noted that the Policy adequately addresses 'vehicle' access and maintenance requirements of the oval by emergency services and or maintenance personal.

Currently the oval is 'surrounded' by fence for only 30 metres, with approximately one-third protected by a bank / retaining wall. That leaves approximately 300 or more metres till 'available' for users on a 'first in first serve' basis. Given the likely take up to date over 20 years – it is not envisaged that the oval perimeter will be 'enclosed' any time soon, however if this is the case, then, in the opinion of the officer, the benefits outweigh the disadvantages – which with respect to the latter, as far as the officer is aware – only relates to how does Council or the User Group Committee determine future 'income' splitting (a good problem to have!)

Strategic Implications:
Nil

Sustainability Implications:

- **Environmental:**

There are no known environmental implications.

- **Economic:**

The Policy will enable continuation of the current practice, that allows the Denmark / Walpole Football Club the existing rights to collect revenue from all current McLean Oval perimeter (fencing) signage, but also provide that opportunity to other users, providing them the opportunity to collect an ongoing revenue stream.

- **Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in the sport result in a sense of personal well-being / good health in each member and, collectively, within the community.

Comment/Conclusion:
This policy attempts to honour the current unwritten practice (situation) with respect to the signage currently put in place by the Denmark / Walpole Football Club (DWFC) plus establishes a flexible framework for similar rights and opportunities for all regular users of the McLean Oval complex to participate in the erection of sponsor signage.

Council, if it adopts this policy, would be assisting community sporting groups to generate revenue and therefore contribute to their financial viability and sustainability.

The objective of the Signage at McLean Park policy is to provide clear parameters for the display of signage and advertising at the facility.

There is to be no permanent signage on the perimeter fence of McLean Park bordering Brazier Street or on buildings within the precinct without prior Council approval.

Areas which have been considered are;

- Regulatory Requirements,
- Statutory Requirements,
- Authorised Users (Member of the McLean Park User Group Committee),
- Costs (Who pays),
- Standards of advertising/signage,
- Quality of signage,
- Removal,
- Playing Field,
- Installation conditions.

The proposed Policy is detailed in the Officer Recommendation.

Voting Requirements:
Simple majority.

OFFICER RECOMMENDATION ITEM 8.2.4

That Council consider adopting the proposed policy titled SIGNAGE AT MCLEAN PARK following, subject to referral to the McLean Park User Group for comment;

Objective

The objective of the Signage at McLean Park Policy is to provide clear parameters for the display of permanent external signage and advertising at the facility.

Policy

1. *McLean Park (including Oval) is on land vested and managed by Council.*
2. *There are two distinct point of reference at the complex;*
    - *McLean Park – the precinct that has frontage on Brazier Street and includes the Skate Park, Youth Centre (Tha House), Scout Hall, Change rooms, Club rooms, Recreation Centre and Oval.*
    - *McLean Oval – the oval inside the McLean Park precinct where sport and recreational activities are played. The oval has a driveway or car park around the perimeter for approximately three quarters of the circumference.*
3. *Apart from entrance or directional signage authorised by the Manager of Recreation & Youth Services, no permanent Signage is allowed on the perimeter fence of McLean Park bordering Brazier Street.*
4. *Permanent Signage will be allowed on the perimeter of McLean Oval in accordance with the following;*
    a) *Regulatory Requirements – All advertising must comply with the provisions of State and Federal advertising regulations.*
    b) *Statutory Requirements – All signage must comply with the requirements of the Shire of Denmark Planning Scheme Policy No. 32.*
    c) *Authorised Users – Signage may only be erected by or on behalf of a not for profit club/community organisation that has a current user agreement (Member of the McLean Park User Group Committee) for use of the facility with the Shire of Denmark.*
    d) *The Denmark Walpole Football Club as the provider and maintainer of the current length of perimeter fence is able to place sponsor advertising on that fence and to charge an annual fee of their choice for that placement.*
    e) *Costs and income – Clubs will be fully responsible for all costs associated with design, production and maintenance of approved advertising signage and / or fencing and be eligible to derive all revenues attributable to the advertising signage.*
    f) *Standards – No advertising or signage will be permitted that could be considered offensive, discriminatory or contrary to the values of the Shire of Denmark. Any new fencing is to be the same style and height as the current fencing installed by the DWFC. The design, wording, content, location, installation and ongoing maintenance condition of all signage and or fencing relating is to be to the satisfaction of the Manager of Recreation & Youth Services.*
    g) *Quality – All advertising signs shall be professionally produced and of a standard commensurate with the McLean Oval facility. A copy of the layout (including colour scheme) and the wording of the proposed advertising sign is to be submitted to the Manager of Recreation & Youth Services as part of the approval process.*
    h) *Playing Field – No advertising signage shall be painted or erected on the playing surface without the prior approval of the Manager of Recreation & Youth Services.*
    i) *Buildings – Permanent or temporary signage may only be erected on the exterior of the buildings within the McLean Park complex with the prior approval from the Manager of Recreation & Youth Services.*
    j)

k) *Installation conditions – the installation and dismantling of signage must not result in any damage or defacement of any underground services, Council property or fixtures. All signage must be designed, constructed, installed and maintained to minimise the likelihood of risk of injury to any person. Signs and fences erected that they are affixed to, are considered assets of the Club and must be maintained and inspected by the club on a regular basis to ensure that they are fit for a public area. If signs are considered unsafe by Council staff, they will be removed at the Club's cost and Council will advise the club of its action. The Manager Recreation & Youth Services will enter into discussions to be satisfied of safety issues prior to allowing re-installation of the signs.*

l) *To allow access to the oval by passive users of the reserve as well as for maintenance and emergency vehicle access that may be required, the Manager of Recreation & Youth Services will ensure that sufficient pedestrian and vehicular (gated) accesses are provided for with pedestrian and or vehicle gates to be erected and maintained at the cost of Council.*

m) *Signs erected on fencing to the oval may be orientated to display either inward or outward to the oval users with the rights to any income derived from both sides being retained by the same club to avoid disputes over maintenance of the signs or fencing.*

n) *The Manager of Recreation & Youth Services will maintain a register of all approved signage and any associated fencing listing the 'approved' Club that owns and has responsibility for that section(s) of fence.*

o) *Users erecting signage and or fencing pursuant to this Policy do so on the understanding that Council reserve the right to request removal of the said installations for any reason by giving at least 12 months' notice.*

p) *This policy is to be reviewed every 5 years from the adoption date to ensure its relevance and ability to adapt to changing conditions.*

COUNCIL RESOLUTION ITEM 8.2.4
MOVED: CR SAMPSON SECONDED: CR SEENEY

That Council consider adopting the proposed policy titled SIGNAGE AT MCLEAN PARK following, subject to referral to the McLean Park User Group for comment;

Objective
The objective of the Signage at McLean Park Policy is to provide clear parameters for the display of permanent external signage and advertising at the facility.

Policy

1. *McLean Park (including Oval) is on land vested and managed by Council.*
2. *There are two distinct point of reference at the complex;*
    - *McLean Park – the precinct that has frontage on Brazier Street and includes the Skate Park, Youth Centre (Tha House), Scout Hall, Change rooms, Club rooms, Recreation Centre and Oval.*
    - *McLean Oval – the oval inside the McLean Park precinct where sport and recreational activities are played. The oval has a driveway or car park around the perimeter for approximately three quarters of the circumference.*
3. *Apart from entrance or directional signage authorised by the Manager of Recreation & Youth Services, no permanent Signage is allowed on the perimeter fence of McLean Park bordering Brazier Street.*
4. Permanent Signage will be allowed on the perimeter of McLean Oval in accordance with the following;
    a) *Regulatory Requirements – All advertising must comply with the provisions of State and Federal advertising regulations.*
    b) *Statutory Requirements –* All *signage must comply with the requirements of the Shire of Denmark Planning Scheme Policy no. 32.*
    c) *Authorised Users – Signage may only be erected by or on behalf of a not for profit*
    d) *Authorised Users – Signage may only be erected by or on behalf of a not for profit club/community organisation that has a current user agreement (Member of the McLean Park User Group Committee) for use of the facility with the Shire of Denmark.*
    e) *The Denmark Walpole Football Club as the provider and maintainer of the current length of perimeter fence is able to place sponsor advertising on that fence and to charge an annual fee of their choice for that placement.*
    f) *Costs and income – Clubs will be fully responsible for all costs associated with design, production and maintenance of approved advertising signage and / or fencing and be eligible to derive all revenues attributable to the advertising signage.*
    g) *Standards – No advertising or signage will be permitted that could be considered offensive, discriminatory, promoting smoke/tobacco or alcoholic products or contrary to the values of the Shire of Denmark. Any new fencing is to be the same style and height as the current fencing installed by the DWFC. The design, wording, content, location, installation and ongoing maintenance condition of all signage and or fencing relating is to be to the satisfaction of the Manager of Recreation & Youth Services.*
    h) *Quality – All advertising signs shall be professionally produced and of a standard commensurate with the McLean Oval facility. A copy of the layout (including colour scheme) and the wording of the proposed advertising sign is to be submitted to the Manager of Recreation & Youth Services as part of the approval process.*

i) Playing Field – No advertising signage shall be painted or erected on the playing surface without the prior approval of the Manager of Recreation & Youth Services.

j) Buildings – Permanent or temporary signage may only be erected on the exterior of the buildings within the McLean Park complex with the prior approval from the Manager of Recreation & Youth Services.

k) Installation conditions – the installation and dismantling of signage must not result in any damage or defacement of any underground services, Council property or fixtures. All signage must be designed, constructed, installed and maintained to minimise the likelihood of risk of injury to any person. Signs and fences erected that they are affixed to, are considered assets of the Club and must be maintained and inspected by the club on a regular basis to ensure that they are fit for a public area. If signs are considered unsafe by Council staff, they will be removed at the Club's cost and Council will advise the club of its action. The Manager Recreation & Youth Services will enter into discussions to be satisfied of safety issues prior to allowing re-installation of the signs.

l) To allow access to the oval by passive users of the reserve as well as for maintenance and emergency vehicle access that may be required, the Manager of Recreation & Youth Services will ensure that sufficient pedestrian and vehicular (gated) accesses are provided for with pedestrian and or vehicle gates to be erected and maintained at the cost of Council.

m) Signs erected on fencing to the oval may be orientated to display either inward or outward to the oval users with the rights to any income derived from both sides being retained by the same club to avoid disputes over maintenance of the signs or fencing.

n) The Manager of Recreation & Youth Services will maintain a register of all approved signage and any associated fencing listing the 'approved' Club that owns and has responsibility for that section(s) of fence.

o) Users erecting signage and or fencing pursuant to this Policy do so on the understanding that Council reserve the right to request removal of the said installations for any reason by giving at least 12 months' notice.

p) This policy is to be reviewed every 5 years from the adoption date to ensure its relevance and ability to adapt to changing conditions.

CARRIED UNANIMOUSLY: 9/0 Res: 170514

REASONS FOR CHANGE

Council added additional words to part g) to ensure that the policy preventing the advertising or promotion of smoke/tobacco or alcoholic products.

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

6.51pm – The Director of Community & Regulatory Services & the Director of Planning & Sustainability left the room.

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 APRIL 2014

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	13 May 2014
Author:	Steve Broad, Accountant
Authorising Officer:	Kim Dolzadelli, Director of Finance And Administration
Attachments:	8.4.1 – April Monthly Financial Report

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

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome enquiries in regard to the information contained within these reports.

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

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

Consultation:
Nil

Statutory Obligations:
Local Government Act 1995 Section 5.25 (1)
Local Government (Financial Management) Regulations 1996

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

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

For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopt a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of $5,000.

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

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

Budget / Financial Implications:
There are no significant trends or issues to be reported.

Strategic Implications:
Due regard has been given to the Shire of Denmark's Strategic Community Plan "Denmark 2031", namely:

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.

Sustainability Implications:

- **Governance:**

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

- **Environmental:**

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

- **Economic:**

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

- **Social:**

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

Comment/Conclusion:
Shire Trust Funds of $164,239 have been invested for 60 days with the National Bank, maturing 19 June 2014 at the quoted rate of 3.35%.

Reserve Funds totalling $2,890,590 have been invested for 90 days with the National Bank, maturing 10 June 2014 at the quoted rate of 3.66%.

Surplus Municipal Funds of $1,018,454 have been invested for 90 days with the National Bank, maturing 10 June 2014 at the quoted rate of 3.66%, and an additional term deposit of $1,018,454 for 60 days maturing 11 May 2014 at the quoted rate of 3.34% and a further $200,000 invested for 30 days maturing on the 11 May 2014 at the quoted rate of 3.06%.

<u>Key Financial Indicators at a Glance</u>
The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statement.

- Operating revenue is slightly higher than that predicted and operating expenditure are marginally lower for the period ending 30 April 2014 (Statement of Financial Activity).

- The 2013/14 Capital Works Program is 40.13% complete as at 30 April 2014 (Note 10).
- Rates Collection percentage of 95.73%% is in keeping with historical collection rates (Note 6).
- Various transfers to and from Reserve Funds have not yet been made for 2013/14 and are generally undertaken in the second half of the financial year, depending on specific projects to which these transfers relate.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)
As detailed.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR PEDRO
That with respect to Financial Statements for the month ending 30 April 2014, Council; 1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation. 2. Endorse the Accounts for Payment for April 2014 as listed.	
CARRIED UNANIMOUSLY: 9/0	Res: 180514

8.4.2 CULTURAL DEVELOPMENT FUND 2014/15

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	16 May 2014
Author:	Kim Dolzadelli, Director of Finance And Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.2 – Guidelines, Application Forms and Applications (Available on Council's website at www.denmark.wa.gov.au/agendas-minutes)

Summary:
Council is being asked to consider applications for the 2014/15 Cultural Development Fund (CDF) funding round for determination and inclusion in the 2014/15 Municipal Budget.

Background:
In early March 2014 Council invited submissions for the CDF Grants Program.

