



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 20 DECEMBER 2016.

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Ordinary Council Meeting

20 December 2016

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

MEMBERS:

- Cr David Morrell (Shire President)
- Cr Ceinwen Gearon (Deputy Shire President)
- Cr Mark Allen
- Cr Yasmin Bartlett
- Cr Peter Caron
- Cr Jan Lewis
- Cr Janine Phillips
- Cr Clem Wright
- Cr Rob Whooley

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Gilbert Arlandoo (Director of Infrastructure Services)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Ms Noni Entwisle (Finance Officer - Accounting)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 86
 Members of the press in attendance at the commencement of the meeting: 2

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Morrell	8.5.1	Impartiality	Cr Morrell is a part time government employee at the Agricultural College.
Mr Schwarzbach	10.1	Impartiality	Mr Schwarzbach and his family are members of the Denmark Cricket Club, Denmark Little Athletics, Denmark Surf Life Saving Club and Denmark Gymnastics.
Cr Bartlett	10.1	Financial	Cr Bartlett is a coach for the Denmark Gymnastics Club.
Cr Bartlett	8.5.1	Impartiality	Cr Bartlett is a government employee at the Agricultural College.
Cr Gearon	10.1	Impartiality	A number of the nominees are known to Cr Gearon.

Cr Phillips	8.5.1	Impartiality	Cr Phillips is in the Caravan Park industry.
Cr Allen	8.5.1	Impartiality	Cr Allen is a government employee at the Agricultural College.
Mr Harwood	8.2.1	Impartiality	Mr Harwood is employed as a Director at the Shire and is a gold membership holder at the Denmark Recreation Centre.
Mrs Murray	4.1 8.2.1	Impartiality	Mrs Murray is an employee of the Shire of Denmark who may benefit from participating in the proposed trial.

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 010117

3. ANNOUNCEMENTS BY THE PERSON PRESIDING
Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Ms Julie Marsh – East River Road (Bridge and Western Section)

At the meeting held on 29 November 2016 Ms Marsh asked a number of questions which were taken on notice. A copy of the response provided to Ms Marsh is copied below;

“In response to your questions taken on notice at the Ordinary Council meeting held on Tuesday, 29 November 2016, regarding the Denmark East Development Precinct, I provide the following responses. Your questions and these written responses will be published in the next Council Agenda for the Ordinary meeting scheduled for Tuesday, 20 December 2016.

Questions 1 - 4

1. *Who (names, organisation and positions held) undertook the consultation with the GHSS?*
2. *When did the consultation take place?*
3. *Who (names and positions held) from GHSS supplied this information?*
4. *Where is, and who holds the written evidence of this consultation, and the results of it?*

Response:

As per my previous response provided in a letter dated 7 October 2016; “The Shire has been back and checked all of our old records, files and emails in relation to the preparation of the Business Case and consultation that occurred with the Golden Hill Steiner School. We fortunately found an old version of the business case (May 2015) that makes reference to the Principal from the Steiner School. The following extract is very relevant;

“The Golden Hill Steiner School presently accommodates a year 1 to 6 programme and is seeking to expand the school to years 7 to 12. In the event that the Council of the Shire of Denmark is able to purchase lot one situated north of Riverbend Lane, Council would make the necessary land available to the Steiner School to facilitate the proposed expansion. It is expected that approximately 100 extra students would be accommodated

*and that the investment in the additional facilities would be in the order of at least \$2 million. **The School's Principal has been consulted on this aspect of the proposal and is excited as to the prospect and opportunity that it presents**".*

As you would be aware, the bold text above is missing in the current business case. I have subsequently called the former Shire CEO. He has assured me that conversations were held with the Principal. As the discussions were only preliminary, no records were kept in relation to the dialogue."

Question 5

Who (names and positions held) did approve the business case (project) and why did it come as a total surprise to the school community that it was in a business case at all?

Response:

The Business Case was signed off by Stuart Thompson, from Priority Management and Dale Stewart, (former) Chief Executive Officer of the Shire of Denmark. It was a surprise to the school because the Business Case was a confidential document that was not designed for public consumption.

Question 6

I understand some conflicts of interest existed with those involved in decision making – back in about 2011 (I think). Not the current council of the last few months. Can we please see the proof of declarations of these, by whom – and written evidence of the reasons exemptions were granted?

Response:

There were 11 declarations of interest from Staff and Councillors at the Special Meeting held on 4 October 2011 which was held for the purpose of dealing with the draft Local Planning Strategy. The Declarations are noted in the Minutes from that meeting which can found on our website at <http://www.denmark.wa.gov.au/council-meetings/past-meetings/2011> or alternatively copies are available at the Denmark Library.

Ministerial approval was received on 4 October 2011 to allow Councillors who had declared an interest to participate in discussion and decision making procedures.

Question 7

Proof of the decision making process - by whom?

It is also bewildering that this project was joined with the proposed Light Industrial Area, which is a totally separate requirement for the town, the road does not affect the effectiveness or access to the new Industrial area.

Response:

Both projects were identified in the Local Planning Strategy. The road does affect the Light Industrial Area (LIA). The LIA requires access for vehicles of substantial size (RAV4), being heavy service vehicles that are less than 27.5m in length with a maximum permitted mass of 87.5 tonnes, typically comprising a prime mover, semi trailer towing 6 axle dog trailer.

The current road network does not comply and therefore large vehicles are not permitted to travel on East River or McIntosh Road. The road requires upgrade so that these vehicles can access the LIA. Given the above and with reference to the LPS, both projects are related from a growth perspective.

Question 8

Why were these joined into one project? And became inseparable – evidence to prove they are directly linked. I heard that our CEO stated at a meeting held at GHSS in late September 2016 that 'The process is complete', 'there is no backing out of the project', and 'it will go ahead regardless of anything that happens now'.

Can this please be explained – why this has to move forward, regardless of community feeling it has not been properly managed – and continues to be unaccountable and not transparent – hence these questions?

Response:

I understand that the projects were joined to create one substantial project so that an application could be made under the Royalties for Regions Program. As outlined above, the projects, although appearing unrelated, partially depend on one another and are both identified in various strategic and growth planning documents.

We have a contract that the Council has executed with the State Government to deliver this project. As the CEO, it is my responsibility to administer this contract and ensure that we comply with the key milestones and achieve the project outcomes. Until such time that the project is suspended, cancelled or otherwise, I will continue to implement the resolution of Council from March 2016.

Question 9

I was told by Shire staff - that submissions would be posted on your website. I looked for them. I rang council today, and they have now told me the submissions have been sent to Landcorp for summary and a report for councillors. I am very concerned about this – why is Landcorp involved in this process. I understand they are the project managers. Hence have a vested interest in the project progressing.

Please tell me how this is not a conflict of interest, unless it is technical questions in a submission? Please inform me of why they are the appropriate body to evaluate the submissions – as I disagree that they are, as they have a financial interest in the project. Please tell me why this is not a transparent and open process – that everyone be able to see all submissions (they can be anonymous if necessary).

Response:

The submissions will be available publically. This will occur when the Council Agenda is published.

Landcorp are the project managers. They have been asked to technically respond to the submissions. Landcorp will not benefit financially from this project. Their contribution is a \$2.5m loss on the development and sale of land associated with the LIA. Landcorp are only

involved due to a market failure where the cost to develop industrial land in Denmark exceeds the market value, therefore discouraging private investment.

Question 10

Please inform me of when the 'summary and report' will be released from Landcorp, and how much notice the community will have to reply to it, and prepare for councils decision making meeting?

Response:

We will be aiming to provide the community with 7 days to read the CEOs report prior to Council Meeting."

4.1.2 Ms Melissa Howe – Denmark East Development Precinct Project

At the meeting held on 29 November 2016 Ms Howe noted that on the day when Noongar Elders were taken on site, there had been areas that they could not access because it had been too wet. Ms Howe asked why they had not been taken back to inspect the area since. The question was taken on notice and a copy of the response provided to Ms Howe is copied below;

"In response to your question taken on notice at the Ordinary Council meeting held on Tuesday, 29 November 2016, regarding the Denmark East Development Project, I provide the following response. Your questions and these written responses will be published in the next Council Agenda for the Ordinary meeting scheduled for Tuesday, 20 December 2016.

Question – Ms Howe referred to the Heritage Report which noted that on the day when Noongar Elders were taken on site, there were areas that they could not access because it had been too wet. Ms Howe asked why they had not been taken back to inspect the area since.

Ms Howe suggested that perhaps the Noongar Elders should also been provided with a copy of the Flora and Fauna Report to assist thorough consultation.

Response – The heritage survey was arranged and conducted by the consultant in two parts, an archaeological survey (with an elder present) where full access to all route options was available and the entire survey area was inspected. As reported in the Heritage Report, the survey team for the anthropological survey (part 2) endeavoured to inspect all route options from both sides of the Denmark River and were unable to achieve that outcome for all of the options. Alternate ways to achieve access to all of the river crossing points were discussed during the survey. At the conclusion of the survey, the Aboriginal Elders present were satisfied that they were able to view every option from at least one side of the river and that they all understood the potential impacts of each options being presented on the Denmark River. Had the elders requested a return visit to the site, that visit would have been arranged and undertaken."

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 Mrs Mary Williams – Stepping Out Program

Mrs Williams requested Council to consider providing a room or facility to hold the Stepping Out Program.

The Shire President advised that the request can be made to Officers at the Shire Administration Office.

4.2.2 Mr Jesz Fleming – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Fleming spoke regarding Option 3B and questioned the suitability of the 20 year ARI design standard applied. Mr Fleming outlined that option 3E has been designed to a 100 year ARI which would meet engineering best practice.

4.2.3 Mr Ken Smith – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Smith expressed his thanks to Council for meeting onsite at Riverbend Lane. Mr Smith stated that he thought the costing of Option 3B was inadequate. Mr Smith asked Council not to endorse the officer recommendation.

4.2.4 Mr Craig Chappelle – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Chappelle a resident of Denmark for over 35 years spoke against the officer recommendation due to the history of the river flooding 3 times in 10 years. Mr Chappelle stated that in his opinion, the officer recommendation required an absolute majority decision. Mr Chappelle made reference to sections 3.59, 6.2 and 6.8 of the Local Government Act 1995.

The Chief Executive Officer asked Mr Chappelle if his reference was to Local Government Commercial Enterprises.

4.2.5 Mr Graeme Thallon – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Thallon spoke as the former Chief Bush Fire Control Officer. Mr Thallon discussed a recent fire event during extreme weather conditions. He believes that there is a requirement for another bridge.

4.2.6 Ms Julie Marsh – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Ms Marsh thanked Councillors and spoke as an individual, not in her capacity as a board member of the Agricultural College. Ms Marsh explained that the Agricultural College wanted to work with the community. However, she stated that the decision lies with the Department of Education. Ms Marsh still had questions in regard to the process and urged Council to consider all the facts before making a decision.

4.2.7 Mr Collin Cayless – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Cayless advised that he did not recall reading about this project until the Media Release in March 2016. Mr Cayless said he believes that public consultation should be undertaken before these decisions are made.

The Shire President responded and provided Mr Cayless with an explanation of the process, development of the business case and subsequent funding application.

4.2.8 Ms Kristy McMullen – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Ms McMullen spoke for the trees and said that the East River Precinct is the last piece of ancient forest which is holding together an eco-system and believed we are not aware how these forests impact on human health.

4.2.9 Mr Tony Chinnock – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Chinnock asked how much consideration was given to horse ownership in planning for the Denmark East Project. Mr Chinnock stated that the East River Road and Sheoak Drive intersection is a dangerous intersection and not suitable for heavy vehicles.

The CEO responded that he was unaware if horse owners had been considered in planning for this project. He further explained that the Shire recognised the issues associated with the East River Road and Sheoak Drive intersection and this proposed upgrade would provide an intersection that meets all contemporary standards.

4.2.10 Mr Mark Blowers – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Blowers suggested Council consider the Lot 1, 23 Riverbend Lane property as an option for a Men's Shed or community garden. Mr Blowers stated that he believed 3E is the preferred option.

4.2.11 Mrs Wendy Edgeley – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mrs Edgeley (read out Mr Jesz Fleming's additional questions) stated that 3B was designed as a flood way and asked Council 3 questions:

1. Why was option 3B and 3E costed differently?
2. Why was engineering best practice not used?
3. Did Landcorp appreciate the risk and understand the design risk?

The CEO responded that the questions were taken on notice.

4.2.12 Mr John Davey – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Davey stated that he was an Engineer and agreed that when undertaking projects there is a concept stage. Mr Davey spoke about how the trees are older than all of us and that this place was special. Dr Davey stated that he believed this whole process has been a debacle and that this area should be preserved.

4.2.13 Mr Tony Pedro – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Pedro stated that it was wonderful that lots of people are attending Council meetings and that the new Council is attracting people back into the Chamber. Mr Pedro suggested that Council could go ahead with the industrial part of the project and put a hold on the bridge.

4.2.14 Dr Cyril Edwards – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Dr Edwards spoke in support of Mr Pedro. Dr Edwards stated that he believed the Local Planning Strategy has issues and asked Council if they were going to be bound by previous poor decisions.

4.2.15 Mr Joss Harman – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Harman acknowledged the complexity of the project. Mr Harman stated that this was a democracy at work and that the community trusted Council to make the right decision.

4.2.16 Mr Matt Ramrath – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Ramrath stated he was a business owner and resident and urged Council not to choose Option 3B. Mr Ramrath acknowledged this was a difficult situation but urged Council to protect the forest.

Cr Caron thanked Mr Ramrath and Mr Pedro for their comments and asked the CEO to explain about splitting the project. The CEO responded by stating that the project could not be split under the Financial Assistance Agreement and that any changes to the project scope would require a Cabinet decision.

4.2.17 Ms Lynda Moylan – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Ms Moylan asked Council if they had 500 year old ancestral root. Ms Moylan stated that she believes if this project went ahead bitumen would have won and asked Council not to build the road.

4.2.18 Mrs Bev Seeney – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mrs Seeney talked about her enjoyment of taking her grandchildren into the bush and measuring trees and understands there will be some trees lost in this project but that many will be persevered preserved. Mrs Seeney explained that the Scotsdale Road upgrade works looked unsightly while being completed but now looked good. Mrs Seeney stated she believed Council should pursue Option 3B.

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 010117

4.2.19 Mr Tony Wilson – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Wilson advised that he was an East River Road resident and recalls when the road was a gravel timber road. Mr Wilson said that in 1963 and 1964 the old bridge flooded and then it was a fire that destroyed the bridge and the remnants washed away.

4.2.20 Mr Murray Thornton – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Thornton explained the process associated with the 2011 Local Town Planning Strategy and that things do not go out for public consultation until they are approved. Mr Thornton stated that he believed funding the 3E option would be a direct hit for ratepayers and put the community into a dark decade.

4.2.21 Mr Geoff Bowley – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Bowley spoke in support of Mr Thallon and advised he was also a Volunteer Bush Fire Brigade Officer. Mr Bowley welcomed additional exit options.

5.38pm – The Shire President, Cr Morrell, left the room. The Deputy Shire President, Cr Gearon, assumed the role of Presiding Person.

4.2.22 Ms Hazel Moon – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Ms Moon stated that this was the first Council Meeting she had attended since living in Denmark for 20 years. Ms Moon said this project has only had recent public consultation and this area is a jewel and an asset to the town and asked Council to reassess the project.

5.40pm – The Shire President, Cr Morrell, returned to the room and resumed the role of Presiding Person.

4.2.23 Ms Christina Cairns – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Ms Cairns stated that the funding received was based on incorrect information, and the Denmark Bulletin article said the former Principal of the Denmark Steiner School was consulted by the previous CEO. Ms Cairns had discussed this with the former Principal and disagreed that consultation occurred. Ms Cairns acknowledged there are financial constraints but urged Council to reconsider the project.