The advertising and notice of the CDF occurred as follows:

Denmark Bulletin – dates advertised

Advertisement..... 06/03/2014
Council Conversations 20/03/2014
Advertisement..... 03/04/2014
Council Conversations 17/04/2014

Direct Mail/Email 27 February 2014
Sporting Clubs 35
Schools.....7
Community Groups 64
Emergency Services 22
Church Groups 11

Applications closed on the 24 April 2014, with eleven (11) applications having been received for the 2014/15 round. The following table summarises the eleven (11) applications, with the full submissions attached;

Applicant	Project Description	Amount Requested	Project Cost
Green Skills Inc.	Community Art Project	$2,000	$11,960
Artsouth WA	2014 Southern Art and Craft Trail	$2,500	$29,295
Adie McDermott	Arts Project - "What does my home look like?" - postcards	$2,000	$7,565
Silvia Lehmann	Dance Workshop	$2,000	$8,544
Annette Carmichael	Solace + Yearning performance	$2,000	$11,044
The Mill Art Group	Art Workshops to engage community	$2,000	$12,365
The Denmark Community	Conservation of Infant Health Building	0	0
Flag Day Midwinter	Flag Display	$560	$860
Denmark Improvisation Practice	To create a space for multi-disciplinary artists	$450	$850

Peaceful Bay Progress Association	Dreams of the Bay Art Exhibition	$2,000	$3,000
Denmark Community Resource Centre	Free Delivery to Community of Simulcast Culturally-Significant Entertainment - Westlink simulcasts/broadcasts	$1,000	$5,180
	Total	**$16,510**	**$90,663**

The Guidelines that are distributed to potential applicants for funding from the CDF Program is reproduced below to assist in assessing the applications received;

OBJECTIVES:
1. To extend the range of cultural activities in the Shire.
2. To provide opportunities for community groups to interact with professional artists.
3. To assist groups and individuals in the community to become involved in cultural activities.

Consultation:
The Chief Executive Officer and the Director of Community and Regulatory Services have both been consulted with respect to applications received and applicants where necessary.

Statutory Obligations:
The Local Government Act 1995 provides for a strict budget process on terms of committing future expenditure. The proposed method of allocating these funds satisfies these requirements.

Policy Implications:
Council Policy P110702 (Cultural Development Fund) relates.

Budget / Financial Implications:
Council has previously budgeted an average amount of $9,600 for the previous 5 years. The adoption of the Officer's Recommendation would see a total Municipal Budget allocation for 2014/15 of $10,000 for the CDF (GL 1151102).

The Officer has recommended 'inclusion' in the 2014/15 Municipal Budget as opposed to 'consideration' given the small total value of the amounts recommended in order to provide the maximum time to the applicants to plan their projects, activities or events.

Strategic Implications:
There are no Strategic Implications.

Sustainability Implications:
- **Environmental:**

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

- **Economic:**

Some of the projects seeking funding, if successful, would result in economic benefits to the community.

- **Social:**

Some of the projects seeking funding, if successful, would result in economic benefits to the community.

Comment/Conclusion:
In an effort to initiate debate on the funding applications received and approved allocations, the Director of Finance and Administration has made a recommendation on

what he has identified as preferred projects taking in to consideration the following CDF guidelines:

"ASSESSMENT CRITERIA

- *Achievable objectives and outcomes.*
- *Project outcomes of artistic merit and cultural development.*
- *Applications will only be considered from groups and individuals from within the Shire of Denmark*
- *Complete budgetary details of the project to be provided.*
- *Level of financial contribution by the applicant.*

WHAT IS NOT FUNDED

- *Ongoing expenditure in the form of operating or administrative costs.*
- *Applications that are insular or of self-interest.*
- *Applications that benefit personal business aspirations.*
- *Applications for projects outside the Shire of Denmark. "*

In some instances, the recommended allocation is less than the sum requested in an attempt to spread the funds as widely as possible and maximise the benefits to be obtained. An assessment of the project budgets for these applications would indicate that such reductions could be accommodated although this has not been clarified with the applicants at this stage as this could be seen as pre-empting the Council's decision.

Applicant	Project Description	Amount Requested	Amount Recommended
Green Skills Inc.	Community Art Project	$2,000	$1,500
Artsouth WA	2014 Southern Art and Craft Trail	$2,500	$2,000
Adie McDermott	Arts Project - "What does my home look like?" - postcards	$2,000	$1,000
Silvia Lehmann	Dance Workshop	$2,000	$1,000
Annette Carmichael	Solace + Yearning performance	$2,000	$1,500
The Mill Art Group	Art Workshops to engage community	$2,000	$1,500
The Denmark Community	Conservation of Infant Health Building	$ -	$ -
Flag Day Midwinter	Flag Display	$560	$ -
Denmark Improvisation Practice	To create a space for multi-disciplinary artists	$450	$ -
Peaceful Bay Progress Association	Dreams of the Bay Art Exhibition	$2,000	$1,000
Denmark Community Resource Centre	Free Delivery to Community of Simulcast Culturally-Significant Entertainment - Westlink simulcasts/broadcasts	$1,000	$500
	Total	$16,510	$10,000

Voting Requirements:
Simple majority.

6.53pm – The Director of Community & Regulatory Services returned to the room.
6.54pm – The Director of Planning & Sustainability returned to the room.

OFFICER RECOMMENDATION ITEM 8.4.2

That Council with respect to the 2014/15 Cultural Development Fund grant applications received approves the following Cultural Development Fund grants totalling $10,000 for inclusion in the 2014/2015 Municipal Budget (GL 1151102):

Applicant	Project Description	Amount
Green Skills Inc.	Community Art Project	$1,500
Artsouth WA	2014 Southern Art and Craft Trail	$2,000
Adie McDermott	Arts Project - "What does my home look like?" - postcards	$1,000
Silvia Lehmann	Dance Workshop	$1,000
Annette Carmichael	Solace + Yearning performance	$1,500
The Mill Art Group	Art Workshops to engage community	$1,500
Peaceful Bay Progress Association	Dreams of the Bay Art Exhibition	$1,000
Denmark Community Resource Centre	Free Delivery to Community of Simulcast Culturally-Significant Entertainment - Westlink simulcasts/broadcasts	$500
	Total	**$10,000**

COUNCIL RESOLUTION ITEM 8.4.2
MOVED: CR OSBORNE SECONDED: CR GILLIES

That Council with respect to the 2014/15 Cultural Development Fund grant applications received approves the following Cultural Development Fund grants totalling $10,000 for inclusion in the 2014/2015 Municipal Budget (GL 1151102):

Applicant	Project Description	Amount
Green Skills Inc.	Community Art Project	$1,500
Artsouth WA	2014 Southern Art and Craft Trail	$2,000
Adie McDermott	Arts Project - "What does my home look like?" - postcards	$1,000
Silvia Lehmann	Dance Workshop	$1,000
Annette Carmichael	Solace + Yearning performance	$1,500
The Mill Art Group	Art Workshops to engage community	$1,500
Peaceful Bay Progress Association	Dreams of the Bay Art Exhibition	$1,500
	Total	**$10,000**

CARRIED UNANIMOUSLY: 9/0 Res: 190514

REASONS FOR CHANGE
Council removed the $500 allocation to the Denmark Community Resource Centre and increased the allocation to the Peaceful Bay Progress Association by $500.

Prior to consideration of Item 8.4.3 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a member of the Denmark Riverside Club and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Sampson, Cr Pedro, Cr Lewis & Cr Gillies are members of the Denmark Environment Centre Inc. and as a consequence there may be a perception that their impartiality on this matter may be affected.

Cr Osborne, Cr Sampson, Cr Pedro, Cr Lewis & Cr Gillies declare that they will consider this matter on its merits and vote accordingly.

8.4.3 COMMUNITY FINANCIAL ASSISTANCE FUND 2014/15

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	16 May 2014
Author:	Kim Dolzadelli, Director of Finance And Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.2 – Guidelines, Application Forms and Applications (Available on Council's website at www.denmark.wa.gov.au/agendas-minutes)

Summary:
Council is being asked to consider applications for the 2014/15 Community Financial Assistance Grants funding round for determination and inclusion in the 2014/15 Municipal Budget.

Background:
In early March 2014 Council invited submissions for the Community Financial Assistance Grants Program.

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

Denmark Bulletin
Advertisement..... 06/03/2014
Council Conversations 20/03/2014
Advertisement..... 03/04/2014
Council Conversations 17/04/2014

Direct Mail/Email 27 February 2014
Sporting Clubs 35
Schools..... 7
Community Groups 64
Emergency Services 22
Church Groups 11

Applications closed on the 24 April 2014, with nineteen (19) applications having been received for the 2014/15 round. The following table summarises the nineteen (19) applications, with the full submissions attached;

Applicant	Project Description	Amount Requested	Project Cost
Denmark High School P & C Inc.	Equipment for New Canteen	$1,947	$3,077
Denmark Tidy Towns	Completion of The Denmark Train - Hollings Rd	$2,500	$4,500

Denmark Primary School P & C Inc.	Community Fun Run prizes - Rec. Centre Memberships & 1 day free hire McLean Park Oval	$1,235	$5,000
Denmark Community Resource Centre	Free Delivery to Community of Simulcast Culturally-Significant Entertainment - Westlink simulcasts/broadcasts	$1,000	$5,180
Denmark Tennis Club (Country Club)	Build a practise wall adjacent to existing courts	$3,500	$7,000
Denmark Bridge Club Inc.	Purchase of electronic and associated Bridge playing equipment	$2,000	$9,891
Denmark Surf Life Saving Club	Purchase of training boards	$4,800	$16,580
Denmark Walpole Junior Football Club	Purchase of transportable goal posts	$780	$780
Denmark Soccer Club (Seniors)	Training & Game day Equipment	$1,260	$1,260
Owingup & Kordabup Bush Fire Brigade	Install or replace solar lighting at fire shed	$2,450	$2,950
Denmark Chamber of Commerce	Audit of Denmark business sector	$4,000	$8,710
Denmark Playgroup Inc. (Gumnut Corner)	Maintenance and upgrade to present facilities	$9,494	$9,994
Denmark Sea Rescue	Purchase of new Tractor	$40,000	$40,000
Denmark Walpole Football Club	Secure Playground area	$3,980	$4,540
Denmark Weed Action Group	Clearing of Robina pseudo acacia of Denmark Railway Station Precinct	$5,000	$7,000
1st Denmark Scouts	Shed to house food caravan and trailer	$8,575	$17,150
Denmark Environment Group	Construction of new building	$50,000	$50,000
Denmark Machinery Restoration Group	Purchase of Safety Cabinet	$1,512	$1,512
Denmark Riverside Club	Computer & Printer for Club organisational use	$3,046	$3,046
	Total	**$147,079**	**$198,170**

The guidelines that are distributed to potential applicants for funding from the Community Financial Assistance Grants Program are reproduced below to assist Committee Members in assessing the applications received;

OBJECTIVES:

1. To provide financial assistance for organisations and/or projects, which benefit the community.
2. To assist community based (not for profit) organisations to develop and maintain facilities.
3. To provide community based (not for profit) organisations with relief from Council imposed fees and charges.
4. To provide urgent or emergency financial assistance where required.
5. To provide guidelines for the consideration and approval, or otherwise, of financial assistance applications.

Consultation:
The Chief Executive Officer and Director of Community and Regulatory Services have both been consulted with respect to applications received and applicants where necessary.

Statutory Obligations:
The Local Government Act 1995 provides for a strict budget process on terms of committing future expenditure. The proposed method of allocating these funds satisfies these requirements.

Policy Implications:
There are no Policy implications with respect to this item.

Budget / Financial Implications:
Council has previously budgeted for an average amount of $20,917 for the previous 5 years. The adoption of the Officers recommendation would see a total Municipal Budget allocation for 2014/15 of $20,000 for the Community Financial Assistance Grants (GL 1420342) which is in keeping with Council's annual amount made available to the fund.

The Officer also proposes that an indicative amount of $10,000 be included in the 2014/15 Municipal Budget for the provision of a "Secure Playground Area" for the McLean Park precinct.

The Officer has recommended 'inclusion' in the 2014/15 Municipal Budget as opposed to 'consideration' given the small total value of the amounts recommended in order to provide the maximum time to the applicants to plan their projects, activities or events.

Strategic Implications:
There are Strategic Implications with respect to the proposal submitted by the Denmark Walpole Football Club with respect to the provision of a "Secure Playground Area".

It is the Officers opinion that the McLean Park precinct would benefit from the addition of such facility, however believes that a more planned approach is needed.

Investigating the merit of a more substantial Playground Area now, hence avoiding ad hoc development of the area, would ensure that the best long term outcome can be achieved at the point of investment and is considered best practice.

The Officer proposes that Council authorises the Director of Community and Regulatory Services to engage with the McLean Park precinct user group and the broader community in order to gauge the desire, need and form of such facility. This consultation process would also identify the why, where, what and ensure that any such development allows for any future growth requirements.

The Officer also proposes that an indicative amount of $10,000 be included in the 2014/15 Municipal Budget for the provision of a Stage 1 "Secure Playground Area" for the precinct; expenditure of these funds to be conditional upon the outcomes of the results of the engagement process to be undertake by the Director of Community and Regulatory Services. There may also be opportunity to secure Grant Funding to compliment the above indicative amount.

Sustainability Implications:
- **Environmental:**

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

- **Economic:**

Some of the projects seeking funding, if successful, would result in economic benefits.

- **Social:**

Some of the projects seeking funding, if successful, would result in economic benefits.

Comment/Conclusion:

In an effort to initiate debate on the funding applications received and approved allocations, the Director of Finance and Administration has made a recommendation on what he has identified as preferred projects.

In some instances, the recommended allocation is less than the sum requested in an attempt to spread the funds as widely as possible and maximise the benefits to be obtained. An assessment of the project budgets for these applications would indicate that such reductions could be accommodated although this has not been clarified with the applicants at this stage as this could be seen as pre-empting the Council's decision.

Description	Amount Requested	Amount Recommended
Denmark High School P & C Inc.	$1,947	$0
Equipment for New Canteen *Recommendation: Decline request due to applicant being able to fund raise and the applicant seeking support for a fundraising activity as well.*		
Denmark Tidy Towns	$2,500	$0
Completion of The Denmark Train - Hollings Rd *Recommendation: Refer to Council Budget Process for consideration with Operational Budget requests - Council Asset. Council annually allocates $3,000 to the Denmark Tidy Towns Committee for items such as this independent of this grant round.*		
Denmark Primary School P & C Inc.	$1,235	$1,235
Community Fun Run prizes - Rec. Centre Memberships 4 x 3 month gold passes & 1 day free hire McLean Park Oval *Recommendation: Approval of non-cash contribution recommended.*		
Denmark Community Resource Centre	$1,000	$0
Free Delivery to Community of Culturally - Significant Entertainment - Westlink simulcasts/broadcasts *Recommendation: Refer to Cultural Development Funds scheme.*		
Denmark Tennis Club (Country Club)	$3,500	$2,333
Build a practise wall adjacent to existing courts *Recommendation: Decline full request and advise applicant to apply for funding via CSRFF small grants round and approve 1/3 contribution from Council.*		
Denmark Bridge Club Inc.	$2,000	$2,000
Purchase of electronic and associated Bridge playing equipment *Recommendation: Approval recommended; own funds and other source funding included in application.*		
Denmark Surf Life Saving Club	$4,800	$4,800
Purchase of training boards *Recommendation: Approval recommended; own funds and other source funding included in application.*		

Denmark Walpole Junior Football Club	$780	$390
Purchase of transportable goal posts *Recommendation: Part contribution recommended as there is no Club contribution being made.*		
Denmark Soccer Club (Seniors)	$1,260	$0
Training & Game day Equipment *Recommendation: Not recommended as it sets a precedent for all sporting groups to apply for game day equipment which should be cost recovery from participants.*		
Owingup & Kordabup Bush Fire Brigade	$2,450	$0
Install or replace solar lighting at fire shed *Recommendation: Decline request and advise applicant to apply for funding via ESL Grants Scheme and Western Power Volunteer Bushfire Grants scheme. Precedent for 17 other Council Volunteer Bush Fire Brigades to follow if supported.*		
Denmark Chamber of Commerce	$4,000	$0
Audit of Denmark business sector *Recommendation: Refer to Council Budget process for consideration with Operational Budget requests however on the face of the request it appears to be core business of the Chamber.*		
Denmark Playgroup Inc. (Gumnut Corner)	$9,494	$0
Maintenance and upgrade to present facilities *Recommendation: Decline request as new Lease contains no maintenance contribution from Council and advice applicant of alternate funding options including Lotterywest and Department of Communities.*		
Denmark Sea Rescue	$40,000	$0
Purchase of new Tractor *Recommendation: Decline request as funding application to DFES is pending; also advise applicant that an application should also be made to Lotterywest and that the applicant should be contributing to the project to some extent.*		
Denmark Walpole Football Club	$3,980	$0
Secure Playground area *Recommendation: Decline application made through CFAG and include provisional sum of $10,000 in Municipal Budget as it is Council asset on Council land to the benefit of all McLean Park users not just the DWFC.*		
Denmark Weed Action Group	$5,000	$0
Clearing of Robina pseudo acacia of Denmark Railway Station precinct *Recommendation: Refer to Council Budget Process for consideration with Operational Budget requests - Core business. The Group already receives approximately $7,500 per annum in the Council's Municipal Budget for approved priority weed removal.*		
1st Denmark Scouts	$8,575	$5,717

Shed to house food caravan and trailer *Recommendation: Council Asset consider 1/3 funding and applicant to be advised to apply for Lotterywest Grant. Detail of the locality & colour of the shed to the satisfaction of the Director of Community & Regulatory Services and subject to planning and building approval.*		
Denmark Environment Group	$50,000	$0
Construction of new building *Recommendation: Refer to Council Budget Process for consideration, major investment Officer supports investment.*		
Denmark Machinery Restoration Group	$1,512	$756
Purchase of Safety Cabinet *Recommendation: Part contribution recommended no matching funding provided in the application nor any apparent alternative funding stream sought.*		
Denmark Riverside Club	$3,046	$0
Computer & Printer for Club organisational use *Recommendation: Donate 2 x PC workstations including monitors, keyboards etc. from Administration office turnover. In kind contribution only. No cash contribution offered by applicant.*		
Total	**$147,079**	**$17,231**

Voting Requirements:
Simple majority.

OFFICER RECOMMENDATION ITEM 8.4.3

That Council with respect to the 2014/15 Community Financial Assistance Grant applications received;

1. Approves the following Community Financial Assistance grants totalling $17,321 for inclusion in the 2014/2015 Municipal Budget (GL 1420342):

Description	Amount
Denmark Primary School P & C Inc	$1,235
Community Fun Run prizes - Rec. Centre Memberships 4 x 3 month gold passes & 1 day free hire McLean Park Oval	
Denmark Tennis Club (Country Club)	$2,333
Build a practise wall adjacent to existing courts	
Denmark Bridge Club Inc	$2,000
Purchase of electronic and associated Bridge playing equipment	
1st Denmark Scouts	$5,717
Shed to house food caravan and trailer	
Denmark Surf Life Saving Club	$4,800
Purchase of training boards	
Denmark Walpole Junior Football Club	$390
Purchase of transportable goal posts	
Denmark Machinery Restoration Group	$756
Purchase of Safety Cabinet	
Denmark Riverside Club	$0
Donation of 2 x Computers, monitors, keyboards from the administration.	
Total	**$17,231**

2. Refers the following requests to be dealt with through the full competitive Council Budget process:

Description	Amount Requested
Denmark Tidy Towns	$2,500
Completion of The Denmark Train - Hollings Rd	
Denmark Chamber of Commerce	$4,000
Audit of Denmark business sector	
Denmark Weed Action Group	$5,000
Clearing of Robina pseudo acacia of Denmark Railway Station Precinct	
Denmark Environment Group	$50,000
Construction of new building	
Total	**$61,500**

3. Retains an amount of $2,769 of unallocated funds in the 2014/15 Municipal Budget as contingency funds for use towards requests for financial assistance received during the course of the 2014/15 financial year making a total budget allocation for GL 1420342 of $20,000.

4. Authorises the Director of Community and Regulatory Services to engage with the McLean Oval precinct user group and broader community in order to gauge the desire and need for a Secure Playground Area at the McLean Park precinct and that this consultation process establishes the need, function, form & locations and ensures that any such development allows for any future growth requirements.
5. Considers an indicative amount of $10,000 to be included in the 2014/15 Municipal Budget for the provision of a "Secure Playground Area" for the McLean Park precinct; expenditure of these funds be conditional upon the outcomes of the engagement process to be undertake by the Director of Community and Regulatory Services with a report back to Council on the outcomes of the engagement process for consideration of options.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.4.3
MOVED: CR SAMPSON SECONDED: CR ROWLAND

That Council with respect to the 2014/15 Community Financial Assistance Grant applications received;

1. Approves the following Community Financial Assistance grants totalling $17,321 for inclusion in the 2014/2015 Municipal Budget (GL 1420342):

Description	**Amount**
Denmark Primary School P & C Inc.	$1,235
Community Fun Run prizes - Rec. Centre Memberships 4 x 3 month gold passes & 1 day free hire McLean Park Oval	
Denmark Tennis Club (Country Club)	$2,333
Build a practise wall adjacent to existing courts	
Denmark Bridge Club Inc.	$2,000
Purchase of electronic and associated Bridge playing equipment	
1st Denmark Scouts	$5,717
Shed to house food caravan and trailer	
Denmark Surf Life Saving Club	$4,800
Purchase of training boards	
Denmark Walpole Junior Football Club	$390
Purchase of transportable goal posts	
Denmark Machinery Restoration Group	$756
Purchase of Safety Cabinet	
Denmark Riverside Club	$0
Donation of 2 x Computers, monitors, keyboards from the administration.	
Total	**$17,231**

2. Refers the following requests to be dealt with through the full competitive Council Budget process:

Description	Amount Requested
Denmark Tidy Towns	$2,500
Completion of The Denmark Train - Hollings Rd	
Denmark Weed Action Group	$5,000
Clearing of Robina pseudo acacia of Denmark Railway Station Precinct	
Denmark Environment Group	$50,000
Construction of new building	
Total	**$57,500**

3. Retains an amount of $2,769 of unallocated funds in the 2014/15 Municipal Budget as contingency funds for use towards requests for financial assistance received during the course of the 2014/15 financial year making a total budget allocation for GL 1420342 of $20,000.
4. Authorises the Director of Community and Regulatory Services to engage with the McLean Oval precinct user group and broader community in order to gauge the desire and need for a Secure Playground Area at the McLean Park precinct and that this consultation process establishes the need, function, form & locations and ensures that any such development allows for any future growth requirements.
5. Considers an indicative amount of $10,000 to be included in the 2014/15 Municipal Budget for the provision of a "Secure Playground Area" for the McLean Park precinct; expenditure of these funds be conditional upon the outcomes of the engagement process to be undertake by the Director of Community and Regulatory Services with a report back to Council on the outcomes of the engagement process for consideration of options.

AMENDMENT

MOVED CR SEENEY SECONDED: CR GILLIES

That $1,000 be included for the Denmark Soccer Club and that part 3 be amended to read $1,769.

LOST: 3/6 Res: 200514

PROCEDURAL MOTION

MOVED: CR SAMPSON
That the motion now be put.

CARRIED: 8/1 Res: 210514

THE ORIGINAL MOTION WAS THEN PUT AND CARRIED UNANIMOUSLY: 9/0
Res: 220514

REASONS FOR CHANGE

Council removed the Denmark Chamber of Commerce project from part 2 as Council believed that the project should be undertaken as part of the Chamber's normal activities.

8.4.4 DENMARK VILLAGE THEATRE REQUEST FOR RESERVED ANNUAL BOOKING DENMARK CIVIC CENTRE

File Ref:	A3116
Applicant / Proponent:	Denmark Village Theatre
Subject Land / Locality:	Denmark Civic Centre, Strickland St
Disclosure of Officer Interest:	Nil
Date:	15 May 2014
Author:	Cheralynne Clarke, Senior Customer Service Officer
Authorising Officer:	Kim Dolzadelli, Director of Finance & Administration
Attachments:	8.4.4 – Correspondence between the Shire of Denmark & Denmark Village Theatre

Summary:
To consider a request of granting an ongoing/permanent reserved booking by the Denmark Village Theatre (DVT) for use of the Denmark Civic Centre from the last week in December and first two weeks of January for their annual Pantomime performance.

Background:
Denmark Village Theatre has been producing their annual Pantomime since 1985, originally being held in Berridge Park.

When the Civic Centre underwent it's refurbishment in 2002/03 the DVT was asked, as a recognised key stakeholder, to contribute recommendations as how to improve this Shire facility in order to hold their productions and be able to provide a suitable venue that visiting performers could best utilise. They also contributed $5,000 in cash and made an in-kind donation of $10,000 towards the ensuing upgrade.

Falun Gong has been hiring the Civic Centre generally from Boxing Day for 10 days from 9.00am to 5.00pm daily since 2009 and has made a booking for the December 2014 – January 2015 period. For the first two to three years that Falun Gong hired the Civic Centre they allowed access to DVT to work behind the curtains on the stage providing there was no drilling or hammering happening. This access enabled DVT through the efforts of a former volunteer, the late Mr Gary Quinn, to undertake the necessary preparations.

DVT decided to hold the pantomime a week later this year (2013/14) due to the Falun Gong booking and consequently attendance numbers were very low due to the outflow of people from Denmark by this time. Denmark has its busiest tourist time between Christmas and the first two weeks in January.

Falun Gong has been asked whether they would consider using another alternative venue or have their exhibition at an alternative time of the year. They do not wish to change the venue as it is situated in the centre of town for maximum exposure at the busiest time of year.

It is worth noting that the DVT did apply to Council in 2012 to build a purpose built shed for the storage of costumes, props, lighting and associated theatrical equipment in Historic Precinct in Crellin Street; this request was declined by Council at the time and it was suggested that they await the refurbishment of the Old Hospital Complex (Morgan Richards Community Centre) and the refurbishment of the Civic Centre.

The annual DVT Pantomime attracts approximately 170 people per performance which equates to more than 1000 attendees per season. The Pantomime is run on a volunteer basis with approximately sixty (60) local community members availing themselves at this time to contribute to the preparation activities to ensure the success of the pantomime.

There is now a conflict of bookings. Denmark Village Theatre require the Civic Centre from the Boxing day in order to complete making their back drops which need laying out on the Civic Centre floor to be painted and then need to dry before they are hung, they also need this time to put in the thrust stage and complete their alterations to the stage. The Group claim that there is no other suitable local venue that DVT can use for this preparation work.

Consultation:
Council Officers have held two (2) meetings with members of Falun Gong and the Denmark Village Theatre.

Statutory Obligations:
Nil

Policy Implications:
There is no current Policy in relation to this matter and it is proposed that a new policy.

Budget / Financial Implications:
The Council's adopted Budget lists fees and charges for the Civic Centre as follows;

- Hall – Full day hire $95 (minimum 4 hours)
- Hall – half day - $47.50(4 hours max)
- Hall – hourly charge $10 (maximum 3)

Cancelling the Falun Gong presents a loss of income to the Council of approximately $1,000; whilst guaranteeing exclusive use of the Hall, to the DVT at the relevant rates, is forecast to result in replacement income of approximately that same amount.

Strategic Implications:
The potential strategic implication is the need for an additional 'display' or 'gallery' venue in the Denmark CBD which to some extent will be forthcoming with the completion of the former Hospital and former Lodge Developments. Additionally the proposed redevelopment of the Denmark Civic Centre is now currently 'off the table' due to the estimated capital cost and available funding.

The opportunity may present to redirect the activities of Falun Gong to the Denmark Visitor Centre (DVC) (at their discretion as to suitability) which attracts many visits over the period – but it is fair to say – predominantly by visitors. The DVC presently has the 'gallery' space available and might be available for short term rental for the period.

Agreeing to an exclusive use 'in perpetuity' booking of a Council venue is not necessarily 'good practice' unless the use is seen as somewhat of an 'institution' that needs to be so guaranteed. As long as the relevant hire fees are paid by the group, then assertions of 'favouritism' or 'why cant we' hire the Hall during that period should be defendable.

Sustainability Implications:

- **Governance:**

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

- **Environmental:**

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

- **Economic:**

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

- **Social:**

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

Comment/Conclusion:
The Officer notes that DVT is an integral part of the Denmark community with committed membership and are a not for profit organisation that has been running their Pantomime since 1985. Each year they donate part of their proceeds from this event to charities and other local community bodies.