4.2.24 Mr Mike Travers – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mr Travers stated that Option 3E was not a real option. Mr Travers added there should be a long term financial plan and an asset management plan in place and asked Council to discontinue this project. He stated there is a need for a second bridge and pressure should be put on the Government to provide future funding.

4.2.25 Mrs Jan Axe – Item 8.5.1 (Demark East Development Precinct Project – Alignment of Western Precinct)

Mrs Axe asked Council when the road clearing was getting done on McLeod Road, and if it was planned for the Christmas tourist time?

The Director of Infrastructure Services advised that the works were planned for after the Christmas peak season.

4.2.26 Mrs Kath Lymon – Item 8.2.1 (Scheme Amendment 143 – Rezoning No. 6676 (Lot 150) South Coast Highway, Nornalup from “Rural” to “Residential”)

Mrs Lymon spoke in support of the Scheme Amendment and urged Council to consider an easement in preference to a reserve for drainage purposes.

4.2.27 Mr Sam Williams – Item 8.2.1 (Scheme Amendment 143 – Rezoning No. 6676 (Lot 150) South Coast Highway, Nornalup from “Rural” to “Residential”)

Mr Williams spoke in support of the Scheme Amendment and urged Council to consider an easement in preference to a reserve for drainage purposes.

COUNCIL RESOLUTION
 MOVED: CR GEARON SECONDED: CR LEWIS
 That the Council now adjourn.
 CARRIED UNANIMOUSLY: 9/9 Res: 011216

The Councillors left the chamber at 6.05pm and returned at 6.17pm.

COUNCIL RESOLUTION
 MOVED: CR GEARON SECONDED: CR PHILLIPS
 That the meeting be resumed.
 CARRIED UNANIMOUSLY: 9/9 Res: 021216

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

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

OFFICER RECOMMENDATION ITEM 6.1
 That the minutes of the Ordinary Meeting of Council held on the 29 November 2016 be confirmed as a true and correct record of the proceedings.

COUNCIL RESOLUTION ITEM 6.1
 MOVED: CR WRIGHT SECONDED: CR PHILLIPS
 That the minutes of the Ordinary Meeting of Council held on the 29 November 2016 be confirmed as a true and correct record of the proceedings, subject to the following amendment:
 1. Page 5 – Item 4.2.2, the word “consultation” be corrected to read “conversation”.
 CARRIED UNANIMOUSLY: 9/0 Res: 031216

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 6.2
 MOVED: CR GEARON SECONDED: CR CARON
 That the minutes of the Notes from the Strategic Briefing held on 29 November 2016 be received.
 CARRIED UNANIMOUSLY: 9/0 Res: 041216

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 (STANDARD) – NO. 8B (STRATA LOT 2/LOT 254) SMITH STREET, DENMARK

File Ref:	A5639 (2016/154)
Applicant / Proponent:	S Anderson
Subject Land / Locality:	No. 8B (Strata Lot 2/Lot 254) Smith Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	7 December 2016
Author:	Jon Creedon, Senior Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Development Application Documentation 8.1.1b – Schedule of Submissions 8.1.1c – Proponent’s Response to Submission Received 8.1.1d – Site Photographs

Summary:

The applicant is seeking Development Approval for a Holiday Home (Standard) at No. 8B (Strata Lot 2/Lot 254) Smith Street, Denmark.

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

Background:

Current Application

An application for Development Approval was lodged with Planning Services on 26 August 2016 seeking approval to use an existing dwelling as a Holiday Home (Standard) – refer Attachment 8.1.1a.

Policy 19.5

Policy 19.5 was adopted by Council at its meeting of 18 August 2015. Policy 19.5 provides details on the permitted zones for the establishment/operation of holiday homes, minimum development standards that properties and 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.

Consultation:

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

External Consultation:

- Referral to six (6) adjoining landowners inviting comment.
- The applicant.

Internal Consultation

- Development Co-ordination Unit

At the end of the advertising period, two (2) submissions were received (refer Attachment 8.1.1b).

Statutory Obligations:

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

Should Council refuse this Development Application, 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 19.5 provides details on the permitted zones for the establishment/operation of holiday homes, minimum development standards that properties and 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 either the Council's current Budget or Long Term Financial Plan.

Strategic & Corporate Plan Implications:

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

Strategic Community Plan

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.

Corporate Business Plan

4.1.1 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.

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:

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

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site has a lot size of 405m² and is zoned Residential R10/20. As per Table 1 – Zoning Table of TPS No.3, the use class of ‘Holiday Home (Standard)’ is an SA use in the Residential zone – that is, Council may permit the use in the zone at its discretion after giving public notice of the application in accordance with Clause 6.4 of the TPS No. 3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3 and Schedule 2, Part 8, Clause 64 of the LPS Regulations (refer ‘Consultation’ section of the report), with two (2) submissions received. These are attached verbatim in Attachment 8.1.1b – Schedule of Submissions. Column 4 of the Schedule represents Planning Services’ comments/response to the submissions. The proponent has also provided a response to the submissions received – refer Attachment 8.1.1c.

Having regard to the issues raised from the submissions, and assessment of the proposal in line with the objectives and provisions of Policy 19.5, it is recommended that Development Approval be granted subject to appropriate conditions being imposed. As Development 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.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.1

MOVED: CR CARON

SECONDED: CR WHOOLEY

That with respect to the development application for a Holiday Home (Standard) at No. 8B (Strata Lot 2/Lot 254) Smith Street, Denmark, Council:

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

Conditions

- a) Development to be in accordance with the attached stamped approved plans dated 26 August 2016, including the modifications marked in red.
- b) This approval is valid for a temporary period of one (1) year only and shall be subject to a new application in twelve (12) months from the date of registration with the Shire of Denmark (refer Condition d), after which it may be renewed for a three (3) year period (see Advice Note i).
- c) The existing visual screening marked in red on the approved site plan is to remain in perpetuity while the dwelling is used as a Holiday Home (Standard).
- d) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Council's operative Fees and Charges Schedule at the initial 'premises' application stage and annually thereafter (Refer Advice Note ii).
- e) A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
- f) The holiday home can only be rented for a maximum period of three (3) months to any one person in any twelve (12) month period.
- g) 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.
- h) Prior to the commencement of activities, the applicant shall provide a copy of the approved Property Management Plan to adjoining land owners/occupiers (see Advice Note 3 for list of properties that this document is to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.
- i) Prior to the commencement of activities hardwired smoke alarms in the bedrooms and emergency lighting to exit the building are to be provided, to the satisfaction of the Shire of Denmark (Building Services).
- j) Provision of two (2) 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) 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;

- Implementation and display of an Fire and Emergency Plan identifying the following:
 - Location of all hardwired smoke alarms, fire blankets, exit lighting and fire extinguishers in the building;
 - Location of external taps/garden hoses at the premises;
 - A fire evacuation route leading to the nearest main road; and
 - Emergency information details.
- 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 (PEHO) on 9848 0312 regarding the requirements for registration of the premises as a ‘Holiday Home’, noting approval will not be forthcoming until all relevant conditions of this Development Approval have been complied with.
 - iii. The ‘Property Management Plan’ shall be provided to the following properties:
 - No. 8A (Strata Lot 1/Lot 254) Smith Street, Denmark
 - No. 8C (Strata Lot 3/Lot 254) Smith Street, Denmark
 - No. 6 (Lot 255) Smith Street, Denmark
 - No. 13 (Lot 3000) Smith Street, Denmark
 - No. 2 (Lot 253) Russell Rise, Denmark
 - No. 4 (Lot 252) Russell Rise, Denmark
 - iv. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.
3. Advise the submitters of Council’s decision.

CARRIED UNANIMOUSLY: 9/0

Res: 051216

8.1.2 SCHEME AMENDMENT 143 – REZONING NO. 6676 (LOT 150) SOUTH COAST HIGHWAY, NORNALUP FROM “RURAL” TO “RESIDENTIAL”

File Ref:	TPS3/SA143 (A3878)
Applicant / Proponent:	Williams Consulting on behalf of K Lymon, A Butorac and L & R Cant
Subject Land / Locality:	No. 6676 (Lot 150) South Coast Highway, Nornalup
Disclosure of Officer Interest:	Nil
Date:	12 December 2016
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2 – Proposed Scheme Text Provisions, Zoning Map and Concept 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. 6676 (Lot 150) South Coast Highway, Nornalup from “Rural” to “Residential (R5)” to facilitate subdivision of the property into two (2) residential lots.

Having due regard to the relevant provisions of TPS No. 3, the Shire’s adopted Local Planning Strategy (2011), the numerous State Planning Policies and Town Planning Scheme Policies that are relevant to this proposal and site considerations, it is recommended that Scheme Amendment No. 143 be initiated subject to a portion of the site that contains the existing drainage soak and channel be the subject of a drainage reserve that would be ceded by the landowner at the time of subdivision, with the said rezoning proposal for the subject site being to rezone the land from “Rural” zone to part “Residential (R5)” zone and part “Drainage and Waterbodies” local scheme reserve accordingly.

Background:Current Application

A request to initiate a Scheme Amendment to TPS No. 3 to rezone the subject lot from “Rural” to “Residential (R5)” was lodged with Planning Services in October 2015. 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 8.1.2 are the proposed Scheme Text provisions, Zoning Map and Concept Plan. 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.

Scheme Amendment Request (SAR)

At the Ordinary Meeting of Council held on 10 February 2015, Council considered the SAR request to rezone the subject lot from “Rural” to “Residential (R5)” and resolved as follows (Res No.: 050215):

That with respect to the Scheme Amendment Request to rezone No. 6676 (Lot 150) South Coast Highway, Nornalup from “Rural” to “Residential (R5)”, Council resolves to:

1. *Support in principle rezoning of the site to Residential (R5) subject to the following matters being specifically addressed/included in a formal Scheme Amendment document:*
 - a) *Assessment of visual, landscape and amenity impacts in accordance with WAPC’s Visual Landscape Planning in Western Australia Manual (2007);*

- b) *Bush fire risk assessment and fire management plan having due regard to draft State Planning Policy 3.7: Planning for Bushfire Management and the need to consider strategic fire protection measures with adjoining properties;*
 - c) *Detailed land capability studies demonstrating that the land is suitable for the proposed density of development (particularly in terms of stormwater management and onsite effluent disposal) and the appropriate type and scale of residential land uses;*
 - d) *Strategies to manage land use conflicts with agricultural activities occurring on the subject property and surrounding properties with due regard being given to the Department of Health's Guidelines for Separation of Agricultural and Residential Land Uses: Establishment of Buffers (August 2012);*
 - e) *Traffic access/egress assessment, taking into account advice from Main Roads WA that no additional access onto South Coast Highway will be permitted;*
 - f) *Indicative Subdivision Plan for the site.*
2. *Advise the proponent that depending on their client's timing, due consideration may wish to be given to undertaking the preliminary work required for this proposal (being the matters identified in Point 1 above) such that the Shire of Denmark may consider addressing the zoning of the site (and any amendment to the Local Planning Strategy as required) as part of Local Planning Scheme No. 4 rather than undertaking an amendment to Town Planning Scheme No. 3.*

It should be noted at the time of the SAR the proposal was seeking to provide for three (3) residential lots, however as a result of the further investigations the development capability of the site at this point in time is only two (2) lots.

Consultation:

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, public advertising of a 'standard amendment' (refer explanation under 'Statutory Obligations') is required to be undertaken for a minimum period of 42 days once the Environmental Protection Authority have considered the Scheme Amendment.

External Consultation

- Williams Consulting (applicant)

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 Scheme No. 3 – the subject land is currently zoned "Rural"; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* – The Regulations set the procedure for amending a town planning scheme.

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide for complex, standard and basic amendments. In relation to Scheme Amendment No. 143, it is considered to be a standard amendment having regard to Regulation 34 which is defined as:

- (a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (c) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- (d) *an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*

- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) *any other amendment that is not a complex or basic amendment.”*

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: Rural Planning
- State Planning Policy No. 3: Urban Growth and Settlement
- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- Draft Country Sewerage Policy
- Town Planning Scheme Policy No. 29: Rural Settlement Strategy
- Town Planning Scheme Policy No. 43: Nornalup Development Guidelines and the associated Nornalup Character Study (2011)

In accordance with the Shire of Denmark’s Municipal Heritage Inventory (2011), the subject property contains ‘Nornalup Hospital’ which is listed as having an exceptional level of significance. The overall development proposal at this point in time is to subdivide the property into two (2) residential lots, with the ‘Nornalup Hospital’ building being retained on one (1) lot.

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 ‘Indicative Rural Nodal Settlement’ and due regard has been given to the relevant Local Planning Strategy provisions within Scheme Amendment No. 143.

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

Strategic Community Plan

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 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.

Corporate Business Plan

3.2.3 Encourage development that is consistent with the individual character of townsites.

4.1.1 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation, noting that the officer recommendation provides for the natural drainage soak and channel that traverses the site being contained within a drainage reserve.

➤ **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.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not initiate Scheme Amendment No. 143	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Officer Recommendation

Comment/Conclusion:

Scheme Amendment No. 143 proposes to rezone the subject lot from “Rural” to “Residential” zone to facilitate subdivision of the property into two (2) residential lots.

From a Planning Services perspective it is considered that the proposed rezoning to facilitate the creation of two (2) residential lots in due course is appropriate – with one issue pertaining to the current and future drainage considerations for the site and the broader Nornalup locality that has not been able to be resolved at officer level with the planning consultant and the landowners.

In this regard there is currently a drainage soak and channel that traverses the subject property – refer Concept Plan for location. This drainage soak and channel takes the water off Macpherson Drive and directs it through other adjoining properties, eventually discharging into Frankland River.

From an officer perspective, it is recommended that this drainage soak and channel area should be ceded by the landowner (at the time of subdivision) to create a drainage reserve that is then the subject of a Management Order to the Shire of Denmark for the purpose of ‘Drainage’. The creation of a drainage reserve ensures that the Shire has legal tenure over this natural drainage channel, no impediments exist from the land being privately owned to undertake maintenance, alterations etc. to such drainage arrangements if required. The land is restricted from a development perspective and therefore from an officer perspective it is appropriate for the land to be ceded to the Shire for such drainage reserve purposes – noting that it is acknowledged the Shire would then be solely responsible for maintenance however the said area entails approximately 2000m² (maximum) so in the scheme of things is not considered to be onerous from a financial and/or operational perspective.

In this regard the planning consultant and the landowners consider that a drainage reserve is not necessary and vehemently oppose the creation of such drainage reserve for the following reasons:

1. *The proposed development site is relatively small in area and the creation of a drainage reserve would require the ceding of freehold land to the Shire free of cost. This would reduce the developable area of the site even further. The provision of a drainage easement instead of a drainage reserve will not reduce the landholder's tenure.*
2. *The drainage reserve would be fenced and the Shire will be responsible for the maintenance of the reserve (i.e. mowing, weed control etc.). As demonstrated by the Shire's limited capacity for the maintenance of the POS east of the site (Reserve 41884), the landowner has a significant concern a drainage reserve will not be maintained to the standard required. Furthermore, the required maintenance of the drainage reserve will place an additional financial burden on the Shire. The provision of a drainage easement in place of a drainage reserve would not require regular maintenance by the Shire, as the landowner at their expense, and not the Shire, would undertake this.*
3. *The landowner proposes to subdivide the property for future sale. There is concern as to the stigma associated with a drainage reserve as opposed to an easement, which in turn may impact on the saleability of any future lot. A drainage easement would have less impact on the saleability of any future proposed lot.*
4. *The proposed development of the site will not create an additional drainage issue. The majority of the drainage traversing the site is from the Shire's Macpherson Drive road reserve and adjoining POS. It is acknowledged the development of the site is a catalyst to formalising the drainage issue. However, as the drainage requirement for the site is facilitated by drainage from the Shire's adjoining Reserves it is unjust to burden the landowner with a drainage reserve, when a drainage easement will achieve the same objective.*
5. *Within the Shire there are numerous drainage easements in place. These drainage easements enable the Shire to gain access to private property to maintain and upgrade existing drainage infrastructure. As this currently provides an acceptable solution within the Shire, there is no reason for a drainage reserve to be implemented over the subject site in place of a drainage easement.*

In relation to the issues raised above in opposition to a drainage reserve, it should be noted that drainage easements have been utilised in the Shire primarily associated with drainage pipe infrastructure (i.e. underground drainage arrangements) – drainage reserves are created for situations of this nature. It is acknowledged that this is a historical issue, however was identified at the time of the SAR – having due regard to the relevant references in the Nornalup Character Study that drainage consideration studies as related to future development is needed – was an issue that could impact on the development potential of the property and needed to be addressed adequately in any subsequent scheme amendment document.

A drainage easement remains in the tenure of the landowner – essentially meaning that they would be responsible for maintenance and would be paying rates over the land (noting that their ability to use the land for any developable purpose is restricted). The Shire would need to ensure that any easement provided the ability for access to the land as the Shire required and the ability to modify/alter as required. As mentioned previously, creating a drainage easement means the land remains in the tenure of the landowner – which in this instance creates a lot in excess of 4000m² and based on land area only with a zoning of 'Residential (R5)' would result in the future landowner(s) assuming that there may be further subdivision rights on the basis of land area only (noting that the R5 density coding provides for a minimum lot size of 2000m²).

Overall from an officer perspective it is considered that that drainage reserve is the most appropriate tenure mechanism to ensure that the Shire has complete management and control over drainage in the locality.

At this point in time the issue of whether it is created as a crown reserve or easement is not required to be sorted as such – noting that this is a subdivision related matter. Ideally it would be appropriate to address this issue now at the time of the scheme amendment such that all parties

are clear on the way forward, however further work in this regard may be needed should Council not provide clear direction on this issue at this point in time.

Regardless of whether a crown reserve or easement is created, it is considered that the extent of the applicable land that relates to the drainage soak and channel should actually be the subject of a 'Drainage and Waterbodies' local scheme reserve. By creating a local scheme reservation for this specific purpose, it will ensure that the drainage function of the subject land is captured in the scheme as well – thus ensuring that all future landowners, local government planners and state government planners are clearly aware of the purpose of such land and associated restrictions on the subdivision and development rights accordingly of this portion of the current land parcel (particularly if a drainage easement only is created).

In light of the above, it is therefore recommended that Council initiate Scheme Amendment No. 143 to TPS No. 3 to rezone No. 6676 (Lot 150) South Coast Highway from "Rural" to part "Residential (R5)" zone and part 'Drainage & Waterbodies' local scheme reserve.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.2

That with respect to the request to initiate a Scheme Amendment to rezone No. 6676 (Lot 150) South Coast Highway, Nornalup from "Rural" to "Residential", Council:

1. Require a drainage reserve to be created associated with the drainage soak and channel that traverses No. 6676 (Lot 150) South Coast Highway, Nornalup;
2. Pursuant to Section 75 of the *Planning and Development Act 2005* initiate Town Planning Scheme No. 3 Amendment No. 143 by:
 - a) Rezoning No. 6676 (Lot 150) South Coast Highway, Nornalup from "Rural" zone to part "Residential (R5)" zone and part "Drainage and Waterbodies" local scheme reserve; and
 - b) Amending the Scheme Maps accordingly.
3. Determine that Town Planning Scheme No. 3 Scheme Amendment No. 143 is a 'Standard Amendment' as per the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) It is an amendment relating to the 'Residential' zone that is consistent with the objectives identified in Town Planning Scheme No. 3 for the 'Residential' zone;
 - b) It is an amendment that is generally consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission;
 - c) It is an amendment that is considered will have minimal impact on land in the scheme area that is not the subject of the amendment;
 - d) It is an amendment that is considered will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - e) Is not a complex or basic amendment.
4. Refer Town Planning Scheme No. 3 Scheme Amendment No. 143 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.
5. Resolve to proceed to advertising of Town Planning Scheme Amendment No. 143 as per Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

As no Councillor moved the motion, the motion lapsed.

COUNCIL RESOLUTION

ITEM 8.1.2

MOVED: CR PHILLIPS

SECONDED: CR WRIGHT

That with respect to the request to initiate a Scheme Amendment to rezone No. 6676 (Lot 150) South Coast Highway, Nornalup from "Rural" to "Residential", Council:

1. Require a drainage easement to be created associated with the drainage soak and channel that traverses No. 6676 (Lot 150) South Coast Highway, Nornalup;
2. Pursuant to Section 75 of the *Planning and Development Act 2005* initiate Town Planning Scheme No. 3 Amendment No. 143 by:
 - a) Rezoning No. 6676 (Lot 150) South Coast Highway, Nornalup from "Rural" zone to "Residential (R5)" zone and
 - b) Amending the Scheme Maps accordingly.
3. Determine that Town Planning Scheme No. 3 Scheme Amendment No. 143 is a 'Standard Amendment' as per the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) It is an amendment relating to the 'Residential' zone that is consistent with the objectives identified in Town Planning Scheme No. 3 for the 'Residential' zone;
 - b) It is an amendment that is generally consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission;
 - c) It is an amendment that is considered will have minimal impact on land in the scheme area that is not the subject of the amendment;
 - d) It is an amendment that is considered will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - e) Is not a complex or basic amendment.
4. Refer Town Planning Scheme No. 3 Scheme Amendment No. 143 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.
5. Resolve to proceed to advertising of Town Planning Scheme Amendment No. 143 as per Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY: 9/0

Res: 061216

REASONS FOR CHANGE

The Councillors preferred an easement as opposed to a reserve as it would have less impact on the landholder. The Councillors also disagreed with the requirement for a local scheme reserve and felt that future subdivision of the lot could be limited by restrictive covenants and notifications on the title.

Prior to consideration of Item 8.2.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Mr Harwood is employed as a Director at the Shire and is a gold membership holder at the Denmark Recreation Centre and as a consequence there may be a perception that their impartiality on this matter may be affected. Mr Harwood declares that he has considered this matter on its merits and advised Council accordingly.

Mrs Murray is an employee of the Shire of Denmark who may benefit from participating in the proposed trial and as a consequence there may be a perception that her impartiality on this matter may be affected. Mrs Murray declares that she has considered this matter on its merits and advised Council accordingly.

8.2 Director of Community & Regulatory Services

8.2.1 SUBSIDISED EMPLOYEE HEALTH ASSESSMENT & GYM MEMBERSHIP TRIAL

File Ref:	ADMIN.2
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Denmark Recreation Centre
Disclosure of Officer Interest:	The author is an employee of the Shire of Denmark who may benefit from participating in the proposed trial.
Date:	13 December 2016
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

Summary:

The purpose of this report is to request that Council endorse the proposed subsidised employee health assessment and gym membership trial for a period of six months, with a view to consider implementing the trial as policy in 2017/18 subject to a review of the effectiveness of the trial in meeting organisational health and wellbeing objectives.

Background:

The Shire of Denmark is committed to providing a workplace that encourages the health and wellbeing of its employees. As part of this commitment, the Shire receives an annual allocation of funding through their insurance provider, LGIS, to access a range of health and wellbeing services.

The Shire of Denmark has a balance of \$8,879.00 remaining that must be expended through programs that meet the objectives of the LGIS Health and Wellbeing Program by 30 June 2017, or risk losing the allocation. After allowing for annual programs such as subsidised skin cancer screening appointments and flu vaccinations, it is anticipated that \$3,400.00 will remain available for expenditure.

Over the past twelve months, a number of Shire of Denmark employees have expressed interest in the development of a subsidised gym membership policy to promote health and wellbeing within the organisation. This request is in line with employee benefits offered by surrounding Local Governments and follows the overall industry trend towards providing such a benefit.

Research cites that regular exercise is vital to good health and provides benefit to organisations by creating a healthy workforce that is more productive, has reduced absenteeism and fewer injuries. Health and wellbeing programs are known to improve employee morale and increase the attraction and retention of staff.

Exercise and fitness programs provide employees with motivation as well as skills and techniques to stay physically healthy in the long term. Research suggests that exercise can also improve mental health, and employees who exercise may be happier people, less likely to suffer from depression and more satisfied with their lives in general. A typically noted outcome of such programs is an assessment of overall improvement in concentration and productivity as well as job satisfaction.

This report recommends that the remaining \$3,400.00, allocated through the LGIS Health and Wellbeing Program, be used to fund employee pre and post health assessments whilst the Shire of Denmark trials a subsidised gym membership program.

It is recommended that the trial be made available to twenty-five employees (1/3 of the permanent workforce), allocated on a 'first-come, first-served' basis, for a period of six months to ascertain whether the implementation of such a policy in 2017/18 would improve employee health and wellbeing within the organisation in line with strategic objectives.

Consultation:

Consultation has occurred with Shire of Denmark employees and the Shire of Denmark's insurance provider LGIS.

Employees have communicated their support for the implementation of such a policy, and the trial seeks to further that request by providing Council with additional information to enable them to consider the merits of such a policy against the financial contribution required for organisation-wide implementation, prior to the adoption of the 2017/18 Municipal Budget.

Representatives from LGIS have communicated the organisational advantages that would be achieved through such a policy, and have provided information regarding how pre and post health assessments facilitated through their program could be utilised to determine the level of improvement to employee health and wellbeing during the trial.

Statutory Obligations:

Section 6.12 of the Local Government Act 1995 provides Council the ability to waive fees and charges.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s.39.]

Policy Implications:

There are no policy implications as the recommendation proposed suggests the implementation of a trial period, prior to presenting a subsidised gym membership policy to Council for consideration in 2017/18.

Should the officer recommendation be endorsed by Council, guidelines to facilitate the trial will be introduced.

Budget / Financial Implications:

To facilitate the trial it is recommended that Council waive the advertised fee of \$365.00 for twenty-five six month bronze gym memberships, inclusive of after-hours access, for a total (opportunity) cost of \$9,125.00.

Strategic Implications:

The report and officer recommendation is consistent with Council’s adopted Strategic Plan Objectives and Goals in the following way:

Strategic Community Plan

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.*

Structure: *...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 other than those detailed as Strategic Implications.

➤ **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, other than those detailed as Budget / Financial Implications.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to implement a trial period to assess the level of benefit provided by a subsidised gym membership policy	Possible (3)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Risk

against the financial implications relating to such a policy, choosing instead to implement the policy immediately.					
That Council choose not to implement a subsidised gym membership trial as they do not view the benefits of such a policy as providing a value for money return on investment.	Possible (3)	Moderate (3)	Moderate (5-9)	Ineffective People Management	Accept Officer Recommendation

Comment/Conclusion:

Health and wellbeing programs are known to deliver positive outcomes relating to improved productivity, reduced absenteeism and minimisation of injuries. Such programs improve mental health, morale and concentration, and can be utilised to attract and retain staff.

The implementation of a subsidised employee health assessment and gym membership trial will provide Council with the information required to adequately assess the level of return on investment should Council decide to implement this type of health and wellbeing policy in the future.

The utilisation of remaining funds from the LGIS Health and Wellbeing Program will ensure that there is a mechanism to review the effectiveness of the trial with no additional cost outlay required.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR LEWIS	SECONDED: CR CARON
That with respect to the subsidised Employee Health Assessment & Gym Membership Trial, Council;	
<ol style="list-style-type: none"> 1. Endorses the trial, made available to twenty-five employees on a 'first-come, first-served' basis for a period of six months; 2. Waives the advertised fee of \$365.00 for twenty-five six month bronze gym memberships, inclusive of after-hours access, for a total (opportunity) cost of \$9,125.00; 3. Acknowledges that pre and post health assessments will be funded via the LGIS Health and Wellbeing Program; and 4. Requests that the results of the trial be made available for consideration by Council when considering the merits of implementing an organisation-wide subsidised gym membership policy. 	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	Res: 071216

8.2.2 REMEDIATION OF FORMER DEPOT SITE LOT 3002 HARDY ST	
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File Ref:	A5795
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Lot 3002 (No 26) Hardy St, Reserve 52384
Disclosure of Officer Interest:	Nil
Date:	1 December 2016
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.2.2a – Letter from the Department of Environment Regulation 8.2.2b – OPUS Remediation Action Plan (RAP) 8.2.2c – Extract from 22 February 2012 Minutes item 11.1 8.2.2d – Photos of materials being excavated from the site Oct 2016 8.2.2e – Example Business Plan

Summary:

The officer report and recommendation discusses the remediation of the Council's former depot site at Lot 3002 Hardy St, Denmark and the need to implement the Remediation Action Plan (RAP) in order to be able to acquit a Great Southern Development Commission (GSDC) grant.

The report also recommends that Council resolve to prepare a business plan under section 3.59 of the Local Government Act 1995 as the proposed purchase, remediation and resale of the site is likely to exceed the legislative threshold as a major land transaction.

Background:

Lot 3002 Hardy St, Denmark was used as a Council depot between 1964 – 1984 and once the current Zimmermann St site was built, the former site was filled with spoil material until 1992 when tenure was transferred to the Department of Lands.

At the time, a minimalistic report was prepared by Wood & Grieve indicating that the site was not contaminated. The site was then vested in Lionsville, a local not for profit community housing provider for senior's accommodation. Lionsville have since ceased operations and passed their assets onto Amaroo, a Perth based not for profit community housing provider of senior's accommodation that have projects in both Denmark and Albany.

In late 2010, Lionsville began excavating the site with the intention of building a Department of Housing funded Seniors Centre and a number of senior's units and started to encounter diesel smells (hydrocarbon), old number plates, stumps, inconsistent fill and road spoil from previous land filling operations. Following preliminary investigations by OPUS, the site was reported to the Department of Environmental Regulation (DER) as a confirmed contaminated site and Lionsville / Amaroo abandoned the project.

Once a portion of land has been declared a contaminated site, it can only be remediated under the direction of a suitably qualified Contaminated Sites Auditor such as OPUS.

In June 2014, Council secured a \$20,000 GSDC grant to assist in preparing a Remediation Action Plan (RAP) for the site. The Shire engaged OPUS to conduct a Contaminated Site Management Options Assessment and in January of 2016, the project was handed onto the Director of Community & Regulatory Services with instructions to get the RAP finalised and the site remediated to a standard suitable for dwelling construction and cleared for that purpose by the DER.

In March 2016, the Shire signed a grant extension which had an additional condition that required Council to remediate the site to the DER's satisfaction in addition to finalising the RAP. This has caused some issues with the GSDC in terms of acquitting the grant.

The Shire has subsequently discussed this matter with the GSDC and they are prepared to acquit the grant if Council resolves to implement the RAP that Opus has prepared.

The land in question is pictured below.



An extract from 22 February 2012 Minutes item 11.1 is also attached (refer Attachment 8.2.2c) for background.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required as the staff have been keeping adjoining property occupiers notified as to the progress of works on the site through letters and door knocks.

Statutory Obligations:

There are two streams legislation that relate to the officer report and recommendation.

Contaminated Sites Act 2003

The Contaminated Sites Act 2003 and the Contaminated Sites Regulations 2006 detail the legal obligations that apply to the parties that contaminate land to report and remediate that land together with the obligations on subsequent owners.

Given that Council's operations and have caused the contamination, Council now has an obligation to remediate the site under this legislation.

Local Government Act 1995 & Local Government (Functions and General) Regulations 1996

Before commencing a major land transaction or undertaking a major trading undertaking, section 3.59 of the Local Government Act 1995 requires a local government to prepare and advertise for public comment a business plan. A "major land transaction" is defined as one in which a local government intends to acquire, dispose of (which includes leasing) or develop land where the total value is worth more than \$2 million or 10% of the operating expenditure of the local government in the last completed financial year.

Subsection 3.59(3) states;

"The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and
- (b) its expected effect on other persons providing facilities and services in the district; and
- (c) its expected financial effect on the local government; and
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection."

Given that the sum of the purchase, remediation and resale of the site is likely to exceed 10% of last years operating expenditure a business plan must be prepared.