The Officer also respects the right of Falun Gong to undertake their activities.

Council Officers have met together with representatives from both Denmark Village Theatre and Falun Gong to see if a compromise or any common ground could be found. Both groups engaged genuinely and openly in this process however no agreeable outcome was able to be resolved.

Given the local component, engagement with local community volunteerism and the fact that DVT is considered a key stakeholder of the Denmark Civic Centre the Officer is in support of DVT's request.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.4.4
MOVED: CR MORRELL SECONDED: CR GILLIES

That with respect to the request by Denmark Village Theatre for a Reserved Annual Booking of the Denmark Civic Centre, Council;

1. Agree to a reserved annual booking for the Denmark Village Theatre commencing at the beginning of the last week of December through to the end of the Second week of January inclusive subject to that booking being confirmed by the Denmark Village Theatre by 31st October each year;
2. Advise Falun Gong of the above resolution and that their current booking for the 2014/15 year is hereby withdrawn; and
3. The following Policy be adopted by Council:

   DENMARK CIVIC CENTRE RESERVED BOOKING – DENMARK VILLAGE THEATRE

   <u>Objective</u>
   The objective of this policy to ensure that Denmark Village Theatre has reserved access to the booking of the Denmark Civic Centre for its annual Pantomime.

   <u>Policy</u>
   That there is a reserved annual booking of the Denmark Civic Centre for the Denmark Village Theatre commencing at the beginning of the last week of December through to the end of the Second week of January inclusive.

   <u>Conditions</u>
   This reserved annual booking including required date and times for exclusive use must be confirmed by the Denmark Village Theatre by 31st October each year, noting that Council's operative fees changes adopted from time to time apply.

   <u>Responsible Officer</u>
   The Director of Finance and Administration is the responsible officer for implementing this policy.

CARRIED UNANIMOUSLY: 9/0 Res: 230514

Prior to consideration of Item 8.5.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Seeney is a member of the Denmark Lions Club and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declares that he will consider this matter on its merits and vote accordingly.

8.5 Chief Executive Officer

8.5.1 DENMARK RAILWAY STATION NO. 3 RESERVE - HERITAGE PRECINCT CONCEPT PLAN

File Ref:	A3140
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Reserve No. 30277 & portion of Lot 1083 of Reserve 14376, 952 Crellin Street, Denmark Denmark Railway Station No. 3 Reserve
Disclosure of Officer Interest:	Nil
Date:	3 April 2013
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.1a – Extract from Council Minutes 25 September 2012 8.5.1b – Extract from Council Minutes 16 April 2013 8.5.1c – Submissions 8.5.1d – Whole of Reserve Plan & Proposed final amendments to the Concept Plan

Summary:
Council is asked to consider the submissions received from stakeholders and adopt the Denmark Railway Station No. 3 Reserve Heritage Precinct Plan.

Background:
Attachments 8.5.1a and 8.5.1b provide background information relating to the Reserve itself and the draft Plan. Council has previously resolved as follows.

At its meeting held on the 22 March 2011 Council dealt with the possible demolition of the former Railway Station Building (currently the Denmark Bowling Club), Resolution No. 200311;

"That with respect to the request of the Denmark Bowling Club that Council support both the principle of demolition of their existing Clubhouse, being the former Denmark Railway Station Building, and also a one third cash contribution to a new Clubhouse at the location, Council respond as follows;

1. *That Council does not support the proposed demolition of the current building;*
2. *That Council is prepared to consider supporting applications for grants for a new Clubhouse at the current site to a maximum cash and or in-kind value of one-third, plus additional self-supporting loans, only if the Club can demonstrate to Council's satisfaction that it can meet its projected long term debt and ongoing commitments and has undertaken all necessary planning for the project.*
3. *That Council staff inspect the building with a view to helping Council and the Club determine its structural integrity and suitability for relocation and or modification.*
4. *If the Club wishes to proceed with planning for a new building on the site, that prior to part 2 being determined or considered,* ***Council staff prepare for Council's consideration a draft concept plan for the Railway Heritage Precinct accommodating a relocated Railway Station Building for the purposes of undertaking community consultation."***

At its meeting held on the 25 September 2012, Resolution 190912. (A copy of the Report is attached as Attachment 8.5.1a);

"That the draft Concept Plan, comprising Reserve 30277 (Lot 952), portion of Reserve 14376 (Lot 1083) and the unconstructed portion of the adjoining Hollings Road Reserve, for the Denmark Railway Station Heritage Precinct be advertised for public comment in the Administration Office, Denmark Library and Denmark Bulletin for a period of 60 days and specifically forwarded to the following identified organisations / businesses seeking written comment on the plan in general as well as on the opportunity to submit an expression of interest in relation to utilising the proposed relocated Railway Station Building (Community Groups only);

1. *Denmark Historical Society Inc.*
2. *Denmark Lions Cub Inc.*
3. *Wilgie View Learning Centre Inc. (Spirit of Play)*
4. *Denmark Machinery Restoration Group Inc.*
5. *Denmark Tourism Inc.*
6. *Denmark Chamber of Commerce Inc.*
7. *Denmark Weed Action Group Inc.*
8. *Denmark Yacht Club Inc.*
9. *Denmark Woodturners Inc.*
10. *The lessees of the Denmark Rivermouth Caravan Park."*

At its meeting held on the 16 April 2013 Council considered the submissions received with respect to the draft Concept Plan, Resolution No. 140413 (A copy of the Report is attached as Attachment 8.5.1b);

"That with respect to the draft Concept Plan, comprising Reserve 30277 (Lot 952), portion of Reserve 14376 (Lot 1083) and the unconstructed portion of the adjoining Hollings Road Reserve, for the Denmark No. 3 Railway Station Reserve Heritage Precinct, Council;

1. *Thank the submitters for their contributions;*
2. *Request the Denmark Weed Action Group to develop a plan to eradicate or at least control the invasive tree & weed species identified in their submission as part of their annual program of works on Council's reserves depending upon relative priorities;*
3. *Agree to extend the Denmark Machinery Restoration Groups request to extend their lease area (as shown on the attached drawing) by approximately 3,600sqm;*
4. *Consider in the 2013/14 Budget the inclusion of a budget line dedicated to the maintenance of the public (non-leased areas) of the Denmark No. 3 Railway Station Reserve;*
5. *Request a quote from the Architect, Howard and Heaver, to provide a modified version of the Concept Plan with amendments as highlighted within the Officer's Report including;*
    a. *The inclusion of the former Ash Pit;*
    b. *Adjustment to the proposed location of the former Railway Station – to be as close as possible to its original location;*
    c. *Adjustment to the Denmark Machinery Restoration Group's leased area to reflect the 3,600 sqm extension to the south of their existing building;*
    d. *Inclusion of the whole area (shown on Figure 2 in red in the Officer Report) of the Concept Plan being;*
        i. *Whole of the Reserve 30277;*
        ii. *portion of Reserve 14376 (being Lot 1083);*
        iii. *two (2) unconstructed road reserves on the western & southern boundary of Reserve 30277; and*
        iv. *portion of Reserve 15513 as separated by the incorrectly constructed portion of Crellin Street.*
6. *Forward the modified final Concept Plan to all of the existing Lessees and submitters for final comment prior to resubmitting to Council for recommended adoption.*
7. *Request the Chief Executive Officer to;*
    a. *liaise with Council's Parks & Gardens Supervisor with respect to 'treating' the Karri trees which are beginning to re-sprout from their base;*
    b. *liaise with the Denmark Historical Society and the Denmark Machinery Restoration Group (DMRG) as to the historical significance of the metal*

items, hidden within the undergrowth, to the west of the DMRG shed with a view to eventually either restoring or removing the items;

c. *refer to Council's Community Emergency Services Manager the matter of a potential prescribed burn of a portion of the reserve for the consideration of the Bush Fire Advisory Committee and in their current schedule of prescribed burns of Council Reserves.*
d. *arrange for the following items to be addressed within the next 12 months, particularly if they can be achieved within existing budget lines;*
    i. *remove the broken, wooden picnic tables;*
    ii. *repair the Horse Hitching Rail;*
    iii. *fence off the Ash Pit; and*
    iv. *removal of the existing stone BBQ in the north / east corner of the reserve."*

Consultation:
Initial consultation with the general public and stakeholders commenced in December 2012 and the submissions that were received were submitted to Council in April 2013.

Pursuant to part 5 of Resolution 140413, the Architect modified the Plan to incorporate Council's suggested changes (received in December 2013) and it was forwarded to existing Lessees and submitters for final comment on the 18 February 2014.

Three submissions were received and are attached for Council's consideration.

Statutory Obligations:
Nil

Policy Implications:
The Council's adopted Municipal Heritage Inventory includes the following Place Record Forms for sites & buildings involved on or with the precinct;

- Old Railway Station (current Bowling Club on Reserve 20403);
- Railway Precinct;
- Former Post Office (current Sprit of Play Community School);
- Station Master House (current Lions Lair); and
- Denmark River Railway Bridge (subject to a current restoration grant project scheduled for completion in calendar year 2013.

Council's Consultation Policy P040123 relates and was considered in the development of the draft Plan.

Budget / Financial Implications:
If Council adopts the Concept Plan there may be assistance required, in the future, to support the aspirations of community groups occupying (at present or into the future) the Reserve to achieve the visions ascribed in the Plan. Such assistance would generally be in the way of assisting to leverage Government grants that fulfil the collective aims of the users and the Plan. The development of the Reserve can occur as and when Council and Community or Government funds become available.

Whilst the majority of the site will continue to be maintained by the lessees, pursuant to Council's Resolution No. 140413, a budget line was included in the 2013/14 Budget which can be used to maintain the public (non-leased) areas. The overall maintenance cost to Council at present is negligible and would continue to be so until Council funded any 'development', if any, of the 'public' elements of the precinct.

There will be some minor costs associated with the proposed advertising of the proposed closure of the road reserves and surveying costs related to the modified road reserve, which can be accommodated under Council's existing advertising and legal budgets.

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.

SOCIAL GOAL

Recreation: ...monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

ECONOMIC OBJECTIVE

Denmark's economy is diverse and vibrant - its primary industries of tourism and agriculture rely on and enjoy natural and other assets that are sensibly managed and promoted.

The key is the adoption of a Concept (Precinct) Plan that guides development and use of the Reserve into the future. There are no indications on the draft plan of 'when' the ultimate development is proposed to be completed as the actions would generally be to support the community or community groups as opportunities arise.

The opportunity to create a Heritage Precinct has significant merit, is supported by the adopted Municipal Heritage Inventory and the Reserve already has a number of 'artefacts' and heritage buildings that relate to the site and/or era. The return of the Railway Station Building and, indeed, other heritage buildings, in time and as opportunity present, (in a useable condition) would complement this.

In the Officer's opinion, the confluence of important resident and visitor servicing; trails, combined with the heritage elements of the precinct and its location, at the Rivermouth, makes the Reserve an extremely important long term asset that deserves appropriate planning and 'guidance' which helps achieve the overall 'vision' for the reserve and avoid ad-hoc decision making.

With a number of heritage buildings and community 'space' the Reserve could potentially also develop into a long term opportunity for another community market space.

The opportunity also exists for Council to enter into discussions with other community groups, such as the Denmark Woodturners, about potentially relocating to the Reserve, in time, to further create a heritage / tourist 'hub' centred around activities with a timber and rail heritage theme.

The Denmark Yacht Club, who occupy a shed within the Denmark Lions Club's lease area, have recently written to Council requesting permission to erect a fenced enclosure next to the shed to house the Yacht Club's 2 boats that are made available to people interested in sailing. The Director of Community & Regulatory Services is currently liaising with members of the Club to determine their long term aspirations and discuss the best strategic outcome for both them and Council, noting that Council received a preliminary report into development options and costs for proposed Yacht Club and Marina Facilities in November 2000, which focused on Ricketts Reserve (No. 36714), a Reserve which is already reserved for Yacht Club purposes. The outcome of these discussions will be the subject of a separate report to Council, in due course, given that the Denmark Yacht Club is not an existing Lessee of the Reserve and the Denmark Lions Club leases the subject land that they have identified.

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. The Plan seeks to complement and enhance the existing natural environment.

- **Economic:**

The development of a heritage precinct at the Reserve has the potential to further the Shire's tourism 'product' through the celebration and recognition of the role that timber and rail served in the development of the district and Denmark townsite specifically.

- **Social:**

The development of a heritage precinct at the Reserve has the potential to provide a cohesive and coordinated outlet for the celebration and recognition of the role that timber and rail served in the development of the district, the Denmark Townsite specifically, together with the imperative connectivity it enabled during the early Group Settlement days.

The opportunity exists to further consolidate the Reserve as a community space through the connection of people of all ages by utilising the heritage and natural assets that presently exist and as well as those that might be 'refurbished', restored or enhanced on the Reserve in the future.

The draft Concept Plan attempts to encourage intergenerational connectivity through utilising the heritage assets as 'heritage and nature play' elements.

Comment/Conclusion:

The Author provides the following comments on other matters raised in the three submissions received;

1. Concerns about the proximity of the Nature Play features to Inlet Drive.

   Comment: Observation noted and it is agreed that any public safety, including proximity to roads and existing walk/cycle ways, would need to be considered during any development of these areas (in due course and once funds were made available for such development).

2. The location of the former Railway Station being positioned closer to its original location.

   Comment: Discussions with Mr McGuinness (who is also the person who provided Council with a copy of the original 1944 Site Plan) has provided further clarity for the Author and it is agreed that the building's position should be relocated further north (towards Hollings Road). In looking at this onsite, the Author suggests that the plan should also reflect the correct location of the Old Railway Crane.

3. That the proposed relocated Pig Pen shed should be shown in its correct alignment.

   Comment: The Author agrees that this depiction on the plan needs to be rotated approximately 90 degrees to properly reflect the pad which has already been placed for the shed's eventual relocation.

4. That the rail way rails in front of the former Railway Station should be re-instated and ballasted to maintain its historical integrity and to "give future generations a real sense of how the site was".

Comment: Given that the Concept Plan is for a Heritage Precinct the Author agrees with the request however, the proximity of the re-instated railway to the Station Building needs to be given due consideration, in time, so that there are no obstructions of safety issues relating to the future use of the building.