Section 3.57. Tenders for providing goods or services also applies to the project due to the scale of the works involved.

Policy Implications:

Council's Purchasing Policy (P040220) will relate to services incurred during the site's remediation.

Budget / Financial Implications:

The current budget allocates a loan of \$810,000 for the acquisition and remediation of the site.

A prospective purchaser has expressed interest in acquiring the site, however no formal agreement or contract of sale exists.

Strategic Implications:

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

Strategic Community Plan

Housing: monitor the availability of low-cost and rental housing in its region, and, if appropriate, encourages and works with relevant authorities, organisations and developers to provide a diverse range of accommodation that caters for the various sectors of the community.

Public Safety: work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.

Corporate Business Plan

The remediation of contaminated sites is not identified in the objectives and/or goals that are listed in Council’s Corporate Business Plan.

But it does mention the following outcomes under housing.

1.5.3 Investigate, promote and support affordable housing development through collaboration with both public and private housing providers to ensure appropriate housing is available in the district, whilst encouraging variety in land use and housing options to promote a diverse population and stronger community.

Sustainability Implications:

➤ **Governance:**

There are known significant governance considerations relating to the report or officer recommendation in that Council will suffer both reputational and financial loss if it does not promptly and correctly acquit the GSDC grant.

➤ **Environmental:**

There are no known significant environmental implications relating to the report or officer recommendation providing the site is remediated in accordance with the Remediation Action Plan that has been prepared by OPUS.

➤ **Economic:**

There are known economic benefits relating to the report or officer recommendation in as much that the remediation of the site will allow a developer to acquire the site and build the seniors centre that is part of their development.

The completion of this development will draw seniors to Denmark which will boost economic activity.

➤ **Social:**

There are known social considerations relating to the report or officer recommendation in that the completion of the Amaroo project will provide quality facilities for seniors that live in the Amaroo complex.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council will have reduced access to future grants if the Hardy St grant is not promptly acquitted.	Almost Certain (5)	Moderate (3)	Extreme (20-25)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

That remediating Hardy St may require more resources than originally envisaged in 2011.	Almost Certain (5)	Major (4)	Extreme (20-25)	Inadequate Procurement, Disposal, Tender Practice	Accept Officer Recommendation
That remediating Hardy St may run over budget and place excessive pressure on Council's budget.	Possible (3)	Major (4)	High (10-16)	Inadequate Procurement, Disposal, Tender Practice	Accept Officer Recommendation

Comment/Conclusion:

To date, trial excavations being undertaken at the rear of the site to create space so that the original 2010 sand stockpile can be moved to allow for further site drilling has revealed the following items:

- A significant number of large sized rocks. These will most likely be stockpiled for usage on the Denmark East road project.
- Soils that are suitable as foundation material following sieving. This soil will be sieved, stockpiled on site and reused as fill.
- Screened out smaller rocks. These rocks will most likely be stockpiled for usage on the Denmark East road project.
- Soil with light hydrocarbon contamination. This material will be either stockpiled and remediated on site or carted to the Shire of Plantagenet's O'Neil Rd waste site for usage as cover material.
- Old pipes and sumps etc. These materials will be taken to the McIntosh Rd transfer station building rubble face.
- Clay over burden from road projects. These materials will be taken to the McIntosh Rd transfer station and be stockpiled for usage as cover material. They are not suitable for usage as a foundation material
- Large stumps These will be taken off site dried and burnt.
- A 100 – 300mm peat layer over. This will be stripped off, stockpiled
- Potentially Contaminated ground water. This will be determined once the sample results have been received.
- Bull dozer transmission and rear end, truck chassis, number plates, sanitary pans, cables, empty drums etc. These will go to the McIntosh Rd transfer station scrap metal pile.

The OPUS RAP addresses the remediation process and OPUS staff are available to provide technical assistance as required and are auditing the processes that are taking place on site so that they are able to sign off on the site being remediated at the end of the process.

Councillors should note that DER guidelines prohibit the practice of dumping contaminated soils at suitably classed landfill sites necessitating the above “reuse” of material where possible.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.2
MOVED: CR GEARON	SECONDED: CR WHOOLEY
That Council in regard to the remediation of the former Shire Depot site at Lot 3002 (No 26) Hardy St Denmark, Reserve 52384;	
<ol style="list-style-type: none"> 1. Receive the Remediation Action Plan that OPUS International have prepared for the site. 2. In accordance with section 3.59 of the Local Government Act 1995, prepare a Business Plan for a major land transaction that addresses the acquisition, remediation and resale of the site. 	
CARRIED UNANIMOUSLY: 9/0	Res: 081216

8.2.3 PROPOSED FIRE WORKS POLICY P070405	
File Ref:	Admin.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	27 November 2016
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	8.2.3 – Draft Policy

Summary:

The objective of this policy is to provide guidance to staff in considering requests for approval to use fireworks in order to prevent the spread of wildfire and the traumatisation of livestock, horses and companion animals through inappropriate usage.

The officer report recommends that Council advertise the policy for 30 days inviting public comments prior to its referral back to Council for consideration with amendment where necessary in the light of those comments, and eventual adoption.

Background:

Council periodically receives inquiries from function centres and wineries seeking permission to have fireworks at celebration events and these events are typically during restricted or prohibited fire seasons.

These events have the potential to “spook” cattle and companion animals and staff usually receive complaints when an event occurs.

The most recent request was in 2015 when a reception centre requested fireworks approval at short notice for a wedding. Permission was denied on the basis of fire risk, adverse comment from nearby livestock owners and the fact that the short notice meant that Shire staff did not have the lead time to initiate a consultation/ negotiation process with nearby property occupiers.

The refusal of this permit understandably caused considerable angst to both the couple and the reception centre. This could have been prevented if a fireworks policy was in place and reception centre had of advised their clients of this up front.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that additional external/internal engagement or consultation is required in the form of advertising the draft policy for 30 days for public comment.

Council staff will also write to the principal complainant in the 2015 incident as well as the various reception centres and wineries in the Shire advising them of the submission period.

Statutory Obligations:

The use of fireworks by the general public is banned in Western Australia (WA), with the only exceptions being what are classed as "unrestricted fireworks" such as bon-bons, party poppers, Christmas crackers, throwdowns and sparklers which are available for sale to the general public.

The Dangerous Goods Safety Act 2004 and Dangerous Goods Safety (Explosives) Regulations 2007 stipulated that the more dangerous types of fireworks can only be set up and fired by a licensed fireworks operator and their staff and that the licensed fireworks operator must have an approval for the event.

In order to obtain a permit a licensed fireworks operator must apply to the Department of Mines and Petroleum Resource Safety at least 14 days in advance and it is unlikely that this agency will issue an approval if the local authority objects.

It should however be noted that the only legal power that Council has to actually stop the usage of fireworks would be by adding a regulation to the annual Shire of Denmark Fire Regulation Notice.

Policy Implications:

The officer report and recommendation if adopted will result in the creation of a new policy once the 30 day public comment period closes and the matter had been referred back to Council for consideration in the light of received comments, amendment where necessary and eventual adoption.

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 Strategic Plan Objectives and Goals and the Corporate Business Plan Actions and Projects in the following specific ways:

Strategic Community Plan

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.

Public Safety: ...work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.

Corporate Business Plan

1.7.3 Support the functions of Community Emergency Services in achieving required actions and goals.

1.7.4 Educate the community in matters of emergency prevention and preparedness.

1.7.5 Maximise community safety through the management of the risks associated with fire, natural events and large scale emergencies, whilst supporting initiatives to improve community safety.

2.3.2 Maximise community safety through the management of the risks associated with fire.

Sustainability Implications:

➤ **Governance:**

There are known governance considerations relating to the report or officer in as much that a definite fireworks policy will provide guidance for the staff and community in considering fireworks requests that are referred to them.

➤ **Environmental:**

There are known environmental implications relating to the report or officer recommendation in that while the scale of fireworks usage is likely to always be low in Denmark the atmospheric pollution that they cause can linger in the immediate area for several hours.

➤ **Economic:**

There are no known significant economic implications relating to the report or officer recommendation as the availability of fireworks is not a critical factor in the selection of reception venues.

➤ **Social:**

There are known social considerations relating to the report and officer recommendation in that having a clear fireworks policy will help neighbourhood relationships in rural areas.

Cattle in the Denmark area tend to be skittish due to the temperate climate and relaxed pace of life which means that they are not handled as regularly or exposed to as much stimuli as cattle in other areas.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That fireworks cause community conflict through the disturbance of livestock and companion animals in rural areas.	Almost Certain (5)	Insignificant (1)	Moderate (5-9)	Ineffective Management of Facilities and Events	Accept Officer Recommendation
That the usage of fireworks during high fire risk leads to the outbreak of wildfires.	Likely (4)	Catastrophic (5)	Extreme (20-25)	Inadequate Organisation or Community Emergency Management	Accept Officer Recommendation

Comment/Conclusion:

As has been previously mentioned there is the potential for both significant land use conflict and bushfire risks when fireworks are used in close proximity to rural lands together with livestock and companion animal disturbance risks.

The proposed policy addresses this concern while preserving the possibility of allowing fireworks to be used responsibly on town site reserves and on large bodies of water and via the specific consideration by Council where special circumstances warrant and on this basis is recommended for advertising as it represents a balanced approach.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.3
MOVED: CR CARON	SECONDED: CR BARTLETT
That Council advertise the draft P070405 Fireworks Usage Policy for 30 days inviting public comments prior to its referral back to Council for consideration with amendment where necessary in the light of those comments, and eventual adoption.	
CARRIED UNANIMOUSLY: 9/0	Res: 091216

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 NOVEMBER 2016	
File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	6 December 2016
Author:	Steve Broad, Acting Director of Finance & Administration
Authorising Officer:	Steve Broad, Acting Director of Finance & Administration
Attachments:	8.4.1 – November 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 half yearly 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 \$10,000.

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

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

A second tier reporting approach shall be a variance of 10% or greater of the annual budget estimates to the end of the month to which the report refers for each General Ledger/Job Account in the budget, as a level that requires an explanation, with a minimum dollar variance of \$10,000.

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic & Corporate Plan Implications:

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

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.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

Comment/Conclusion:

As at 30 November 2016 total cash funds held total \$15,825,920 (Note 4).

Shire Trust Funds total \$185,689 with the amount of \$174,287 invested for 180 days with the National Bank, maturing 18 December 2016 at the quoted rate of 2.80%.

Reserve Funds total \$10,929,189 and \$6,997,523 has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.45% and \$3,560,922 has been invested with the National Bank, maturing 25 February 2017 at the quoted rate of 2.55%.

Municipal Funds total \$4,711,042 with the amount of \$3,065,684 invested with the National Bank, maturing on various dates up to the 26 March 2017 at an average rate of 2.31% (refer note 4 for detail).

Key Financial Indicators at a Glance

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statements.

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2017 end of year position is estimated to be \$1,846 as per budget projections (Note 5).
- Operating revenue and expenditure is slightly higher than that predicted for 30 November 2016 (Statement of Financial Activity).
- Rates Collection percentage of 82.55% is in keeping with historical collection rates (Note 6).
- The 2016/17 Capital Works Program is 23.54% complete utilising actual year to date figures and total committed cost is 29.46% at 30 November 2016 (Note 12).
- Various transfers to and from Reserve Funds have not yet been made for 2016/17 and are generally undertaken in the latter 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 in Note 5a.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.4.1
MOVED: CR CARON		SECONDED: CR ALLEN
That with respect to Financial Statements for the month ending November 2016, Council;		
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.		
2. Endorse the Accounts for Payment for November 2016 as listed.		
CARRIED UNANIMOUSLY: 9/0		Res: 101216

8.5 Chief Executive Officer

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 Morrell is a part time government employee at the Agricultural College and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Bartlett is a government employee at the Agricultural College and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Phillips is in the Caravan Park Industry and as a consequence there may be a perception that her impartiality on this matter may be affected.

Cr Allen is a government employee at the Agricultural College and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Morrell, Cr Bartlett, Cr Phillips and Cr Allen declared that they will consider this matter on its merits and vote accordingly.

8.5.1 DENMARK EAST DEVELOPMENT PRECINCT PROJECT – ALIGNMENT OF WESTERN PRECINCT	
File Ref:	PLN.74
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	East River Road (west), Denmark
Disclosure of Officer Interest:	Nil
Date:	9 December 2016
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.5.1a – Letter from Department of Education 8.5.1b – Letter from Minister of Regional Development 8.5.1c – Submissions

Summary:

On 22 March 2016, Council accepted a Royalties for Regions grant and a development commitment from LandCorp towards the Denmark East Development Project, which includes the

development of an industrial area, a second bridge crossing point over Denmark River and associated connector roads. Council appointed LandCorp as the Project Manager to undertake the subdivision and development works and since this time, LandCorp in partnership with the Shire has progressed the due diligence work and preliminary design concepts for the project.

The project has been divided into two distinct parts being;

1. Eastern precinct; and
2. Western precinct.

The eastern precinct comprises the area from Denmark-Mt Barker Road to McIntosh Road and includes the proposed industrial area. Council endorsed a final road alignment for this precinct in October 2016. Additionally, the Scheme Amendment for the industrial area has been initiated and is currently the subject of public advertising until 20 January 2017 as per the Planning and Development (Local Planning Scheme) Regulations 2015.

The western precinct comprises the area from Denmark-Mt Barker Road to the west and includes an intersection treatment and crossing of the Denmark River. This item seeks to endorse an alignment for the western precinct.

Background:

The Shire of Denmark Local Planning Strategy (LPS) is a strategic land use planning document that provides the vision to guide future growth for the next 20 years. Work commenced on the LPS in 2001 and it progressed through a series of Council meetings and briefings.

During the lead up to the adoption of the LPS, there was consultation at various levels which is evidenced in the final report. The content of the LPS is the Shire's leading planning document for land use and also reflects the position of the State.

The LPS was finally adopted at a Special Meeting of Council held on 4 October 2011. The Strategy was then endorsed by the State's highest Planning Authority, the Western Australian Planning Commission on 22 May 2012. Therefore, the content of the LPS provides ultimate guidance to the Shire on planning and land use and it also reflects the position of the State.

The Local Planning Strategy identifies a number of substantial projects and initiatives that will need to be actioned in response to Denmark's forecast growth. A new industrial area, the requirement for an additional Denmark River bridge crossing and local connector roads that provide the opportunity for disbursement of local traffic are two highly ranked actions in the LPS and also within the Great Southern Regional Investment Blueprint.

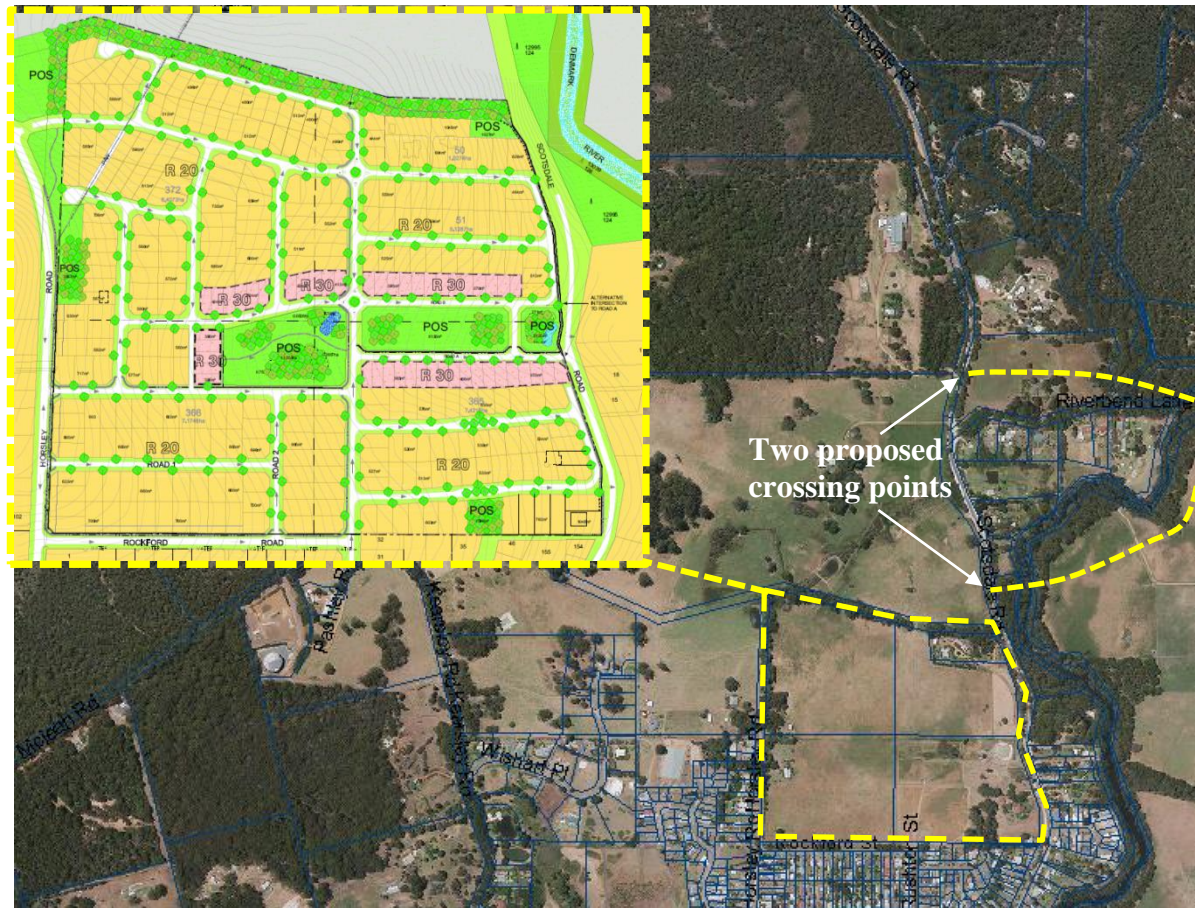


Figure 1: Image depicting Denmark's growth to the north in proximity to the proposed river crossing. The Horsley Road & Rockford Road Structure Plan will yield 343 lots alone.

To implement the LPS and to fund the large infrastructure items, discussions are regularly held with major stakeholders, including the Great Southern Development Commission (GSDC), with a view to raising the profile of the projects and access funds provided through programs such as Royalties for Regions (RfR).

In March 2015, an application was lodged with LandCorp for the funding of a first stage industrial development adjacent to McIntosh Road, under LandCorp's Regional Development Assistance Program (RDAP).

In the second half of 2015, the Shire and the GSDC also engaged consultants to prepare a business case for the Denmark East Development Precinct with a view to applying for funding under the Southern Investment Initiative (SII) (or Growing Our South as it is more commonly known).

The Business Case was based upon key projects identified in the LPS including a new industrial area, local connector roads for the distribution of traffic and an additional crossing of the Denmark River. In response, the business case specifically focused on creating a precinct comprising;

1. A 42.572 ha, 60 Lot **Industrial Area (IA)** on the west side of McIntosh Road. This project would deliver the 1st stage of this subdivision, assisted by LandCorp, on 12.560 ha of land purchased by the Shire from the Denmark Agricultural College in November 2014; and
2. The construction of a new **East River Road Bridge (ERRB)** across the Denmark River together with access roads which will provide a "connector" East-West Road link in order to improve urban access and connectivity and facilitate access to the IA.

On 4 March 2016 the Minister for Regional Development, Hon Mr Terry Redman MLA, announced publicly that the State had approved the application for RfR funding and a total of \$7,626,000 was allocated to the project spread over three financial years.

On 22 March 2016, Council accepted the grant and a contribution from LandCorp towards the Denmark East Development Project. Council also appointed LandCorp as the Project Manager to undertake the subdivision and development works.

LandCorp is the WA Government’s land and development agency. LandCorp’s RDAP is utilised for development projects when the development costs exceed the revenue expected from future sales, where market failure exists and there is no private sector investment in land delivery.

In the time subsequent, the Shire of Denmark in partnership with LandCorp has been working tirelessly on the project. In relation to the two precincts being the eastern precinct and the western precinct; Council resolved to accept an alignment for the eastern precinct in October 2016.

This item only relates to the western precinct which comprises the area from Denmark-Mt Barker Road to the West, includes an intersection treatment and crossing of the Denmark River.

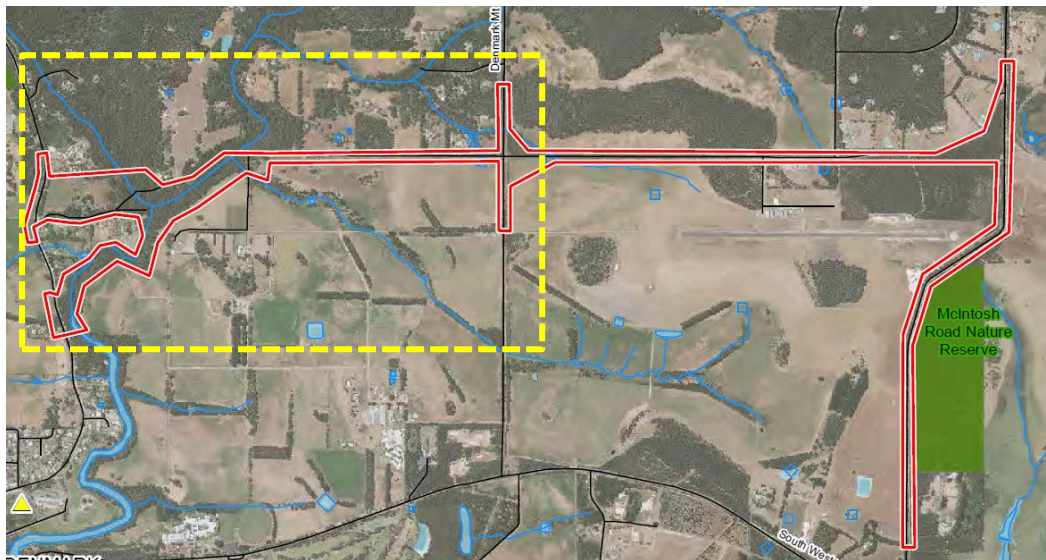


Figure 2: Diagram depicting the western precinct in yellow.

In considering the western precinct, for the project to proceed, Council needs to make three decisions regarding;

1. An appropriate intersection treatment at the intersection of Denmark-Mt Barker Road and East River Road;
2. A road alignment between the Eastern bank of Denmark River and Denmark-Mt Barker Road; and
3. An alignment for the crossing of the Denmark River

1. Denmark-Mt Barker Road / East River Road intersection

The intersection at Denmark-Mt Barker Road and East River Road needs to be modified for road safety and to allow for RAV4 classed vehicles. It will also create a delineation between the eastern (heavy vehicle) and western (local traffic only) areas of the project. An upgraded intersection will also be the catalyst to encourage Main Roads WA (MRWA) to reduce the posted speed limits on Denmark-Mt Barker Road, thereby reducing current safety concerns with this approach to town.

Under MRWA intersection guidelines for RAV routes (MRWA, 2013) (MRWA, 2016), two configurations have been considered:

- a. Staggered T intersection; and
- b. Roundabout.

Both options provide safe access for north/south bound heavy vehicles turning east onto East River Road, as well as westbound heavy vehicles turning north/south onto Denmark-Mt Barker Road. The two intersection options also provide safe passage for 'as of right' vehicles travelling in any direction. The Denmark-Mt Barker Road is part of Main Roads WA road network and it was important to consult with this agency in terms of their preferred outcome.

Main Roads WA has advised that they prefer a roundabout configuration on their network as opposed to the staggered T intersection.

During the public consultation phase, further design and investigation was undertaken on the proposed intersection. It was identified that Telstra infrastructure and fibre optic cables were located within close proximity to the various options presented. As a result, a further option was introduced to the North East, therefore minimising the impact on residents, WACAD and service infrastructure.

2. A road alignment between the eastern bank of Denmark River and Denmark-Mt Barker Road.

This component comprises three options between the eastern bank of Denmark River and Denmark-Mt Barker Road including: Option 2A along the existing East River Rd reserve; Option 2B immediately south of the existing road reserve; and Option 2C further to the south.

- a. Option 2A proposes an upgrade of the existing East River Road, with a 1.1 km extension from its current end point, south-west through West Australian College of Agriculture, Denmark (WACAD) land, adjacent to the existing riparian river reserve. This assumes that the existing East River Road will be upgraded within the confines of the current road reserve. The road would then be extended in a new road reserve that runs parallel to (but not within) the Denmark River reserve, requiring approximately 1 hectare of WACAD land (excluding areas affected by road batters), before crossing the Denmark River at a newly constructed bridge.

This option requires a minimum amount of WACAD land to be purchased on the north-western boundary of the property. The land required from the WACAD would be predominantly pasture and, if provided, substantially reduce the requirement for clearing of native vegetation (substantially impacting on the Kwoorabup Trail).

Option 2A would likely result in lower maintenance and construction costs than proposed options 2B or 2C as less additional road reserve is to be acquired and there will be no duplication of road pavements. Adjoining residents would see an improvement in conditions to the entrances to their property, however the area in general would likely experience an increase in traffic. Therefore, appropriate speed restrictions would need to be sought for the area, particularly near the residential sections.



Figure 3: Image depicting Option 2A utilising the existing East River Road

- b. Option 2B proposes to duplicate the existing East River Road, by building a new road within cleared land between the Denmark River and Denmark-Mt Barker Road to the south of the current reservation of East River Road. East River Road would be maintained in perpetuity as a local service road for residents while the main through traffic would be directed to the new southern route. Residents have highlighted that the western end of the (existing) East River Rd could be opened to the public for walk trails, while the low speed limit of a local service road would allow for a safer pedestrian environment.

This option would see the existing roadside vegetation maintained, with minimal clearing of land required for the new road as it is located on existing pastureland. However, a significant section of WACAD land would need to be acquired. This would amount to approximately 4 hectares of their northern paddock between the Denmark River and Denmark-Mt Barker Road. This would negatively impact the WACAD. The proposed location of the route has an economic value, is of high educational value to the WACAD and forms part of the future plans of the WACAD.

- c. Option 2C would also see the construction of a new road to the south of East River Road from the Denmark River across to Denmark-Mt Barker Road. This would form a more direct route from the McIntosh Road Industrial Estate for Denmark residents if constructed, as a continuation of Option 1B. This would require the purchase of approximately 10 hectares of WACAD land. As the land is predominantly pastureland, little clearing of native vegetation would be required.

The proposed route would fragment the WACAD's land holdings into several segments, preventing ready access to their northern pastures, significantly impacting the functionality of the WACAD and the safety of their students and livestock. This option would also economically affect the WACAD as the recently commissioned dairy would be separated by public roads from its paddocks. Provision of stock (primarily cattle) crossings under the road may be problematic as the road would not need to be elevated along this route to meet the engineering design standards for as of right vehicles.

Construction would generate farm operational difficulties as access must be maintained between the WACAD dairy and all paddocks. Additional temporary access routes could be implemented but with further loss of WACAD land. Little impact would be felt by residents during the construction process except for additional construction traffic on the surrounding roads.

3. An alignment for the crossing of the Denmark River

The river crossing section of this project connects the end of the Western Precinct (i.e. Options 2A, 2B or 2C) across the Denmark River to an intersection with Scotsdale Rd. Five options

have been considered for the location of the bridge over the Denmark (Kwoorabup) River: Options 3A, 3B and 3C, 3D, 3E and 3F.

- a. Option 3A crosses the Denmark River to the north as a direct east-west continuation of East River Road before skirting the Golden Hill Steiner School and joining Scotsdale Road. The route allows for a maximum speed of 60 km/hr and would require a 40 km/hr zone adjacent to the school. This route will also require a second bridge to cross over Scotsdale Brook, acquisition of private property (Lot 5, 114, 115 and 116 on Riche Road) and significant clearing of riparian native vegetation.

The lot adjoining the southern boundary of the Golden Hill Steiner School (Lot 1) is owned by Shire of Denmark, is zoned for Special Rural purposes and would accommodate this proposed route alignment.

- b. Option 3B crosses the river and could connect to the unconstructed section of the eastern end of the existing Riverbend Lane road reserve, at the site of a historical timber bridge crossing, before continuing on west-north-west through Lot 1 to a new intersection with Scotsdale Road. All sections of the route allow for a maximum design speed of 60 km/hr (posted at 50 km/h). Connections will need to be maintained with Riche Road, and possibly Riverbend Lane, to allow for continued residential and commercial access. The Riverbend Caravan Park operates at the eastern end of Riverbend Lane. However, the proposed alignment and initial design for Option 3B results in gradients in excess of the maximum longitudinal gradient of 10% as recommended by the Shire of Denmark (SoD, 2008, p. Section 11.3) on side roads. The consulting engineers advise that the maximum gradient of Riche Road, based on the current preliminary design for road 3B and the Riche Road alignment would be 13.67%. The consulting engineer has shown in the Options Report a potential alternative route, with Riche Road running parallel to the Option 3B route before intersecting at CH200 (refer to Appendix B for design drawings). However, a crest immediately to the east of the alternative Riche Road intersection interrupts the sight lines, and will need to be flattened to achieve appropriate design standards. This could be undertaken during detailed design.

A driveway has also been shown in the Options Report to provide access to the Riverbend Caravan Park, with an approach grade of 7.3%. Although this is less than the Shire of Denmark 10% grade requirement, the vehicle sight lines would need to be checked during detailed design. Given the preliminary work done to date, further investigations, discussions with residents and design work would need to be undertaken to determine the final position, level and retention arrangements for the East River Road extension and the optimum access arrangements for Riche Road and the Riverbend Caravan Park. The business case submitted as part of the *Royalties for Regions* funding application identified Option 3B as the "preferred alignment", and it represents one of two preferred locations from the Aboriginal Heritage Survey.

However, there are some significant community concerns associated with the level of clearing, particularly the mature karri and marri trees that would be required to be removed under this option. An Arborist has examined the large karri tree at the junction of Riche Road and Riverbend Lane and reported that a large cross section of the trunk of the tree is degraded by decay and termite damage and the tree is not structurally viable. Performance of the bridge during flood events will also need to be considered, as well as impacts to the flow of the river.

Option 3B proposes a design of 20 year ARI and meets Austroads and Main Roads WA recommended minimum serviceability levels. It should be noted that the bridge will flood during significant events and will need to incorporate design features that facilitate submersion to minimise maintenance costs.



Figure 4: Image depicting option 3B and the use of Lot 1

- c. Option 3C crosses the river in the same location as that proposed in Option 3B however, the western approach would follow the existing Riverbend Lane, as opposed to crossing through Lot 1. This option will utilise the existing pavement within the road reserve and will not require the purchase of further land, minimising capital costs and maintenance costs. However, this will require the widening of the existing road and result in the removal of several significant trees and clearing of native vegetation. While the majority of the route allows for a speed limit of 60 km/hr, one tight curve close to Scotsdale Road is limited to 40 km/hr, reducing the capacity for the future road to operate as a local connector.
- d. Option 3D proposes a crossing point further to the south, with the eastern approach through WACAD summer grazing paddocks, before crossing the river and traversing Reserve 47104 (Lot 1116, held by Department of Water) and (privately held) Lot 46 to intersect with Scotsdale Road. This option runs parallel to the river reserve within the WACAD land. There would be the alienation of a portion of WACAD land between the new road reserve and the river reserve under this option. While it is possible for underpasses to be incorporated for access to these areas, the land could be bought and incorporated into the river reserve. Acquisition of (privately held) Lot 46 on Scotsdale Road is necessary for this option to be implemented. Very few significant trees are within the proximity of this route, however the acquisition of WACAD and private land is a significant drawback. The use of 180 m radius curves and 6% superelevation allow for speeds of 70 km/hr along this route.
- e. Similar to Option 3D, Option 3E follows the south-west extension of East River Road across WACAD summer grazing paddocks, crossing the river and traversing Crown Reserve 12995 (Lot 124) to an intersection with Scotsdale Road. Option 3E requires less clearing of native vegetation and significant trees, and it represents one of the preferred locations from the Aboriginal Heritage survey (refer Section 2.1). However, with steep banks on the western side of the river, the bridge height and required abutment embankments and/or retaining walls will be significant. Approximately 2 hectares of WACAD land would be isolated between the new road and the river reserve. This can either be bought and incorporated into the river reserve or have a cattle underpass built, with the preliminary road design indicating that an underpass is feasible. The loss of this land would be a significant impact to the WACAD.