An example of sleepered railway rails – these are near the DMRG building and are ready to set into place near the relocated Railway Station building.

5. Council may want to consider changing the name on the plan of the "Spirit of Play" building to the "Old Post Office".

Comment: At its meeting held on 3 December 2013 Council considered a request from the Spirit of Play Community School to expand their lease area and undertake a few changes to the area surrounding the building, the following resolution relates (Resolution No. 201213);

"That with respect to the request from the Wilgie View Learning Centre's (Spirit of Play Community School) to extend their lease area, Council advise that Council is not satisfied that continued expansion of the site with the aim of catering for schooling from Kindergarten, through Pre-Primary and Primary to Year 7 is a use complementary and or capable of being supported at the site without compromising the heritage and community uses envisaged in the sites Concept Plan and that accordingly;

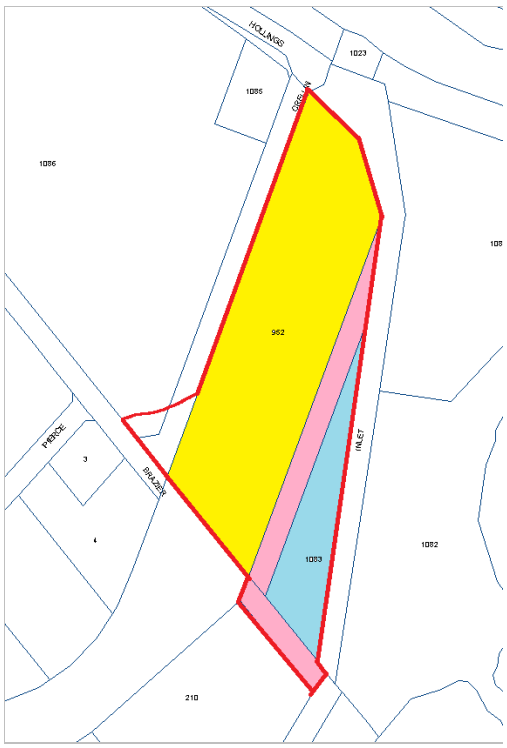
1. *The requested approvals are not supported;*
2. *Council staff may be able to assist the Centre in identifying suitable alternate land within the Denmark townsite area that may be more suitable to cater for the long term growth needs of the School."*

The Spirit of Play stated in their letter "We note from the concept plan that Spirit of Play Community School in its existing building is part of your long term plan for the precinct."

The Heritage Precinct Concept Plan will be a guide for long term use and development at the site. Council's Resolution of December 2013 states that "Council is not satisfied that continued expansion of the site with the aim of catering for schooling from Kindergarten, through Pre-Primary and Primary to Year 7 is a use complementary and or capable of being supported at the site without compromising the heritage and community uses envisaged in the sites Concept Plan". In this regard, the Author agrees that the name of the building, on the Concept Plan, should be amended accordingly and to reflect Council's long term vision.

The Spirit of Play have an existing lease with Council which expires on 30 June 2018.

Council's Resolution 140413, part 5 d) was to incorporate the whole of the Reserve including the two unconstructed road reserves (shown in pink below) and Lot 1083 (being a portion of Reserve 14376) and this has been done in the Architects new plans. It has been recommended by the Officer that Council could initiate the closure of the road reserves, excision of Lot 1083 from Reserve 14376 and request the Department of Lands to amalgamate these into the one Reserve.



KEY

Yellow – Whole of Reserve 30277

Pink – Unconstructed Gazetted Road Reserves

Blue – Lot 1083, portion of Reserve 14376

Red – Portion of land the subject of the proposed 'amended' Concept Plan, including a portion of Lot 1086 of Reserve 15513

Figure 2 - 952 Crellin Street (showing Lot 1083 & Portion of Lot 1086)

7.46pm – Cr Lewis left the room.
7.46pm – Cr Lewis returned to the room.
7.47pm – The Director of Finance & Administration left the room.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.5.1
MOVED: CR SEENEY SECONDED: CR OSBORNE

That with respect to the draft Denmark Historical Railway Station Precinct at the Denmark No. 3 Railway Station Reserve, Council;

1. Adopt the Concept Plan with amendments as shown in Attachment 8.5.1d;
2. Initiate the public advertising process regarding closure of the three (3) unmade road reserves being at the west and south side of Lot 1083 and at the south, western side of Reserve 30277;
3. Request the Minister for Lands to excise Lot 1083 from Reserve 14376 and amalgamate it into Reserve 30277;
4. Request the Minister for Lands to excise a portion of Lot 1086 from Reserve 15513 and amalgamate it into Reserve 30277 and adjust the road reserve to match the existing built road alignment;
5. Provide a copy of the final Concept Plan to all current Lessees and known Stakeholders;
6. Advise the Spirit of Play that it has amended the plan such that the label of the building that they currently lease is titled "Old Post Office Building" so as to provide clarity that it is Council's view that an expanded community school at the site is not a long term complementary use at the Heritage Precinct.

CARRIED UNANIMOUSLY: 9/0 Res: 240514

8.5.2 LEASES FOR LOTS 300, 302 & 400 PEACEFUL BAY

File Ref:	A3104, ORG.17 & ORG.17B
Applicant / Proponent:	Peaceful Bay Progress Association & Peaceful Bay RSL
Subject Land / Locality:	Lots 300, 302 & 400 on Deposited Plan 220017, Reserve 24510
Disclosure of Officer Interest:	Nil
Date:	14 May 2014
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:
Council is asked to consider offering a Lease to the Peaceful Bay Progress Association for Lots 300 & 302, Peaceful Bay and a Lease to the Peaceful Bay Returned Services League (RSL) for Lot 400, Peaceful Bay.

Background:
The Peaceful Bay Progress Association has been using and managing the Peaceful Bay Progress Hall for a number of years however they have never had a formal lease. The PBPA also use Lot 302 (the Les Carpenter Fire Station), which was the former Fire Station Shed for storage and an office.

The Peaceful Sea Rescue Group lease for Lot 400, expired on June 2012 and as they had not exercised their option to renew, the CEO wrote to the organisation asking whether they still required a lease. The PSRG advised that they no longer used the shed (on Lot 400) and advised that the Peaceful Bay Returned Services League (PBRSL) used the shed to house the Peaceful Bay Community Bus.

The CEO subsequently wrote to the PBRSL and the PBPA to ascertain their interest and use of Lots 300, 302 & 400. The PBPA advised that they would like to take up a formal lease with Council for Lots 300 & 302 and as they do not use Lot 400, they would encourage the PBRSL to take a lease on Lot 400, as they use it for garaging the Peaceful Bay Community Bus.

Consultation:
Peaceful Bay Progress Association
Peaceful Bay Sea Rescue Group
Peaceful Bay Returned Services League (RSL)

Statutory Obligations:
The Shire of Denmark has the Management Order for the Reserve (No. 24510) which enables Council to lease "the whole or a portion thereof for any term not exceeding twenty one (21) years….".

Policy Implications:
Council Policy P110102 - Leasing of Land and/or Buildings to Community Groups (copied in full below) states that with respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings, there be a signed lease, based on Council's standard 'not for profit' lease prior to occupation or upon renewal.

"With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;

a. *There be a signed lease based on Councils standard 'not for profit' lease prior to occupation or upon renewal;*
b. *Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);*
c. *Contribution by Council towards legal costs (if required) by Council 100%;*

d. *Have differing rentals discounted to market valuation depending upon the following factors;*
    i. *To what degree the property is utilised for charitable, not for profit or sporting purposes;*
    ii. *The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;*
    iii. *The strategic value of the land in the short term to Council;*
    iv. *To what degree if any that the use is competing with commercial enterprise;*
e. *Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;*
f. *Offer local authority rate exemption rebate donation (rather than exemption contra);*
g. *Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first $500 of any insurance excess on claims;*
h. *All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;*
i. *Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;*
j. *Leases require endorsement of Council prior to signing;*
k. *Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);*
l. *The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).*
m. *Reflecting the non 'exclusive club' usage and fact that they perform a valuable Council service for wide community benefit Council annually (subject to annual budget deliberation) contributes to the maintenance of the following leased Halls;*
    i. *Parryville Hall $2,000;*
    ii. *Tingledale Hall $2,000;*
    iii. *Scotsdale Hall $2,000 (nb: Hall is owned by Scotsdale Progress Association on Association vested land);*
    iv. *Kentdale Hall $2,000;*
    v. *RSL Hall $3,000;*
    vi. *Museum Building maintenance is 100% Council responsibility;*
    vii. *Nornalup Hall $2,000;*
    viii. *Peaceful Bay Hall (& Les Carpenter Shed) $2,000; and*
n. *Council's Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.*
o. *The definition of 'exclusive occupation' does not include reference to yearly licenses to occupy storage space within a building such as at the Denmark Recreation Centre."*

Budget / Financial Implications:
Council's 2013/14 Municipal Budget includes $2,000 for Council's "annual contribution to hall committee" for the Peaceful Bay Community Hall (Lot 300), pursuant to Council Policy P110102.

The Officer's recommends that Council include additional building maintenance allocations in the 2014/15 Budget towards the buildings of Lot 302 (the Peaceful Bay Progress Association Shed) and Lot 400 (the Peaceful Bay RSL Shed).

The annual rent recommended in the Council's 'not for profit' standard lease is $1.00 per annum (peppercorn). This is consistent with similar leases that Council has with Community Groups for Community Halls, reflecting that they perform a valuable Council service for the wider community in managing these Council assets.

Strategic Implications:
The report and officer recommendation is consistent with Council's adopted Mission and Vision.

A formal lease protects the rights of the Council and the Community Group and makes clear each party's obligations with respect to the property.

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:**

Community Organisations who occupy and manage Council buildings on Council property provide a valuable community service on behalf of Council and the wider community.

Comment/Conclusion:
Below is a map of the Peaceful Bay Leasehold as at 2010 showing the locations of Lots 300, 302 and 400.

The PBPA have managed and enjoyed the use of the Peaceful Bay Community Hall for a number of years, yet there has been no formal lease in place. This has been the case for a number of Community Hall Committees within the Shire of Denmark and Council, in October 2013, entered into similar leases with the Hall Committee's for the Tingledale, Parryville and Kentdale Halls.

The PBPA have been using the former Fire Shed for a number of years for storage of, generally, maintenance equipment and some of the area is used as an office for the Association.

The Peaceful Bay RSL have been using the former Sea Rescue Shed for a number of years, approximately since the PBSRG moved to their new home at Lot 401 in

approximately 2003. The Shed is used to house their Community Bus which they use, with volunteer drivers, to provide a regular transport services between Peaceful Bay, Denmark and Albany – an important community service which is well used by residents.

In the Officers opinion, the Peaceful Bay Community Bus service could be seen as "filling a gap" in existing community services. Transport options are an ongoing issue within the Shire of Denmark, particularly given the Shire's ageing population and it is one that the Council's Seniors Advisory Committee have been exploring as part of the Age Friendly Community Study Implementation Plan.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.5.2
MOVED: CR MORRELL SECONDED: CR GILLIES

That with respect to Lots 300, 302 and 400 on Deposited Plan 220017, portion of Reserve 24510, Peaceful Bay, Council;

1. Authorise the Chief Executive Officer to negotiate, pursuant to Council Policy P110102 and seek the Minister for Lands' consent to lease the following;
    a) A Lease for Lot 300 & Lot 302 with the Peaceful Bay Progress Association; and
    b) A Lease for Lot 400 with the Peaceful Bay Returned Services Lease (RSL).
2. Include budget lines and sufficient funds in the 2014/15 Budget under Recreation and Culture, Public Halls and Civic Centres, for the Peaceful Bay RSL Shed (Lot 400) and the Peaceful Bay Progress Association Storage Shed (Lot 302) for building insurance.

CARRIED UNANIMOUSLY: 9/0 Res: 250514

7.52pm – The Director of Finance & Administration returned to the meeting.

8.5.3 ACCESS IN THE DENMARK CBD FOR PEOPLE WITH DISABILITY

File Ref:	SER.8
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark CBD
Disclosure of Officer Interest:	Nil
Date:	6 May 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Nil

Summary:
This report summarises options for a draft policy for Council to adopt for staff when they assess requests by business proprietors in the Denmark CBD to utilise Council's footpath for providing ingress or egress to their business by the disabled as well as some immediate actions required of staff to ensure that Council's liability is protected.

Background:
In December 2013 when Council conducted a Disability Awareness day in the Denmark CBD and hosted a 'wheelchair challenge', a number of non-standard and unauthorised 'ramp' structures leading into Business Premises along Strickland Street were observed by the participants. Indeed, that same day an unauthorised structure led to a complaint to Council by an 'able bodied' resident who 'broke' one of the structures when accessing the premises and complained to Council about allowing such structures when it appeared to be sub-standard or not to Australian or relevant design and construction standards. The offending structure was promptly removed by the landowner and the complaint was not taken further (with Council).

The CEO subsequently caused to be investigated other similar structures in the CBD to discover the origins of those structures.

The outcome of that investigation concluded that Council staff were well intentioned in attempting to;

1. fulfil the intentions of the Council's Disability Access and Inclusion Plan (DAIP) by permitting structures on Council property to facilitate disabled access to businesses abutting and;
2. assist businesses in meeting the needs of their potential clients by allowing Council land to meet their obligations to minimise the cost or 'rework' of existing buildings.

The unintended consequences of these actions however, has led to the installation of non-compliant structures and or structures that may prove dangerous to the general public, also leaving Council liable for potential negligence claims from persons that might be injured as a result of the granting of permission or failure of the Council to remove any non authorised or non-compliant structures.

Known Building Permits that have had ramps involved on Council land in the Denmark CBD include:

- Denmark Co-op Building (Pharmacy). Building Permit (BP) 6773 was issued on 22 July 2009. The plans indicated on the site plan that a new ramp was to be installed but no detail was provided. Following installation of the existing ramp Council staff inspected it and noted that it did not meet the requirements relating to gradient but indicated verbal approval on the basis that considerable work and expense had gone in to constructing it. It only became obvious how steep the ramp was when the officer attempted to enter the Pharmacy as part of the recent wheel chair challenge.