Figure 5: Image depicting option 3E

- f. Option 3F follows a similar route to Option 3E with the bridge crossing further to the south. The bridge is located within 50 m of the Scotsdale Road intersection. As with Option 3E, the steep banks on the western side of the river will result in significant bridge height and abutment embankments and/or retaining walls. The proposed route isolates approximately 4.7 hectares of WACAD land between the river and the proposed road. The road height, based on the preliminary designs, would allow for cattle underpasses to be built to accommodate this.

This option requires minimal clearing of land, provided the required fill can be accommodated within retaining walls. Several significant trees are expected to be within close proximity of the proposed road. This option is the least favoured of the options by the WACAD.

In assessing the options available to Council, the Project Control Group comprising representatives from the Shire of Denmark, LandCorp and Great Southern Development Commission considered the various options, taking into consideration a number of criteria including physical, social, financial and engineering. The options were assessed using a weighted multi-criteria assessment (MCA).

The MCA produced results that selected Option 2A, Option 3B or Option 3E as the preferred alignments. The Project Control Group acknowledged that Option 3E was potentially fatally flawed as it requires acquisition of WACAD land, and impacts their farm operations. Additionally, it is considerably more expensive when compared to Option 3B. It was decided that this option should remain as an option for consideration, because if the community preferred this alignment, then further negotiations could occur with the WACAD and Council could complete modelling in terms of the financial implications from an affordability perspective.

The results were then subject to a community consultation period.

Consultation:

The Denmark East Development Precinct Options Report, together with the environmental, Aboriginal heritage and arborist's reports were the subject to a public consultation period from the 17 October to the 14 November 2016 (refer Attachment 8.5.1c). Four Fact Sheets and a

“Frequently Asked Questions” document were provided to residents through the Shire’s website over the duration of the consultation period and a community forum was held during the early evening of the 25 October, where 11 project boards were assembled by LandCorp and displayed to the public.

The community consultation sought to focus community feedback on the preferred alignment for the Denmark River road and bridge crossing and on the preferred intersection treatment at the junction of the Denmark - Mount Barker Road and East River Road.

The following extract is taken from the Department of Planning’s Development Assessment Panel Training Notes “Making Good Planning Decisions” relating to community concerns and perceived impacts. The following statements are very applicable when the Shire considers submissions;

- Whilst all comments relating to a proposal are considered in the final determination of an application, and a submission objecting to a proposal may be lodged, there is no obligation from the decision maker to refuse such a proposal based on this alone.
- Similarly just because the neighbour supports a proposal, there is no obligation from the decision maker to approve such a proposal – each application will be considered on its planning merits and determined accordingly.
- The aim of public consultation is not to shift the responsibility or power away from the decision-maker.
- Decisions should not be a ‘number game’ thus the quantity of submissions is not a consideration – the key is what the issues/concerns are arising from the submission(s) received.

At the conclusion of the consultation period, a total of 226 submissions were received, with 177 (79%) opposed to the project either completely or in part. A further 15 (6%) of the submissions voiced concerns to the Shire regarding current or previous processes and 34 (15%) of the submissions voiced support for a project option. Only 11 submissions (5%) made comment on the intersection treatment.

The Shire of Denmark undertook to consult with the community on the final alignment for the western component of the Denmark East Development Precinct project as an additional action that was a non-statutory requirement for the project. Therefore, the content of each submission has been incorporated into the schedule attached to the agenda and no attempt has been made by the Shire administration to provide an individual response to each of the submissions received. A summary statement has been provided adjacent to each submission, advising Council whether the submission supports or objects to the project, and it highlights those submissions where a preference for an option has been expressed. Following is a broad summary of the issues expressed in those submissions.

Environmental Values

Of the submissions received, 159 (71%) felt the project would negatively impact on the physical environment, with a further 68 (18%) concerned that the project would also have an unacceptable level of impact on the amenity of the residents adjoining the project route.

Providing any road crossing of the Denmark River in this locality will result in some vegetation removal. The submissions raise concerns over the clearing footprint that a road and bridge would require and were concerned that significant trees and understory vegetation would need to be cleared for the project. The trees are a resource that is valued by the community and they provide nesting or foraging habitat for the Forest Red-Tailed, Carnaby and Baudin Black Cockatoos. Creating a major severance of the Denmark River vegetation corridor, with an elevated road and the removal of understory, would affect the migration path of a range of animals within the river foreshore. Several submissions also raised concerns over the adequacy of the environmental

investigation, with the consultancy team viewing flora and fauna over a short timeline and not providing adequate recordings of other fauna that have been known to frequent the locality.

The majority of the submissions opposed Option 3B due to the extent of vegetation that would need to be removed to construct that option. That option also places the proposed road in close proximity to houses on Riverbend Lane and the Golden Hill Steiner School, resulting in an increase in traffic noise and reduced amenity enjoyed at those properties.

Officer Comment:

In response to the issues raised in the submissions in relation to 'Environmental Values', officer comments are as follows:

- Any alignment for the bridge will result in vegetation required to be removed, noting the actual extent of clearing required will not be known until Council endorses an alignment. During the detailed design phase, all efforts to minimise the extent of clearing required, and to avoid significant trees wherever possible, will be undertaken.
- The environmental investigations comply with the requirements of the Department of Environment Regulation (State) and The Department of Environment and Energy (Federal Government) with respects to the time of year the survey work was undertaken, recording processes etc.
- Should option 3B be endorsed by Council, there is the ability during detailed design to incorporate noise amelioration and amenity considerations (e.g. treatment of road surface, vegetation plantings etc.).

Previous Council Decision-Making

The majority of the submissions have voiced concern over decisions taken, promises that have not been honoured, or on actions that have been undertaken by a previous Council or Shire staff. A total of 119 (53%) people who lodged submissions felt disenfranchised from previous decisions, or they lacked trust in the current decision-making process. That position was further reinforced with 53 (14%) of the submissions claiming that the need to undertake the project had not been adequately communicated to them and 16 (7%) claiming that there are existing bridge crossings of the Denmark River that adequately service the needs of current and future residents.

Many residents are challenging the Shire's assertion that the Shire of Denmark Local Planning Strategy was produced in 2011 following a thorough community consultation process. Residents are claiming that they were either unaware of the existence of the Local Planning Strategy or that they were provided with assurances from the Council of the day that any future crossing point of the Denmark River would be the subject of another consultation process, before it was incorporated into a planning document. Those residents further claim that the alignment shown in the Local Planning Strategy, and adopted by the WA Planning Commission in 2012, was not presented to or approved by the community. The production of the Business Case (to secure funding for the project) by the Shire administration, without the referral or endorsement of the application report by the Shire Council, was also seen as a problematic and considered by some submitters as a fundamental flaw in the process. The decision to couple the industrial development and the bridge crossing components within the funding application cannot be rationally explained and many residents consider the current consultation process a farce and consider the project is a "fait accompli" following the Shire's decision to accept the funding and to purchase Lot 1.

Those residents are calling upon the current Council to abandon the project, to return the funding to the State, to sell Lot 1, to undertake a review of the Local Planning Strategy (particularly the allocation of land on the northern town fringe for the development of 700 new homes) and to demonstrate to the Denmark community that a future crossing of the Denmark River is required.

Officer Comment:

In response to the issues raised in the submissions in relation to 'Previous Council Decision-Making', officer comments are as follows:

- The bridge crossing point and the associated connector roads was provided for in the Local Planning Strategy 2011 (LPS) acknowledging:
 - The level of development occurring on the eastern and western sides of the river, noting the following:
 - Extensive residential development already approved on the western side of the river (approximately 550 lots in the immediate vicinity)
 - Existing education node (High School, TAFE, Agricultural College) on the eastern side of the river
 - Existing and proposed employment nodes (service park, industrial area, Shire, High School, TAFE, Albany) on the eastern side of the river; and
 - Existing strategic transport route to Albany and Perth on the eastern side of the river.
 - The level of development occurring throughout the town putting pressure on the need for an additional bridge crossing in terms of traffic loads on South Coast Highway, the current Denmark River bridge crossing, Scotsdale Road and the South Coast Highway/Hollings Road intersection.
 - The extent of connector roads that had already been provided for via a range of planning mechanisms (structure planning, scheme amendments and/or subdivision approvals) in the northern part of town.
- In May 2011, the Western Australian Planning Commission certified the draft LPS as being consistent with Regulation 12A(3) of the Town Planning Regulations (as amended) and instructed that it should be advertised for public inspection for a minimum period of 21 days as set out in Regulation 12B. Official advertising of the draft LPS commenced on 9 June 2011, with the public advertising period closing on 9 August 2011 (being 60 days), with the following consultation taking place:
 - Advertising notices in the Denmark Bulletin on 9 June 2011, 23 June 2011 and 7 July 2011 inviting public comment;
 - Advertising notice in the West Australian on 11 June 2011 inviting public comment;
 - Advertising notice in the Walpole Weekly on 15 June 2011 inviting public comment;
 - Advertising notice in the Albany Advertiser on 16 June 2011 inviting public comment;
 - Issuance of a media release titled "Draft Local Planning Strategy Released for Public Comment" on 8 June 2011;
 - Visual display set up in the foyer of the Shire Administration Office and the Shire Library for the duration of the advertising period;
 - A 4-page LPS Information sheet (providing information on the key themes, how to lodge a submission, process after community consultation and where to go for more information) being made available;
 - LPS document, including the information sheet and submission form, being available for download on the Shire's website for the duration of the advertising period;
 - LPS document being available for purchase (CD or hard copy) from the Shire Administration Office;
 - Referral of the LPS document to the Shire of Plantagenet, the Shire of Manjimup and the City of Albany inviting comments;
 - Referral of the LPS document to the following government departments/servicing authorities inviting comments:
 - Fire and Emergency Services Authority
 - Department of Health
 - Department of Water
 - Western Power
 - Telstra
 - Water Corporation
 - Main Roads WA

- Department of Environment & Conservation
 - Heritage Council
 - Department of Agriculture
 - Department of Indigenous Affairs
 - Tourism WA
 - Department of Education & Training
 - Department of Planning
 - Department of Regional Development & Lands
 - Department of Mines & Petroleum
 - Great Southern Development Commission
- Referral of the LPS document to local community groups inviting comments;
- Advice of the LPS being out for public comment to the local Members of Parliament (being Hon. Terry Redman, Hon Robyn McSweeney and Mr Tony Crook);
- Community information sessions held on 22 June 2011 in Denmark (where 39 ratepayers/residents attended), 30 June 2011 in Peaceful Bay (where 18 ratepayers/residents attended) and 21 July 2011 in Denmark (where 58 ratepayers/residents attended) to inform the community about the purpose and role of the draft LPS and the key issues/themes;
- Issuance of a media release titled “Proposed East-West Link Road for Denmark Clarified” on 7 July 2011; and
- An Addendum Information Sheet in relation to the East-West Road Link being made available.
- Implementation Point 1d) of Section 4.10 Transport in the LPS states “Undertake public consultation on the bridge crossing point proposal and any road upgrades required that have not already been the subject of separate planning approval processes (i.e. structure planning, scheme amendments and/or subdivision approvals) throughout the consideration and design processes”.
 - The process of community consultation undertaken as part of the Denmark East Development Precinct Project (Western Precinct) was to specifically seek public comment on the bridge crossing point location and the associated road upgrades required – noting Council’s consideration of the final alignment is the subject of this Council report.

Aboriginal Heritage

Within 91 (41%) submissions, the credibility of the heritage report has been questioned. Some submissions have noted the absence of Mr Wayne Webb (who was engaged to undertake the archaeological survey and was unavailable when final survey team met), Mr Joey Williams (name not submitted by the SWALSC) and Ms Venice Gilles (was member of survey team) from the survey team. The removal of these elders from the survey team was identified as an attempt to disenfranchise any Aboriginal person likely to disapprove of the project.

Officer Comment:

In response to the issues raised in the submissions in relation to ‘Aboriginal Heritage’, officer comments are as follows:

- LandCorp and the Shire of Denmark were not responsible for the appointment of the representatives who participated in the heritage survey. The Western Australian government, through the Department of Premier and Cabinet and the Department of Aboriginal Affairs, has protocols established with the Wagyl Kaip claimant group on how heritage surveys are to be undertaken in the Denmark region. The Noongar Standard Heritage Agreement and the Aboriginal Heritage Due Diligence Guidelines require a Proponent to submit to the Wagyl Kaip’s representative (currently the South West Aboriginal Land and Sea Council or SWALSC) an Activity Notice detailing the intention to undertake work and outlining how Aboriginal Heritage matters are to be addressed. The

SWALSC then advises whether a survey is required and who should represent the aboriginal community at the survey. LandCorp submitted an Activity Notice and received the SWALSC response, together with a list of Aboriginal representatives for the survey. LandCorp then requested a review of the attendees to ensure adequate representation from both the Minang and the Bibbulmun communities. An expanded and revised list of names was subsequently provided and the representatives on the list were invited to participate in the survey. Mr Webb was invited by the Heritage Consultant to participate in the archaeological survey of the entire study area and was working elsewhere in WA when the survey was undertaken, Mr Williams' name was not forwarded by the SWALSC (the SWALSC was provided the reports that showed he was involved in earlier studies) and Ms Gillies was involved in the heritage survey.

- The concerns raised in the submissions are shared by the Shire, but are issues that need to be addressed are with the SWALSC. Also, the recommendations contained within the Denmark East Development Precinct heritage survey support and reinforce the outcomes of previous surveys undertaken for projects that affect the Denmark River.

Golden Hill Steiner School

Approximately 58 (26%) of the submissions received were from parents of students at the school, or supporters of the school, and utilised a common discussion format circulated by the Save East River Forrest group. The school community identifies the learning experiences and the values espoused at the school as being highly influenced by the school's location and ambience. The submissions advised that the proposed road would have an unacceptable level of impact on the community amenity of the forest valley, as a refuge for peace and quiet that connects with nature and Aboriginal heritage. The submitters believe the valley floor along the Kwoorabup trail should be officially preserved and protected.

The school community also strongly object to statements attributed to the school, in support of the business case, regarding the school's future aspirations for a high school. The school has previously recorded its objection to the road project dating back to 2009.

Officer Comment:

In response to the issues raised in the submissions in relation to 'Golden Hill Steiner School', officer comments are as follows:

- The Shire recognises the value and importance of the Kwoorabup Trail to the community. Regardless of which bridge and road alignment options are endorsed by Council, the Kwoorabup Trail alignment will remain unchanged except in the immediate vicinity of the crossing point over the road or the trail. Addressing visual and amenity impacts of the road as they relate to the Kwoorabup Trail will be considered during the detailed design phase of the project.
- The School's Principal was informally consulted on the project. As the discussions were only preliminary, no records were kept in relation to the dialogue.

Denmark River and Foreshore

33 submissions (15%) are concerned that the project will have an unacceptable impact upon the Kwoorabup Trail or the values that the community derive from using the trail. A further 12 submissions (6%) feel that the proposed road and bridge will directly impact upon water quality, river bed or the floodplain characteristics of the Denmark River. There were also other submissions which highlighted the impact of option 3B on the Scotsdale Creek and the capacity to connect existing accesses to the new road within the current reserves.

Officer Comment:

In response to the issues raised in the submissions in relation to 'Denmark River and Foreshore', officer comments are as follows:

- The Shire recognises the value and importance of the Kwoorabup Trail to the community. Regardless of which bridge and road alignment options are endorsed by Council, the Kwoorabup Trail alignment will remain unchanged except in the immediate vicinity of the crossing point over the road or the trail. Addressing visual and amenity impacts of the road as they relate to the Kwoorabup Trail will be considered during the detailed design phase of the project.
- Once a route option is selected, detailed work will be undertaken on the design of the road and bridge to determine what impacts the project will have on the river and creek systems. That work, plus any mitigating works, will then be submitted to the Department of Water (for a disturbance to river bed and bank licence), the Department of Indigenous Affairs (for a Section 18 approval), to the Department of Environment Regulation (for a vegetation clearing permit), to Main Roads WA (for approval to proceed to construct the bridge) and to The Department of Environment and Energy (environmental referral).
- Additional consultation will also be undertaken with individual landowners on access arrangements to their properties as part of the process of undertaking the detailed design of the final road and bridge crossing.

Supporting Submissions

Of the 34 submissions (15%) in favour of the project, there is no clear direction on whether option 3B (35%) or option 3E (42%) should be constructed, with 23% simply unconditionally supporting the project. Not surprisingly, the majority of the supporters of the project have identified fire and emergency management benefits as the primary reason to proceed with the development. Others have indicated that there has been adequate consultation in the past and that the current opponents of the project either did not participate in the earlier consultation processes, or that they are raising issues that were previously dismissed when Council completed the strategic planning in 2011.

Denmark – Mount Barker Road and East River Road Intersection

Only 11 submissions provided comment on the preferred treatment for this intersection. An equal number (46%) of respondents supported the roundabout (south) and the staggered junction options. The roundabout (east) option was the least favoured option (8%) amongst those who responded.

Actions from Public Consultation

As stated above, 177 (79%) submissions were opposed to the project either completely or in part. Of the 34 submissions (15%) in favour of the project, there is no clear direction on whether option 3B (35%) or option 3E (42%) should be constructed, with 23% simply unconditionally supporting the project.

Based upon the feedback on Option 3E, the Shire commenced a process to thoroughly investigate if this option could be achieved from a land acquisition and financial perspective (outlined in financial section of this report). From a land acquisition perspective and during the public consultation process, the CEO organised a meeting with the WACAD Principal and the Advisory Board on 28 October 2016. The CEO summarised the options available and explained the implications to the College. The CEO encouraged the College to make a submission on their preferred option.

The Department of Education contacted the CEO in late November 2016 requesting an extension to the submission period. Given the importance of the Department from a stakeholder perspective, an extension was provided until the end of November 2016.

The Departments submission was received in early December 2016 (refer attachment 8.5.1a). The submission raised numerous concerns with Option 3E in terms of operational impacts. The Education Department preferred Option 3B in terms of the impact on the College from an operational perspective.

The following extract has been taken from the Education Department's submission;

“Option 3E would have the most impact on the College's land, requiring an approximate 8 to 10 hectares of land to be given up. It appears this option would result in the road pavement being up to some 8 metres higher than the existing paddock levels, resulting in land between this proposed road and the river being disconnected from the remaining College land. It was considered an underpass would have to be provided to allow at the least stock and College staff access to this detached land parcel. Discussion regarding further encroachment from batters and any other services/infrastructure required for this road was not undertaken, as the drawings provided were conceptual only. This land is pivotal to the Colleges stock grazing program, and any incursion of this size and magnitude would seriously impact the College's ability to deliver outcomes that could be deemed sustainable.

Option 3B appears to have the least impact on the College land and hence the option that would be deemed acceptable. An inspection of the proposed route indicates the land required for the new road alignment is somewhat low lying and would appear to be subject to winter inundation, however it does provide the College with excellent summer grazing for its stock. It was expressed to the Shire and others, the College's preference would be for option 3B to be located as close to the College's boundary with the Denmark River as possible. Whilst acknowledging this may present some engineering issues, it is one that will provide the least disturbance to College programs and will not separate any land from the remainder”.

The Shire has also received various requests to split the project. This would allow the LIA to proceed and stall or postpone the river crossing component. In response, the Shire has executed a Financial Assistance Agreement (FAA). Schedule 4 of the FAA states that the project involves two components, an Industrial Area and East River Road Bridge. Section 4.2 of the FAA states “the Recipient must not make any changes to the project or any agreed budget (including the project budget) without the prior written consent of the State...consent may be withheld in the State's absolute discretion”. The project therefore can't be split into two separate components.

In terms of postponing the project, the Shire has obligations (deliverables) under the FAA e.g. consultancy team engaged 30 July 2016, final road alignments lodged 31 March 2017. Section 11.1 of the FAA addresses Default and Termination. A default occurs if ...the Recipient fails to comply with or meet a Milestone...Section 11.2 states that if an event of default occurs, the State may terminate the agreement. The Shire is therefore unable to postpone or delay the project without placing the milestones at risk.

Statutory Obligations:

Council has already adopted the 2016/17 Budget and allocated sufficient funds to commence work on the eastern precinct. If Council decides to pursue Option 3E, the additional expenditure will be allocated in 2017/18 and 2018/19 and therefore does not require a budget amendment or decision of absolute majority at this stage. Council is being asked to endorse a conceptual alignment.

Policy Implications:

The Shire's Environment Policy (P100503) relates to this item. The policy makes reference to the standing of the environment generally and states that Council has a duty to balance the needs of a growing population against the environmental impacts.

The Policy suggests a number of implementation mechanisms including compliance with State and Federal legislation. This project will require clearing of native vegetation with the Shire seeking approvals at both a State and Federal level therefore meeting the implementation mechanisms.

Budget / Financial Implications:

The overall project has significant implications for the Shire of Denmark. These implications have been addressed in the 2016/17 Budget and draft 10 Year Financial Plan that is currently being prepared. Total costs incurred and committed to date is \$530,000.

Once detailed design is complete, the overall budget (\$14,317,000) will be refined and updated. Council has previously highlighted this budget was to be treated by the Project Control Group (PCG) as a fixed fee, requiring any adverse financial implications to be reported to Council.

The following table represents the eastern and western precincts from a road construction perspective. It does not include the construction of the industrial area.

Component	Scenario 1		Scenario 2
	Budget	Option 3B	Option 3E
Eastern Precinct	\$3,100,000	\$3,600,000	\$3,600,000
Western Precinct	\$5,500,000	\$5,300,000	\$7,100,000
Total	\$8,600,000	\$8,900,000	\$10,700,000
Budget variance	\$0	\$300,000	\$2,100,000
Budget variance		3.49%	24.42%

Table 1: Financial implications based upon 2 scenarios

From a financial perspective, Option 3B is currently estimated to be \$200,000 under the project budget allocated for the western precinct. Option 3E is estimated to be \$1,600,000 above the project budget allocation for the western precinct. When assessed against the entire roadworks budget, scenario 1 (including option 3B) falls slightly above the project budget (+3.49%). Scenario 2 (including option 3E) is more expensive and exceeds the project budget by \$2.1m (+24.42%).

As indicated in the table above, scenario 1 falls outside of the project budget, however within an acceptable range from a contingency perspective. Scenario 2 falls outside of that acceptable range. In essence, if Council wants to pursue scenario 2 (including option 3E) the project financials would need to be reviewed and the following options considered in terms of funding the project short fall.

Scenario 2, Option 1 - \$2.1m Loan

The Shire’s debt ratios are in reasonable condition and fall within acceptable limits when assessed against the Department of Treasury’s financial ratios. A \$2.1m debt could be serviced by the Shire and the implications from a funding perspective suggests that a 4 to 4.5% rate increase (on top of normal increases) would service the loan over a 10 year period.

It should be noted that the Department of Local Government did express concerns over the Shire’s initial Business Case and application from a lending perspective. The Shire was able to satisfy these concerns by substantiating that no debt was required to complete the project. This option introduces debt back into the equation and would therefore raise the Department’s concerns.

Scenario 2 - Option 2 - Request Additional Funds

Once the community consultation process commenced, the Shire met with Minister Redman to discuss the project and the additional cost implications associated with pursuing Option 3E. The Minister was asked if a further \$2.1m could be provided to the project to pursue the more expensive option. The Minister’s response was that no further funding was available and that additional expenditure would be the Shire’s responsibility (refer Attachment 8.5.1b).

Scenario 2 - Option 3 - Land Sales Offset by Loans

The Shire purchased Lot 1 Scotsdale Road for \$795,000 in anticipation of this project being completed. If Option 3E is pursued by Council, this land will no longer be required. Additionally, Council also owns a residential property on Chiltern Road, Ocean Beach. In considering staff accommodation and moving to a preferred leasing option, this property will be surplus to Council requirements.

In response to pursuing Option 3E, the Shire commissioned two separate valuation firms to provide market assessments on both properties. The Valuer that assessed Lot 1 was provided with 3 scenarios in assessing the highest and best use for the subject property. The options included;

- a. Gross realisation 'as is' based on the existing zoning and structure plan (3 lots)
- b. Gross realisation assuming that a 1 hectare density could be achieved (5 lots)
- c. Gross realisation assuming that the zoning could be amended (10 lots)

The scenarios are hypothetical, however supported by market evidence and market derived unit rates in terms of the development costs. Property development is a complex field and it would be highly recommended that Council sell the property as an englobo (undeveloped) site and not participate in the development process and expose the community to excessive financial risk.

Without jeopardising the Shire's commercial interests, the sale of Chiltern Road combined with the conservative approach for Lot 1 suggests a combined asset sale of \$1.25m - \$1.45m (excluding fees and charges incurred to achieve sales) may be achievable. This would leave a loan requirement of \$650,000 - \$850,000. This could be serviced over 10 years at a rate increase equivalent of 1.5 to 2%.

On face value, the above scenarios appear palatable. When assessed against the Shire's wider financial position, the 10 year time horizon appears very unclear. The Shire does have numerous compliance issues in the strategic space, and does not comply with the Department of Local Government's Integrated Planning and Reporting Framework. The Shire should have a 10 year financial plan that would allow Council to assess the additional project expenditure over a 10 year time horizon. This would indicate how the performance ratios are affected and the projects that may not come to fruition due to additional expenditure being committed to this project e.g. Recreation Centre upgrades, Mclean Park surface upgrades, Hardy Road decontamination, Depot relocation, Heritage Precinct upgrade, Plane Tree Precinct and coastal adaptation works.

To compound these strategic concerns, the Shire does not have an Asset Management Plan. An Asset Management Plan is a requirement of the State Government to ensure that assets are created, maintained, renewed and retired or replaced at appropriate intervals to ensure continuity of services in line with chosen service levels. The Asset Management Strategy should link the "whole-of-life" costing for each asset class with the local government's Corporate Business Plan, Annual Budget and Long Term Financial Plan.

Given that the Shire has not completed this requirement, the Shire cannot be confident that the existing asset portfolio will meet the service delivery needs of the community into the future. The impact of asset maintenance and renewal has not been considered against the 10 Year Financial Plan. This missing information results in further uncertainty.

In summary, the Shire can afford an additional \$2.1m in the short term, so the financial implications of Option 3E are achievable. However, given that the Shire has very little financial planning in place, the longer term position of Council is not known and the opportunity costs of \$2.1m that would be lost have not been identified. Council has previously stated that the Shire is not in a position to commit additional funding to this project and that the project must be completed in line with the initial projected financial implications. The validity of that statement is supported by the recent investigations.

Strategic & Corporate Plan 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.

Strategic Community Plan

Development: ...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.

Corporate Business Plan

- 3.2.1 Finalise the Demark East Development Precinct industrial land subdivision works.
- 3.4.6 Implement and manage the construction phases of the Denmark East Development Precinct project.

As referenced in the ‘Background’ section of this report, the Shire’s LPS provides implementation recommendations relating to the bridge crossing point and associated neighbourhood connector roads.

The “Denmark East Development Precinct” project is strategically aligned with the Great Southern Region Investment Blueprint – being a key criteria in the Shire receiving the grant funding for this project.

Sustainability Implications:

➤ **Governance:**

There are no known governance implications.

➤ **Environmental:**

A significant amount of environmental assessment has been completed for this project including a Flora and Fauna Survey Report and Arborist Report. The community has reinforced (71% of submissions received) that the environmental values of the site should be at the forefront of any decision on this project.

➤ **Economic:**

The total project cost is in excess of \$14m. A majority of the expenditure is external expenditure and will have a positive impact on the Shires local economy. The Shire has received a letter of support from the Denmark Chamber of Commerce expressing support for the project based on the level of investment benefit to Denmark. The Chamber has requested that local procurement should be a key consideration in awarding construction contracts.

➤ **Social:**

The amenity enjoyed by residents adjacent to Riverbend Lane and East River Road (west) will be affected to differing levels dependent upon which option is selected.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council adopt Option 3B	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk
That Council adopt Option 3E and incur additional expenditure	Possible (3)	Major (4)	High (10-16)	Inadequate Financial, Accounting	Accept Officer Recommendation

				or Business Acumen	
That Council resolves to discontinue the project	Possible (3)	Major (4)	High (10-16)	Damage to brand and reputation with funding agencies	Accept Officer Recommendation

Comment/Conclusion:

Taking into consideration the public consultation, negotiations with WACAD and the financial implications associated with each of the options, the Officer’s recommendation is to pursue a roundabout at the intersection of Denmark-Mt Barker Road, pursue Option 2A in relation to the section of road from the eastern bank of Denmark River and Denmark-Mt Barker Road and pursue a river crossing as depicted within Option 3B, utilising Lot 1 on Riverbend Lane.

The outcome of the roundabout was not a significant discussion point during the public consultation period. With both options costing approximately the same, the roundabout is the preferred option of Main Roads WA and alleviates a potentially dangerous entry on to Denmark-Mt Barker Road offered by the staggered intersection.

In terms of the section of road from the eastern bank of Denmark River and Denmark-Mt Barker Road, Option 2A offers an alignment that minimises the land to be resumed from the WACAD. In pursuing this option, the Shire will make every effort to maintain as much of the vegetation as possible to provide screening to East River Road for affected residents.

With regard to the river crossing, after careful consideration, Option 3B is the preferred option. In addition to the WACAD not supporting 3E, the administration has concerns over the Shire’s long term financial position due to a lack of long term and asset management planning. The impact of additional expenditure is uncertain and not fully understood.

If Option 3B is selected, Council has requested that LandCorp collaborate with impacted residents during the detailed design phase to achieve the most practicable outcome to minimise the impact on local residents.

Once detailed design is complete, the CEO will refer the western precinct back to Council to ensure that the elected group are fully aware of the full financial implications.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1a
MOVED: CR GEARON	SECONDED: CR WHOOLEY
That with regard to the community consultation undertaken in relation to the Denmark East Development Precinct Project, Council notes the 228 submissions and receives Attachment 8.5.1c.	
CARRIED UNANIMOUSLY: 9/0	Res: 111216

OFFICER RECOMMENDATION

ITEM 8.5.1b

That in relation to the Denmark East Development Precinct Project, Council endorses a roundabout at the intersection of Denmark-Mt Barker Road and East River Road and that the roundabout is located to the North East to reduce the impact on surrounding residents, Telstra infrastructure and fibre optic cables.

COUNCIL RESOLUTION	
MOVED: CR WHOOLEY	SECONDED: CR LEWIS
That the item 8.5.1b be deferred until after Council has considered the Officer Recommendation for Item 8.5.1d.	
CARRIED UNANIMOUSLY: 9/0	Res: 121216

OFFICER RECOMMENDATION ITEM 8.5.1c

That in relation to the Denmark East Development Precinct Project, Council endorses Option 2A as presented in the Options Analysis Report utilising a small portion of WACAD land and existing road reserve from the eastern bank of Denmark River to Denmark-Mt Barker Road.