- Environmental Centre BP 7741 Access for people with a disability approved via Strickland St requiring upgrade to the Strickland St entry. Applicant has provided details of replacement of threshold to reduce the height variance between the shop floor and that of the footpath. Shire staff have approved lifting of the footpath to a maximum gradient of 1:14 with the work to be at the expense of the applicant.
- Grocery List (now The Sacred Tree) BP 7162 – internal upgrade – no approval was issued for the new entry nor the ramp with hand rail which has been installed (BP and Planning Consent shows modifications required to the facade to comply with AS1428.1 – 2009).

Consultation:
The draft policy, together with reference to or a copy of this report, is proposed to be sent to the following organisations for specific comment prior to further consideration, amendment or adoption;

- The Council's Disability Services Advisory Committee;
- The Denmark Chamber of Commerce Inc.;
- The Denmark Health Service;
- The Denmark Over 50s Association Inc.;
- The Community Living Association Inc.;
- The Independent Living Association Inc.; and
- Local Public Notice including an advertisement in the Denmark Bulletin inviting comment for a period of not less than 30 days.

Statutory Obligations:
New building applications (for commercial buildings) must comply with the National Construction Code Series 2014 of the Building Code of Australia (BCA Vol 1 Access for People with a Disability). The Code "calls up" AS 1428.1 – 2009 Design for access and mobility.

In addition, Council's Thoroughfares & Public Places Local Laws, clause 2.2, states a person shall not without a permit cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare which would cover ramps and handrails.

Note also that AS 1428.1 requires that ramps (gradient max 1.14 min 1.20) must also have a hand rail installed – which necessitates, in both cases that they will generally have some element to be installed perpendicular to the general flow of pedestrian movement along a footpath (impending or providing a potentially dangerous barrier to their progress).

The Disability Services Act 1993 also relates with respect to local governments where it provides services or facilities. This Act does not relate in this instance as it is not Council property but private property that is not complying with the BCA.

Permanent use of public land for 'private' or non-public infrastructure typically requires the approval of the Minister for Lands pursuant to the Land Administration Act 1997.

Policy Implications:

Council's adopted Access & Inclusion Policy Statement (P110710) states;

"The Shire of Denmark is committed to ensuring that the community is an accessible and inclusive community for people with disabilities, their families and carers.

The Shire of Denmark interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disabilities, providing them with the same opportunities, rights and responsibilities enjoyed by all other people in the community.

The Shire of Denmark recognises that people with disabilities are valued members of the community who make a variety of contributions to local social, economic and cultural life. The Shire believes that a community that recognises its diversity and supports the participation and inclusion of all of its members makes for a richer community life.

The Shire of Denmark believes that people with disabilities, their families and carers who live in country areas should be supported to remain in the community of their choice."

The Council's involvement in the State-wide 'Your Welcome' program (http://www.accesswa.com.au/) also relates.

Council Policy P040123 Community Consultation has been referred to when considering the Consultation requirements prior to adoption of the recommended new Policy.

Budget / Financial Implications:
The Policy or actions proposed of staff have no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic Implications:
The Shire of Denmark's Disability Access & Inclusion Plan (DAIP) 2013 – 2018 builds on the capacity for people with disabilities to access services, facilities and information in a way that promotes independence, opportunities and inclusion in the community and promotes participation in decision making processes.

The Plan includes:

- Information on Council functions, facilities and services (both in-house and contracted).
- A policy statement about Council's commitment to addressing the issue of access for people with disabilities, their families and carers.
- A description of the process used to consult with people with disabilities, their families and carers and disability organisations and relevant community groups.
- The identification of objectives and strategies to overcome barriers that people with disabilities identified during the consultation process.
- Dates and the identification of the persons responsible for the proposed strategies.
- A method of review and evaluation of the plan.
- Information about how the plan is being communicated to staff and people with disabilities.

A copy of the adopted Plan can be downloaded free of charge from Council's website;

http://www.denmark.wa.gov.au/media/fckuploads/files/Disability_Access_&_Inclusion_Plan_2013_-_ADOPTED_090713.pdf

It should be noted however, that whilst Council has obligations with respect to its property at law under Federal and State legislation, it also has obligations to uphold Commonwealth legislation to require 'others' to comply with respect to their property where it meets the public realm pursuant to its role in enforcing the BCA. In other words, it is the business proprietors' responsibility to comply if they make changes to their building that subsequently calls into assessment the latest Building Code or Standard.

Whilst Council has discretion to facilitate this being achieved on Council's land – this practice is not recommend unless all other practical options have been explored.

Allowing utilisation of Council property, regardless of who pays for the 'work' in the short term, results in the Council seeking to take it back many years down the track, when road reserve changes need to be implemented for whatever reason (it reduces Council's flexibility and the 'purpose' of public or crown property). It is 'nice' for Council to help, but in attempting to do, it is restricting Council's future options with respect to its (crown)

land. Indeed if Council land is utilised by an adjoining landowner for their 'exclusive' use, there should be an annual 'permit' issued and relevant annual fee paid.

Sustainability Implications:

- **Governance:**

Adopting a policy as is proposed will ensure that staff provide clear, consistent and unambiguous advice to the business community about what is expected of them when renovating an existing CBD building.

- **Environmental:**

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

- **Economic:**

Council in requiring businesses in existing buildings that renovate, to comply with Federal Mobility Standards on their own land may add additional costs to the business (rather than causing a potential unknown latent cost to the community)

- **Social:**

Council in requiring businesses in existing buildings that renovate, to comply with Federal Mobility Standards on their own land ensures that all sections of the community can access 'more' of its services and facilities enjoyed by the majority.

Comment/Conclusion:
The officer provides the following commentary to help guide a potential policy for future assessment of new or existing buildings in the CBD.

Businesses proposing new buildings are required to design their building to comply without impeding or extruding onto Council land (i.e. comply with Australian Standards and the BCA).

Businesses in existing buildings that renovate, that have to comply with Federal Mobility Standards, resultant in potential building alterations, have three (3) 'retrofit' options including;

Option 1 Redesigning the businesses entrance (installing a recess);

Option 2 Council will consider allowing the business to pay the Council for corrections to the pedestrian pavement where grades and design is acceptable (note well – this cost, depending upon the existing grades may be more costly than Option 1 and the business is encouraged to seek a quotation from Council prior to agreeing to this option);

Option 3 Council will consider allowing the business to utilise Council property for compliant ramps and rails (building an extrusion) with this approval being assessed annually and subject to payment of Council's annual fee (adopted from time to time). Council reserves the right to not renew the application in the event that Council's property is subsequently required for alternate uses and undertakes to provide the adjoining landowner a minimum of 3 months' notice. The annual permit is to be accompanied by an appropriate indemnification from the business' insurer, to the satisfaction of Council, protecting Council's liability.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.5.3
MOVED: CR SEENEY SECONDED: CR PEDRO

7.57pm – Cr Rowland left the room.

That with respect the Denmark CBD and any ramps or associated handrail structures erected on Council property by business or landowners, Council;

1. Request the CEO to have all existing ramps inspected within 30 days to ensure that they comply with relevant Codes and Standards and ensure that any that fail are issued rectification notices requiring compliance within 30 days of the notice at the cost of the ramp owner. Those that cannot comply due to an unacceptable impedance onto Council's footpath in the opinion of the Council's Director of Infrastructure Services are to be removed within 30 days.
2. Advertise the following draft Policy inviting comment, for a period of not less than 30 days, prior to further consideration, amendment or adoption, from;
    - The Council's Disability Access Advisory Committee;
    - The Denmark Chamber of Commerce Inc.;
    - The Denmark Health Service
    - The Denmark Over 50s Association Inc.
    - The Independent Living Association Inc.
    - The Community Living Association Inc.
    - Local Public Notice via an advertisement through;
        - The Denmark Bulletin;
        - Council's website;
        - Council's official notice boards;
        - Council's Facebook page.

Draft Compliance with Mobility Standards by Denmark CBD Buildings (that renovated) Policy

Businesses in existing buildings that renovate, that have to comply with Federal Mobility Standards, resulting in potential building alterations, have three (3) 'retrofit' options including;

Option 1 *Redesigning the businesses entrance (installing a recess);*

Option 2 *Council will consider allowing the business to pay the Council for corrections to the pedestrian pavement where grades and design is acceptable (note well – this cost, depending upon the existing grades may be more costly than option 1 and the business is encouraged to seek a quotation from Council prior to agreeing to this option;*

Option 3 *Council will consider allowing the business to utilise Council property for compliant ramps and rails (building an extrusion) with this approval being assessed annually and subject to payment of Council's annual fee adopted from time to time). Council reserves the right to not renew the application in the event that Council's property is subsequently required for alternate uses and undertakes to provide the adjoining landowner a minimum of 3 months' notice. The annual permit is to be accompanied by an appropriate indemnification from the business' insurer, to the satisfaction of Council, protecting Council's liability.*

CARRIED UNANIMOUSLY: 8/0 Res: 260514

Prior to consideration of Item 9.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a member of the Carmarthen Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Sampson is a member of the William Bay Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Seeney is a member of the Somerset Hill Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Lewis is a member of the Mt Lindesay Bush Fire Brigade and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Gillies is a member of the Tingledale Bush Fire Brigade and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Osborne, Cr Sampson, Cr Seeney, Cr Lewis & Cr Gillies declare that they will consider this matter on its merits and vote accordingly.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 BUSH FIRE ADVISORY COMMITTEE - BUSH FIRE MITIGATION

File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	18 March 2014
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	9.1a – Land Ownership Map 9.1b – Position Description (Shire of Manjimup) 9.1c – Letter from Office of Bush Fire Risk Management

Summary:
This report discusses several improvement opportunities, identified by the Bush Fire Advisory Committee (BFAC), which require Council's consideration in relation to improving the strategic outcomes and the amount of hazard reduction burning achieved by Council's prescribed burning program.

These opportunities include;

- Devolving management of less complicated burns to local Fire Control Officers;
- Adopting the Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Templates for new prescriptions on Council reserves;
- Investigation of the most effective method for fuel reducing identified urban fringe properties (as per attached map);
- Assistance being sought from the Office of Bush Fire Risk Mitigation to enable a "tenure Blind" approach to fuel reduce the identified urban fringe properties which includes land owned privately or by government departments;
- Discussions be held with staff from the Department of Parks and Wildlife (DPaW) regarding private and other government agency held land throughout the Shire, adjacent to DPaW controlled burns that can be conveniently burnt at the same time and issuing notices as per section 33 Bush Fire Act 1954 to that effect; and

- Inclusion of a 0.5 FTE Bush Fire Mitigation Officer position in the 2014/15 budget to expedite Council's reserve burning program and to help facilitate the burning of private land in strategic sectors.

Background:
Having considered the devastating 2011 Margaret River fires which destroyed or damaged over 40 homes, the DPaW Clear Hills control burn that broke several containment lines in January 2014 and Council's own inability to meet annual goals established under its controlled burn program the BFAC moved the following recommendation at its 27th February 2014 meeting:

"The Committee recommends to Council that;
It adopts the Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Template, contextualised for the Shire of Denmark, as a standard template for future prescribed burn on Shire reserves where the prescription have not yet been written.

That in order to facilitate the timely preparation of these prescriptions and the completion of as many burns as possible that a 0.5 FTE Bush Fire Mitigation officer position be considered in next budget and that FCO's be trained and encouraged to conduct these burns."

The reason why Committee recommended the additional 0.5 FTE Bush Fire Mitigation Officer position is to allow for more work to be completed in the following areas;

- Risk assessments of Shire reserves
- Drafting and implementing of prescriptions
- Undertaking hazard reduction burns
- Development/maintenance of fire breaks and other mitigation works

At this meeting the Committee also moved the following motion in regards to the need for a tenure blind approach in regards to achieving strategic fire fuel reduction in urban fringe locations.

"That the Committee recommends to Council that;

1. *Council consider and investigate the most effective method for fuel reducing the urban fringe properties located within the area denoted on the attached map.*
2. *That assistance is sought from the Office of Bush Fire Mitigation to enable this method to be "Tenure Blind" as these properties include various tenure types and are controlled by various private and government bodies.*
3. *That Council staff liaises with DPaW staff regarding private and other government agency held land throughout the Shire, adjacent to the DPaW controlled burns that can be conveniently burnt at the same time and issuing section 33 Bush Fire Act notices to that effect."*

Discussion:
In addition to 27 February 2014 recommendation BFAC at its September 2013 meeting commenced discussion regarding the reality that the projected outcomes of Council's prescribed burning program had not been achieved over the last few years due to a number of factors, unsuitable weather being the most prevalent.

In order to facilitate these burns the Committee has recommended that where a control burn's risk assessment indicates that it is no more than to the lower end of high, the prescription has been approved by Council's CEO and there are no special complicating factors then initiating and controlling the burn should be turned over to a local Burn Coordinator who would be of a minimum rank of Fire Control Officer.

The goal of this is to eliminate the need for the Community Emergency Services Manager (CESM) to organise each of the lesser complex burns and to allow several

smaller burns to be conducted at or about the same time as we often have narrow windows of suitable weather. As such the following motion was put forward;

As a result of this discussion the committee made the following recommendation to Council:

"That the Committee recommends to Council that additional hazard reduction burns be facilitated on Shire controlled land by devolving management of less complicated burns to local FCOs."

One of the latest resourcing threats to Council's current control burn program is that the Departments of Fire and Emergency Services and Parks and Wildlife have in light of the devastating 2011 Margaret River fires which destroyed or damaged over 40 homes, have done significant work to align their prescribed burning processes with the International Organisation for Standardisation Risk Management (ISO 31000) and that Council will be expected to follow suit.

This ongoing alignment of with ISO 31000 will be overseen by the Office of Bush Fire Risk Management (OBRM) who will give final approval of each agency's prescribed burning processes. While currently due to legislative limitations OBRM does not have the ability to review a local government's prescribed burning policies or prescriptions for compliance with their standards and templates, it will be seen as a standard by which Council's procedures will be judged if we lose control of a hazard reduction burn.

Council's current prescribed burning process while being based upon good working practice and local knowledge does not conform to ISO 31000 and there is an expectation that all local governments will align their processes with this standard. In addition to this there is a need to standardise the information that has already been collected and inserted into Council's existing prescriptions, as this will assist in the Burn Coordinator's ability to successfully undertake a prescribed burns.

The Department of Fire and Emergency Services (DFES) have finalised their Prescribed Fire Plan Guidelines and Templates and are awaiting approval from OBRM to ensure the compliance with ISO 31000 has been achieved. Once these guidelines and templates have been approved it would be good corporate risk management for Council to adopt them as its standard for all new burn prescriptions that are written for its reserves.

In order to save resources and maintain our reserve burning program it is proposed to progressively convert Council's prescriptions to the ISO 31000 complaint DFES Prescribed Fire Plan Guidelines and Templates format while allowing reserves burn prescriptions that have already written and approved for burning by the Chief Executive Officer to be undertaken without further works under the current arrangements .

While the use of the DFES Prescribed Fire Plan Guidelines and Templates has been supported by the Bush Fire Advisory Committee for use on Council reserves reserve and major strategic burns on private land it is not intended to force a ISO 31000 prescription requirement onto local Bush Fire Brigades private property burns as it would be onerous for local brigades to undertake and Council's recently approved prescription template is sufficient for the purpose and is reflective of good industry practice.

It has been proposed by the Chief Bush Fire Control Officer, Graeme Thallon, and BFAC that Council consider initiating a "Tenure Blind" approach to implementing a plan and resource allocation to reduce this fuel load in the near future and consider the long term need to then maintain the fuel load in this designated area.

An analysis of the 14,000 hectare fire, Clear Hills, to the north of Denmark in January this year, and the Community Risk Studies undertaken in 2010 & 2012, of the Denmark, Kenton, Peaceful Bay & Nornalup town sites has indicated that there is a greater bush fire risk from fires approaching in an arc from the North East to North West direction.

Fires being fanned by North East and North West winds would prove very difficult to contain as they are generally combined with higher temperatures and lower humidity. The risk of these fires overrunning the urban areas is heightened by the level of fuel in remnant bush blocks in these regions. Please see the attached map.

Bush blocks within the designated arcs have a variety of ownership/custodian tenures which in many cases makes fuel reduction measures difficult to execute due to the risk of fire encroaching on neighboring properties.

In considering the concept of a "Tenure Blind" fire fuel reduction buffer the Committee should note Wayne Gregson's, the Commissioner of DFES, comments on the front page of the Monday 17 February 2014, West Australian to the effect that fire fuel loadings across all land tenures need to reduced and Council's and private land owners should be paying for the cost of reducing the fuel loads on their land.

While for Council this means an increased budget allocation for reserve management and an increased reserve management and fire regulation notice compliance to be undertaken by staff; for private property owners in the targeted area it means receiving property specific fire fuel reduction notices under Section 33 of the Bushfires Act 1954 and finding the funds out of their own resources to undertake the mitigation work required in those notices. The cost to private property owners in preparing and conducting these mitigation works, including control burns, could range from $2,000 to $25,000 depending on whether perimeter fire breaks are already in place.

While volunteer bush fire brigade assistance under Council's Burning on Private Land Policy P0150110 will assist property owners and greatly reduce their costs in meeting those orders, the long term implication of a tenure blind buffer approach for some property owners will be the realisation that they are holding property that they do not have the financial resources, knowledge or practical skills to manage.

In order to progress this matter and bring the relevant agencies together the Chief Fire Control Officer has suggested that Council involve the Office of Bushfire Risk Management "OBRM" to assist Council in achieving a tenure blind outcome and the second recommendation from the BFAC's February 2014 BFAC meeting reflects this.

Consultation:
The recommendations that have led to the development of this report have come from the September 2013 and February 2014 Bush Fire Advisory Committee.

Statutory Obligations:
There are statutory implications in that Council will need to follow legislative requirements of the Bushfires Act and Regulations 1954.

It should also be noted that DFES are currently reviewing the merger of the Bush Fires Act 1954, Fire Brigades Act 1942 and the Fire and Emergency Services Act 1998.

Policy Implications:
There is the ability to create new policies from the officer's recommendation to Council to assist in the development of standards and identifying best practice in relation to bush fire mitigation objectives and strategies within the Shire of Denmark.

Budget / Financial Implications:
There are known financial implications upon the Council's current Budget and Long Term Financial Plan as funding would need to be sought to finance the 0.5 FTE Bush Fire Mitigation Officer position and the potential increase of funding in the Shire's Reserve Fire Management Budget. The Fire Mitigation Officer position would ideally be a level 4 position which is similar to that of the Shire Ranger.

Strategic Implications:
The report and officer recommendation is consistent with Council's adopted Mission and Vision.

This is highlighted by improved safety to the community by the proposed adoption of the Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Templates as well as consideration of the appointment of a 0.5 FTE Bush Fire Mitigation Officer position, which is in line with the 2011 & 2012/13 Community Needs and Customer Satisfaction surveys which identifies Bush Fire Protection as the number one focus that Council should be working towards.

Sustainability Implications:

- **Governance:**

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

- **Environmental:**

There are environmental implications relating to the report as fire mitigation works will ultimately have an impact on the natural environment in the Shire's reserves however, mitigation works are currently discussed with the Shire's Sustainability Officer, local environmental community groups and the Department of Indigenous Affairs in an effort to minimise the impact upon the environment.

- **Economic:**

There are economic implications relating to the report or officer recommendation in that additional fire mitigation works will reduce the chance of the community being affected by bush fire.

- **Social:**

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

Comment/Conclusion:
It is the officer's opinion that many of the prescribed burns that are undertaken on Shire reserves are complex in nature and require a working knowledge of and understanding for the actual prescription process, with the conducting of the burn itself being only one part of the whole prescription process.

Having a standard prescribed burning procedure and template, such as the DFES Prescribed Fire Plan Guidelines and Templates would greatly assist in the coordination of the prescribed burning process and ensure that Council was operating in line with best practice.

Over the last 4 years additional resources have been used to employ an Officer to undertake bush fire mitigation works. These resources have since been placed back into the health budget, where they originally came from, since the Officer's resignation from the Shire. The Officer undertook a significant amount of work in the development and implementation of the prescribed burning program which would have and now is struggling to be undertaken in an effective and timely manner.

In regards to "*devolving management of less complicated burns to local FCO's"* it should be noted that there are opportunities for the Shire's Fire Control Officers to conduct prescribed burns on Shire reserves, as was evident at the recent burn at Christina Crescent, however one would have to question how much work the volunteers would be able to commit to and how much time would be saved as the CESM is still required to undertake activities such as mailing correspondence, arranging walking track diversions, setting up traffic management plans, arranging meals and much more.

The Officer has also contacted DFES Superintendent Peter McCarthy at the Forrestfield training academy in early February for an update on the review of the Prescribed

Burning course. At this stage the Prescribed Burning Course is still under review with no time line on a release date. As such there is no accredited training available for the development of prescriptions or undertaking prescribed burning other than via mentoring, which is generally done by the CESM.

The suggested Bush Fire Mitigation Officer position which could be similar to the "Fuel Reduction Officer" position in the Shire of Manjimup (position description, for an example only, has been attached) would greatly assist in the development and implementation of fire mitigation works, which would result in a more efficient and effective fire mitigation program for the community and supports their views as identified in the 2011 & 2012/13 Community Needs and Customer Satisfaction surveys which identifies Bush Fire Protection as the number one focus that Council should be working towards.

A Bush Fire Mitigation Officer position would also be advantageous for other fire mitigation works that are likely to be undertaken by local governments in the near future, such as the "Bush Fire Risk Management" project.

The Bush Fire Risk Management Project (BRMP), which is currently being trialled in the Shires of Collie, Nannup, Boyup Brook and Augusta-Margaret River, is designed to;

- Provide the BRMP Framework, including the templates, underlying processes and procedures, and documents, work effectively in allowing the LGs to produce a tenure-blind BRMP in the new template format.
- Informing the BRMS software Solution, albeit in a reduced-functionality version; and ensuring that any changes to the Framework and processes are reflected in the BRMS.
- Confirming the ongoing support requirements for the overall BRMP program, including training.
- Assessing participation levels of LG's, State Government agencies and private landholders.

As an end result, the Bush Fire Risk Management Project, if undertaken, will allow for all the land within the Shire to be risk assessed against ISO 31000, identify what is at risk and provide plans for treatment options to be developed. The Project, which is overseen by OBRM, will have the benefit being "tenure blind" and will greatly enhance the coordination and cooperation between all land owners to reduce the threat of bush fire to the community.

As this process is currently being trialled it would be advantageous for the Shire to consider undertaking the Bush Fire Risk Management Project once the trials have been completed and any recommendations from this trial have been assessed, commented on and addressed by the State Government and OBRM, which would effectively address the February 2014 recommendation by BFAC in regards to bush fire mitigation work and have the Shire working in line with the current standards and cooperating with private land owners and other government departments.

Voting Requirements:
Simple majority.

7.59pm – Cr Rowland returned to the room.

COMMITTEE RECOMMENDATION ITEM 9.1

That the Committee recommends to Council that additional hazard reduction burns be facilitated on Shire controlled land by devolving management of less complicated burns to local FCOs.

COMMITTEE RECOMMENDATION ITEM 9.1

The Committee recommends to Council that it adopts the Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Template, contextualised for the Shire of Denmark, as a standard template for future prescribed burn on Shire reserves where the prescription have not yet been written.

That in order to facilitate the timely preparation of these prescriptions and the completion of as many burns as possible that a 0.5 FTE Bush Fire Mitigation officer position be considered in next budget and that FCO's be trained and encouraged to conduct these burns.

COMMITTEE RECOMMENDATION ITEM 9.1

That the Committee recommends to Council that;

1. Council consider and investigate the most effective method for fuel reducing the urban fringe properties located within the area denoted on the attached map.
2. That assistance is sought from the Office of Bush Fire Mitigation to enable this method to be "Tenure Blind" as these properties include various tenure types and are controlled by various private and government bodies.
3. That Council staff liaises with DPaW staff regarding private and other government agency held land throughout the Shire, adjacent to the DPaW controlled burns that can be conveniently burnt at the same time and issuing section 33 Bush Fire Act notices to that effect."

The following alternative Officer Recommendation is offered to deal with the above three Committee Recommendations.

OFFICER RECOMMENDATION ITEM 9.1

That Council with respect to the recommendations of the Bush Fire Advisory Committee, resolve that;

1. With respect to prescribed hazard reduction burns on Shire of Denmark managed reserves;
    a. That it be a policy of Council that it adopt the ISO 31000 compliant Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Templates, for the Shire of Denmark, as a standard template for future prescribed burns where a prescription has not yet been approved.
    b. That it be a policy of Council that Council annually report to the Bush Fire Advisory Committee and Community in general, the Reserves that it has managed to hazard reduce during the preceding 12 months, the percentage of that Reserve hazard reduction and the proposed program for the following 12 months based on the Committee's latest priorities.
    c. Continue with the current management process of implementing prescribed burning noting the introduction of ISO 31000 to new prescriptions.
    d. That due to the inherent risks associated, that there be no further devolution of burning to Brigades beyond the current management process.
2. With respect to prescribed hazard reduction burns on private property not managed by the Shire of Denmark, Council Policy P050110 prevails.
3. Council review the need to implement a "tenure blind" approach to the management of hazard reduction surrounding the Denmark, Peaceful Bay and Nornalup Townsites, in that priority order, following release of the review by the Department of Fire and Emergency Services (DFES) of the Bush Fire Risk Management Project.
4. Council consider the provision of a part-time Bush Fire Mitigation Officer position in the 2014/15 Council Budget to enable additional preparation and implementation of prescribed burns and undertaking of mitigation projects such as the future Bush Fire Risk Management Project, noting that grant funds from the Office of Bush Fire Risk Mitigation or DFES might become available to assist.

COUNCIL RESOLUTION ITEM 9.1
MOVED: CR SEENEY SECONDED: CR OSBORNE

That Council with respect to the recommendations of the Bush Fire Advisory Committee, resolve that;

1. With respect to prescribed hazard reduction burns on Shire of Denmark managed reserves;
    a. That it be a policy of Council that it adopt the ISO 31000 compliant Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Templates, for the Shire of Denmark, as a standard template for future prescribed burns where a prescription has not yet been approved.
    b. That it be a policy of Council that Council annually report to the Bush Fire Advisory Committee and Community in general, the Reserves that it has managed to hazard reduce during the preceding 12 months, the percentage of that Reserve hazard reduction and the proposed program for the following 12 months based on the Committee's latest priorities.
    c. Continue with the current management process of implementing prescribed burning noting the introduction of ISO 31000 to new prescriptions.
    d. Prescription Burns may be conducted by a Fire Control Officer after all relevant documentation is completed and then authorised by a Council Officer as authorised by the Chief Executive Officer.
2. With respect to prescribed hazard reduction burns on private property not managed by the Shire of Denmark, Council Policy P050110 prevails.
3. Council review the need to implement a "tenure blind" approach to the management of hazard reduction surrounding the Denmark, Peaceful Bay and Nornalup Townsites, in that priority order, following release of the review by the Department of Fire and Emergency Services (DFES) of the Bush Fire Risk Management Project.
4. Council consider the provision of a part-time Bush Fire Mitigation Officer position in the 2014/15 Council Budget to enable additional preparation and implementation of prescribed burns and undertaking of mitigation projects such as the future Bush Fire Risk Management Project, noting that grant funds from the Office of Bush Fire Risk Mitigation or DFES might become available to assist.

CARRIED: 8/1 Res: 270514

REASONS FOR CHANGE
Council amended part 1 d. to clarify the basis upon which Fire Control Officers could conduct Prescription Burns.

8.18pm – Cr Gillies left the room.

Prior to consideration of Item 9.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a member of the Carmarthen Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Thornton is a member of the Mt Lindesay Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Sampson is a member of the William Bay Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Seeney is a member of the Somerset Hill Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Lewis is a member of the Mt Lindesay Bush Fire Brigade and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Rowland is a member of the Shadforth/Scotsdale Bush Fire Brigade and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Gillies is a member of the Tingledale Bush Fire Brigade and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Osborne, Cr Thornton, Cr Sampson, Cr Seeney, Cr Lewis, Cr Rowland & Cr Gillies declare that they will consider this matter on its merits and vote accordingly.

9.2 BUSH FIRE ADVISORY COMMITTEE - LIVE DRIVE PUMPS ON FIRE APPLIANCES

File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	16 May 2014
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:
This report discusses the need to review the existing Council Policy P050108 Donkey Motored Pump Fire Truck Procurement, as it is not suitable in maintaining the Shire's firefighting capacity due to the fact that it restricts the types and therefore capabilities of fire appliances that the Shire may procure in its current form.

The report also discusses and recommends that Council adopt the 27 February 2014 Bush Fire Advisory Committee (BFAC) resolution which reflects that balance and is supported by the officer.

Background:
In March 2012 the Shire of Denmark Council adopted an Emergency Management Standard Operating Procedure regarding the pump systems on fire appliances, Policy P050108 Donkey Motored Pump Fire Truck Procurement, which states;

"To ensure that Council procures fire trucks that are suitable for the conditions where they will be used and the training and experience levels of the volunteers that may be using them, that Council's preference is for fire trucks with independent, Donkey Motor, driven pumps and that Council staff advises FESA as such".

A matter has now arisen in relation to this procedure. For the 2014/15 financial year the Department of Fire and Emergency Services (DFES) has offered the Shire of Denmark through the Emergency Services Levy (ESL) four replacement vehicles (See ESL offer attached), being new light tankers at Harewood and Kordabup and 4.4 single cab broad acre appliances at Tingledale and Mt Shadforth/Scotsdale.

The light tankers for Harewood and Kordabup and the 4.4 broad acre appliance at Tingledale are all suitable replacements, especially the additional water capacity that a 4.4 appliance in the western areas of the Shire. The provision of a broad acre appliance at Mt Shadforth/Scotsdale which was presumably in response to Council's current policy would be a step backwards in terms the equipment provided on the appliance and crew capacity and is contrary to Council's risk to resource fire unit provision strategy that specifies a rural classification unit as being the most for the brigades existing 16 year old rural classification unit.

The reason why a rural unit has been specified for the Mt Shadforth/Scotsdale district is that they have dual cabs which enables them to carry and protect more crew and a limited structural firefighting capacity in terms of carrying ladders and the like. These factors are desirable given the urban fringe development profile of the Mt Shadforth area.

The reason why this policy has been presented for review is that the majority of rural units now being supplied to are equipped with live drive pumps and they are universally fitted to all new urban units. The Ocean Beach, Peaceful Bay and Nornalup brigades are all scheduled to receive live drive urban units in the next few years in order to give them the pump pressures to successfully extinguish fires in house roofs and to put out fires in stag trees.

The corporate risk is in maintaining this policy as read that it will lead to Council's urban fringe brigades being offered single cab broad acre units that are designed for wheat belt areas and do not have any structural firefighting capacity.

Consultation:
The Community Emergency Services Manager has consulted with the Chief and Deputy Chief Bush Fire Control Officers, the Director of Community and Regulatory services, the Bush Fire Advisory Committee and members of the Denmark Council.

Statutory Obligations:
There are no statutory obligations.

Policy Implications:
There are policy implications as this report suggests that the existing Council Policy P050108 Donkey Motored Pump Fire Truck Procurement, be re-worded to allow the procurement of "live drive" motored pumps on fire appliances if an alternative is not available.

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.

There are known significant strategic implications that if Policy P050108 Donkey Motored Pump Fire Truck Procurement is not re worded to allow the procurement of "live drive" motored pumps on fire appliances, then there is the probability that the Shire will be issued with fire appliances that are not suitable, in both capacity and capability, for the area in which they are intended.

This could lower the standards of protection that could be offered to the community and is not consistent with Council's adopted Mission and Vision objectives.

Sustainability Implications:

- **Governance:**

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

- **Environmental:**

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

- **Economic:**

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

- **Social:**

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

Comment/Conclusion:

At its 27 February 2014 committee meeting BFAC moved the following recommendation:

That the Committee recommends to Council that;

1. *The current standard operating procedure P050108 Donkey Motored Pump Fire Truck Procurement is reworded to state;*

   "To confirm that Council procures suitable fire appliances significant consideration should be given towards the fire appliances capacity and capability to ensure the best fire protection for the community is achieved, with the preference of fire appliances with Donkey Motored Pumps if they are available.

2. *That an alternate 2014/15 Emergency Service Levy application is submitted to the Department of Fire and Emergency Services that identifies that a 4.4 Rural Dual Cab fire appliance is the preferred replacement fire appliance for the current 2.4 Rural Single Cab fire appliance.*

In March 2012 the Shire of Denmark Council adopted a Bush Fire Brigade Standard Operating Procedure regarding the pump systems on fire appliances, Policy P050108 Donkey Motored Pump Fire Truck Procurement, which states;

"To ensure that Council procures fire trucks that are suitable for the conditions where they will be used and the training and experience levels of the volunteers that may be using them, that Council's preference is for fire trucks with independent, Donkey Motor, driven pumps and that Council staff advises FESA as such".

A matter has now arisen in relation to this procedure. For the 2014/15 financial year the Department of Fire and Emergency Services (DFES) has offered the Shire of Denmark through the Emergency Services Levy (ESL) four replacement fire appliances (See ESL offer attached), being two new light tankers at Harewood and Kordabup and two 4.4 single cab broad acre appliances at Tingledale and Scotsdale/Shadforth.

The light tankers for Harewood and Kordabup and the 4.4 broad acre appliance at Tingledale are all suitable replacements, especially the additional water capacity of a 4.4 appliance in the western areas of the Shire; however a broad acre appliance at Scotsdale/Shadforth would be a step backwards in that the current appliance is rural classified unit which has equipment for defensive structural firefighting.

A broad acre fire appliance does not have the same level of equipment and is a step backwards in its firefighting capacity.

Under Council's agreement with DFES through the Emergency Services Levy (ESL) which was initiated in 2003/2004, heavy fire appliances (1.4 to 4.4) have a current replacement cycle of 16 years which requires some thought being applied to ensure that the appliance that is chosen will be suitable for the growing demands of the area in which it is intended for in 10-15 years' time. In the case of the Scotsdale/Shadforth region there has been and will continue to be encroachment of urban subdivisions, with more houses, chalets, wineries, restaurants, caravan parks and other intensive industries within close vicinity of bushland.

To keep pace with this encroachment, public and fire fighter expectations the replacement appliance at Scotsdale/Shadforth will need to have the capacity and equipment to meet these needs, so a 4.4 dual cab rural fire appliance is the correct strategic choice for this area.

This is however a potential conflict with Council policy P050108 as it is currently written. Under the 2013 DFES replacement vehicle standards the only vehicles that are equipped with the "donkey motor" driven pumps are light tankers, broad acre appliances and the 1.4 rural appliances. In addition to this all broad acre appliances are restricted to single cabs meaning that additional crew members cannot be transported to fire callouts.

In comparison the 2013 specification rural and urban appliances have more equipment including a dual cab that seats up to 6 fire fighters, property defence capabilities but are equipped with "live drive" driven pumps which gives a far greater hose jet range, pumping capacity and reflects the fact that they are for peri urban brigades that train regularly. This is an issue that needs to addressed because the Ocean Beach, Nornalup and Peaceful Bay appliances are scheduled to be replaced in the next 2-3 years with 3.4 urban appliances that will have "live drive" pumps to meet the pumping requirements for their residential areas.

The Shire needs to continue with the progression of its firefighting fleet to meet the needs of the community and it cannot be expected that DFES will always be prepared to make custom made appliances for the Shire, so we need to be flexible in out acceptance of the pumping systems on the appliances and take the time to learn and train with the appliances we receive.

Such an approach would not preclude the ability of Council staff to request and accept new fire appliances with donkey motored pumps and where suitable utilise them as a preference, such a 4.4 broad acre appliance for the Tingledale Bush Fire Brigade. The BFAC resolution from its 27 February 2014 meeting reflects that balance and is recommended by the Officer.

Voting Requirements:
Simple majority.

8.20pm – Cr Gillies returned to the room.

COMMITTEE RECOMMENDATION ITEM 9.2

That the Committee recommends to Council that;

1. The current standard operating procedure P050108 Donkey Motored Pump Fire Truck Procurement is reworded to state;
   "To confirm that Council procures suitable fire appliances significant consideration should be given towards the fire appliances capacity and capability to ensure the best fire protection for the community is achieved, with the preference of fire appliances with Donkey Motored Pumps if they are available.
2. That an alternate 2014/15 Emergency Service Levy application is submitted to the Department of Fire and Emergency Services that identifies that a 4.4 Rural Dual Cab fire appliance is the preferred replacement fire appliance for the current 2.4 Rural Single Cab fire appliance.

The Officer notes that the 2014/15 ESL application has already been submitted to DFES as the closing date of the application, for delivery to the regional office for approval was the 28 February 2014 and as such point two of the recommendation has been changed to reflect this.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 9.2
MOVED: CR SEENEY SECONDED: CR OSBORNE

That with respect to Council Policy P050108 in relation to Donkey Motored Pumps, Council;

1. Re-word the Standard Operating Procedure (Policy P050108 Donkey Motored Pump Fire Truck Procurement) to state;
   "That Council only procure fire appliances for volunteer bush fire brigades that are identified as suitable in the adopted Resource to Risk matrix for the relevant brigade with the preference of fire appliances with Donkey Motored Pumps if they are available."
2. Note that an alternate 2014/15 Emergency Service Levy application was submitted to the Department of Fire and Emergency Services that identifies that a 4.4 rural dual cab fire appliance is the preferred replacement fire appliance for the current Scotsdale/Shadforth 2.4 rural single cab fire appliance.

CARRIED: 8/1 Res: 280514

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 10
MOVED: CR SAMPSON SECONDED: CR PEDRO

That pursuant to Section 5.23 (2) (b) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors for the consideration of Item 10.1 to consider a matter relating to the remuneration of an employee.

CARRIED UNANIMOUSLY: 9/0 Res: 290514

8.32pm – The Director of Community & Regulatory Service, the Director of Planning & Sustainability, the Director of Finance & Administration and the Executive Assistant left the room and did not return.

10.1 SENIOR OFFICER CONTRACT RENEWAL

File Ref:	Personal File
Applicant / Proponent:	Dale Stewart
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	19 May 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Contract and Performance Appraisal provided to Councillors under separate cover

Summary:
The CEO recommends that a renewal of employment contact be offered to the current incumbent of the position of Director of Community & Regulatory Services and seeks the support of Council to do so.

Background:
The officer's current employment contract expires 2 June 2014 and a decision is preferred prior to this date.

Consultation:
The officer seeks a 5 year renewal of term but is prepared to accept a 3 year extension if that is Council's and / or the CEO's preference.

Statutory Obligations:
Parts of the Local Government Act 1995 Sections 5.37 and 5.39 relates;

5.37. Senior employees

1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), *and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position *where a contract referred to in section 5.39 is renewed.*

5.39. Contracts for CEO and senior employees

1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section —

a) in the case of an acting or temporary position, cannot be for a term exceeding one year;

b) in every other case, *cannot be for a term exceeding 5 years*.

(3) A contract under this section is of no effect unless —

a) the expiry date is specified in the contract;

b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and

c) any other matter that has been prescribed as a matter to be included in the contract has been included.

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

Parts of the Local Government Administration Regulations 1996 Section 18B also relate;

18B. Matters to be included in contracts for CEO's and senior employees — s. 5.39(3)(c)

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

a) the value of one year's remuneration under the contract; or

b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

Policy Implications:
There are no policy implications.

Budget / Financial Implications:
The contract amount proposed is in keeping with the known financial implications upon the Council's current Budget and draft 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.

That the Shire of Denmark ensures that it has a structure that is transparent, trustworthy, flexible, consultative and collaborative, and is able to attract and retain a high standard of Councillors and Senior Management.

Sustainability Implications:

- **Governance:**

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

- **Environmental:**

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

- **Economic:**

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

- **Social:**

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

Comment/Conclusion:
Council has the option of rejecting the author's recommendation in accordance with section 5.37 of the Local Government Act 1995 or suggesting variations to the intended recommendation.

The officer's recommendation is that the existing incumbent be offered a new 3 year contract based on very similar terms and conditions as the existing contract, with the prime exception being that a cashing out of the vehicle has been offered, which is consistent with Councils resolution of 26 March 2013 which in part states;

"That with respect to the purchasing of light fleet vehicles and the provision of private staff use of certain vehicles, Council:

…Encourage its Chief Executive Officer (CEO) and Designated Senior Officers (4) to negotiate with either the Shire President, in the case of the CEO or the CEO in the case of a Designated Senior Officer, converting the Council vehicle supplied for unrestricted private use, to a novated lease or "cashing out", such that both the Council and the employee will not be disadvantaged."

The value of the 'cashing out of the vehicle has been determine as $20,000 per annum, which is consistent with the contract in place for the present Director of Finance & Administration.

The incumbent has indicated his desire to be offered a 5 year contract however would accept a 3 year term and is also prepared to accept the principle of the cashing out of the vehicle.

The Director may also be prepared to purchase the current vehicle – a 2010 XR6 Ford Falcon at an agreed / negotiated sum. If acceptable to Council, this would be subject to negotiation with the CEO and be based on three written quotes from dealers. The vehicle is indicatively worth less than $10,000 and has over 130,000 km on the odometer. The sale would be in accordance with the provisions of Section 3.59 of the Local Government Act 1995.

The incumbent has worked with Council as the Director since June 2009 and prior to that in a previous role since October 2007.

A copy of the proposed contract and his most recent performance appraisal are provided to Councillors under separate cover.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 10.1
MOVED: CR SAMPSON SECONDED: CR MORRELL

That Council authorise the CEO to offer a renewal of employment contract with Mr Gregg Harwood in the designated senior officer position of Director of Community & Regulatory Services with the conditions of that contract being in accordance with the proposed contract provided to Councillors under separate cover and for a term not exceeding 3 years and that the CEO be authorised to dispose of the vehicle (current registration DE45) to the Director if he so wishes to acquire it, based on the average of two written quotes from licensed vehicle auction houses, selected at the discretion of the CEO and advertising of the proposed disposition.

CARRIED UNANIMOUSLY: 9/0 Res: 300514

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

Nil

12. CLOSURE OF MEETING

8.58pm – There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.

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

Signed: _____

Dale Stewart – Chief Executive Officer

Date: _____

These minutes were confirmed at the meeting of the _____

Signed: _____

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