COUNCIL RESOLUTION	
MOVED: CR LEWIS	SECONDED: CR ALLEN
That the Item 8.5.1c be deferred until after Council has considered the Officer Recommendation for Item 8.5.1d.	
CARRIED UNANIMOUSLY: 9/0	Res: 131216

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.5.1d
MOVED: CR CARON	SECONDED: CR ALLEN	
That in relation to the Denmark East Development Precinct Project, Council;		
<ol style="list-style-type: none"> 1. Endorses Option 3B as presented in the Options Analysis Report as the preferred crossing point of the Denmark River. 2. Instructs LandCorp to commence detailed design on Option 3B as presented in the Options Analysis Report. 3. Instructs LandCorp to pursue a shift in the proposed road alignment to the north as far as practicable to alleviate the impact on the residents of Riverbend Lane. 4. Requests the Chief Executive Officer to present to Council for consideration, an updated project budget and associated funding implications at the conclusion of detailed design. 5. Advises the State Government that should the detailed design findings exceed the existing project budget, that Council will require additional financial assistance. 		
LOST: 5/4		Res: 141216
<i>Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;</i>		
<i>FOR: Cr Phillips, Cr Morrell, Cr Allen, Cr Caron.</i>		
<i>AGAINST: Cr Lewis, Cr Gearon, Cr Wright, Cr Bartlett and Cr Whooley.</i>		

Cr Lewis requested that her words against the motion be recorded which were as follows;

"Firstly I'd like to acknowledge those who have taken the time to write submissions and to call or send us correspondence on this issue. I'd especially like to thank all of you who have spoken today - I know it's not an easy thing to do and it is testament to the passion felt in our community both for and against this project.

After much agonising I have decided that the best way forward from this point would be to formally request from the State Government, more time to fully investigate the best options for another crossing of the Denmark River and I am now flagging my support for a motion to do so.

For me option 3B has far too many crosses or uncertainties against it :-

The Aboriginal Heritage Survey documents that the Elders were advised that the bridge would be built to withstand a 1 in 100 flood event - this is not true of the 3B option which is currently costed for a 1 in 20 event i.e. a floodway - designed to be flooded and therefore will likely interrupt the flow of the river which is something I understand would be unacceptable to Aboriginal people. (Show 2011 flooding picture)

The cost of raising the bridge to meet the 1/100 event has been estimated at another \$900,000 - taking us over budget and potentially an additional cost to be borne by our ratepayers under our current funding agreement with the State Government.

The Riche Rd/Scotsdale Brook Bridge will be difficult to connect onto the new road, particularly if the bridge is raised to meet the 1/100 flood event, therefore the costs will rise, particularly if we move it as far North as possible to alleviate issues with entrance to Caravan Park and residences along Riverbend Lane.

Option 3B lies in a floodplain and should we choose to build what is effectively a floodway we would be responsible for repairs to the adjoining roads and abutments which are likely to occur every time it is flooded.

Lose of significant trees and other fauna habitat; I have spoken to the people who talked in their submission about Dibblers who inhabit the area, they described to me how they were able to differentiate this classified 'Endangered' animal from similar species, and, after doing more research myself I believe they know what they are talking about. (Show pic of Dibblers) Perth Zoo says "This attractive little Western Australian marsupial is one of the world's rarest mammals, thought extinct until a chance rediscovery." I'm assuming that this could be a serious stumbling block to environmental approval for a bridge at this site.

We have absolutely NO support from those in the area around 3B; residents of Riverbend Lane, the owners of the Caravan Park and The Golden Hill Steiner School are all fiercely opposed to this option for a plethora of reasons that I don't have time to go into right now but are well documented in the submissions.

Concerning Fire - I think we all acknowledge the risk that we live with in Denmark and I fully support another bridge crossing to help alleviate the risk to life a catastrophic fire event in Denmark would cause. But site 3B at the southern end of large tract of unburnt old growth forest (show aerial picture), where a bridge has twice been burned out previously, cannot possibly be the best option. Additionally we heard from Landcorp last week that concrete bridges are still vulnerable to damage in extreme heat. For these reasons I will be supporting that we take into account bushfire evacuation planning in the motion previously flagged.

Finally in speaking against this motion, I'd like to say that my family & I along with many current residents of our beautiful corner of WA came to live here because we love and respect the environment, and I will not be party to helping to destroy even a small part of it when we have yet to establish that there is no other better and more cost effective option so I urge my fellow Councillors to vote against this motion."

COUNCIL RESOLUTION

ITEM 8.5.1d

MOVED: CR GEARON

SECONDED: CR LEWIS

That in relation to the Denmark East Development Precinct Project, Council;

1. Suspend works relating to the portion of the Project that lies west of the Denmark-Mount Barker Road.
2. Write to the Department of Regional Development and Lands requesting, in accordance with Clause 4.2 (No Change) and Clause 17 (Variation) of the Financial Assistance Agreement, that the milestones and obligations relating to the portion of the project west of the Denmark-Mount Barker Road be extended by twelve months to;
 - i. Determine the best route for an additional bridge across the Denmark River taking into consideration a detailed traffic analysis, bushfire evacuation planning, financial due diligence, further consultation with the community and a review of all alternatives.
3. Advises the State Government that should the further analysis suggest options that exceed the existing project budget, that Council will require additional financial assistance.

CARRIED: 7/2

Res: 151216

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

FOR: Cr Lewis, Cr Gearon, Cr Wright, Cr Phillips, Cr Bartlett and Cr Caron and Cr Whooley.

AGAINST: Cr Morrell, Cr Allen.

REASONS FOR CHANGE

Council felt that they needed more time to determine the best route for an additional bridge across the Denmark River.

Cr Lewis requested that her words against the motion be recorded which were as follows;

"This project has been taken directly from the LPS (Local Planning Strategy), the process surrounding the compilation of this document was not informed by traffic flow or bushfire evacuation studies and did not investigate all possible options for the location of an additional bridge crossing.

The perception held by many is that it ignored community feedback and concerns regarding conflicts of interest of sitting Councillors.

The Business Case was rushed and contains many flaws, it did not come to Council for endorsement and I resent my name - (as in it mentions "Council support this" and "Council support that") being used in this request for funding.

I agree with the general consensus that we need another bridge in or close to town, both for emergency evacuation in case of fire or an accident blocking the South Coast Highway bridge, and also to reduce traffic flow through town and across the current bridge as our town grows.

However many people strongly object to both current proposals - not just those who have sent in submissions, many other people have voiced their concerns that we have not looked at all options in an analytical, comprehensive and painstaking manner.

This is a crucial and far-reaching decision for our town and we need to get it right - we mustn't feel trapped because we've been given the money based on a poorly put together document.

The fear that we will jeopardise future funding by pressing the pause button on this project is, I believe, unfounded; this is political, our community will not be ignored by successive state or federal governments!

Our CEO makes an excellent point that "the administration has concerns over the Shire's long term financial position due to a lack of long term and asset management planning. The impact of additional expenditure is uncertain and not fully understood" These serious omissions in our statutory planning should not be the impetus that compels us to compromise our integrity and to abandon the process of thorough, well informed and considered decision making.

I urge you to vote for this motion."

Given the outcome of Item 8.5.1d, Council reconsidered Item 8.5.1b.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.5.1b
MOVED: CR LEWIS		SECONDED: CR WRIGHT
That in relation to the Denmark East Development Precinct Project, Council endorses a roundabout at the intersection of Denmark-Mt Barker Road and East River Road and that the roundabout is located to the North East to reduce the impact on surrounding residents, Telstra infrastructure and fibre optic cables.		
CARRIED: 8/1		Res: 161216
<i>Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;</i>		
FOR:	<i>Cr Lewis, Cr Gearon, Cr Wright, Cr Phillips, Cr Morrell, Cr Allen, Cr Bartlett and Cr Caron.</i>	
AGAINST:	<i>Cr Whooley.</i>	

Given the outcome of Item 8.5.1d, a decision on Item 8.5.1c was not required.

8.5.2 MAJOR REVIEW OF THE STRATEGIC COMMUNITY PLAN	
File Ref:	ADMIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	6 December 2016
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.5.2a – IPRF-MR Project Plan & Community Engagement Schedule 8.5.2b – IPRF-MR Community Engagement Information Sheet

Summary:

The purpose of this report is to request Council endorse the Project Plan and Engagement Schedule, and corresponding Community Engagement Information Sheet, proposed to facilitate the major review of the Shire of Denmark's Strategic Community Plan.

Background:

A Strategic Community Plan outlines community long term (10+ years) vision, values, aspirations and priorities for a Local Government and drives the development of local plans, resourcing strategies and service levels required to achieve the community vision.

In accordance with the Local Government Act 1995, all Local Governments are required to plan for the future of their district. The Strategic Community Plan is Council's principal strategy and planning document that links community aspirations with the Council's vision and long term strategy. The Strategic Community Plan forms the basis of the Integrated Planning and Reporting Framework and provides the foundation to develop other strategic documents.

The Shire of Denmark Strategic Community Plan was first adopted by Council at the Ordinary Meeting held on 22 October 2013, where Council resolved (in part) as follows (Resolution No. 511013);

"That Council:

Adopt the Strategic Community Plan (as amended) entitled 'Denmark 2031' for effect from the current financial year through to 2031, with the following accompanying Vision, "Denmark in the Year 2031 is a leading example of a dynamic, connected, caring and cohesive community, in tune with its environment."

At the Ordinary Meeting held 1 March 2016, Council performed a minor desktop review of the Strategic Community Plan and resolved as follows (Resolution No. 090316);

"With respect to the strategic review of the Shire of Denmark Strategic Community Plan, Council;

- 1. Endorses the existing Strategic Community Plan "Snapshot" as the guiding Strategic direction as part on the Integrated Planning and Reporting Guidelines requirement.*
- 2. Allocates funds in the 2016/17 Budget to conduct a major review of the Strategic Community Plan involving the community; and*
- 3. Commences a major review of the Strategic Community Plan in 2016/17 to be completed by 30 June 2017."*

The proposed Project Plan and Community Engagement Schedule seeks to facilitate the planned major review of the Strategic Community Plan, with final adoption of the Plan due in September 2017. A variance to the completion date in Resolution No. 090316 (30 June 2017) is proposed so as to include increased opportunities for community engagement.

Consultation:

Community engagement is central to the major strategic review process. The purpose of a major strategic review is to reengage with the community to determine the vision, outcomes and priorities for the following ten year period.

The community vision, values, aspirations and priorities will then inform the development of other strategic documents and plans, as well as targeted strategies, resourcing requirements and the levels of service required to achieve the community vision.

To ensure the community vision and aspirations are effectively captured, a comprehensive community engagement program is proposed. The attached Project Plan and Engagement Information Sheet details a variety of mechanisms, with increasing levels of participation and influence, that will be undertaken during the review period including:

- Surveys;
- Competitions;
- Workshops;
- Stakeholder focus groups; and
- Submission periods.

In addition to the above 'two-way' engagement strategies, a number of informing strategies are proposed to ensure community members are aware of the options they have throughout the

review process to have their say, and provide input at the level of engagement that they wish. These strategies include:

- A dedicated webpage with updates posted regularly;
- Media releases at each stage of the review process;
- Advertising in both the Denmark Bulletin and Walpole Weekly;
- Updates provided via social media;
- Information displays at the Administration Office, Recreation Centre, Library and Youth Centre (with the potential to include information/displays at other locations subject to the approval of relevant organisations);
- Information provided through factsheets; and
- Letters to targeted community members/groups/organisations.

To further facilitate this process, during the planning and design phase of the review relevant groups and organisations will be consulted to determine whether they are able to assist with facilitation of some engagement strategies, in addition to any submission they may wish to make on behalf of their organisation and/or membership.

For example it is anticipated that local schools may wish to assist with the facilitation of the youth survey and drawing competition; arts organisations and interest groups may wish to promote the photo competition; aged care providers may be able to offer suggestions to increase representation in the community survey; and community groups, organisations and sporting clubs may wish to promote attendance at workshops and/or encourage a representative to nominate as a panel member for a specific stakeholder focus group. Consultation will occur with all community contacts registered on the Shire of Denmark's contacts database (www.denmark.wa.gov.au/community/community-contacts-database.aspx) to ascertain what level of facilitation (if any) can be offered.

Demographic participation results will also be monitored and reviewed throughout the period, which may result in the implementation of additional informing strategies and engagement methods to encourage increased representation across all sectors of the community.

In order to conduct a successful review and produce a community driven plan for the future, Council will require genuine input from as many community members as possible. To be successful in reaching the Integrated Planning and Reporting 'Achieving' Advisory Standard, community engagement must involve at least 500 or 10% of community members (whichever is fewer) and be conducted through at least two documented mechanisms.

The recommended Project Plan and Engagement Schedule seeks to exceed the community engagement 'Achieving' standard in terms of representation and number of mechanisms. In addition, the review process seeks to not only understand the aspirations of the community but also to receive advice, suggestions, solutions and strategies on how the Community, Council and Shire Administration can work towards achieving the vision.

Statutory Obligations:

The requirements for preparation, consideration, consultation and advertising of a Strategic Community Plan are detailed in the Local Government Act 1995.

Extract Local Government Act 1995

5.56. *Planning for the future*

- (1) *A local government is to plan for the future of the district.*

- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Extract Local Government (Administration) Regulations 1996

19C. *Strategic community plans, requirements for (Act s. 5.56)*

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

Further guidance on the achievement of best practice standards is outlined within the Department of Local Government and Communities Integrated Planning and Reporting Framework and Advisory Standard.

Integrated Planning and Reporting Framework

The Integrated Planning and Reporting Framework addresses the requirements to plan for the future under Section 5.56 of the Local Government Act 1995, and provides the basis for improving the practice of strategic planning in Local Government. The Framework outlines the processes and activities to achieve an integrated strategic plan.

Under the framework, three major parties are involved in the development of an integrated plan:

- The Local Government Administration;
- The Council; and
- The Community.

A successful Integrated Planning and Reporting process delivers the following outcomes:

- A Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy;
- A Corporate Business Plan that integrates resourcing plans and specific Council plans with the Strategic Community Plan; and
- A clearly stated vision for the future viability of the Local Government area.

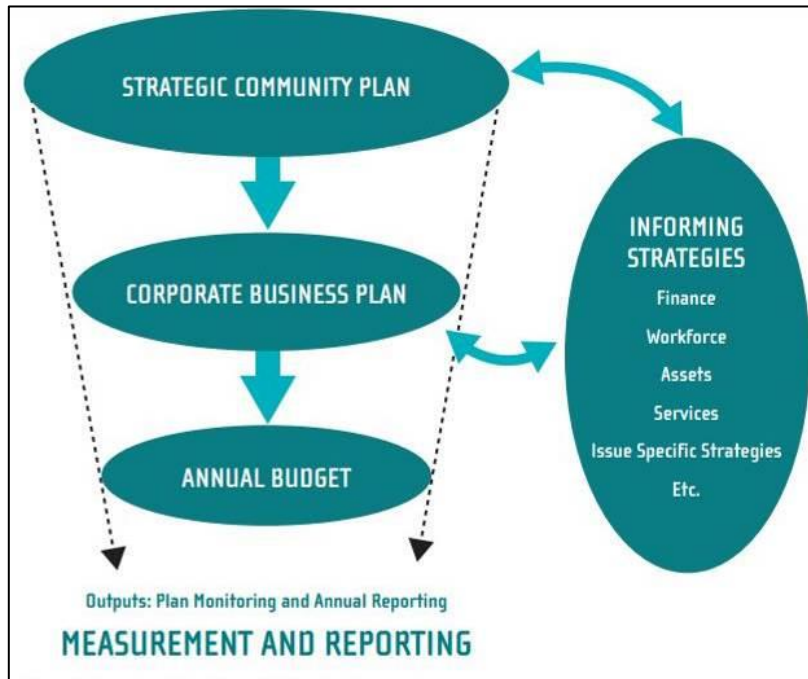


Figure1: Integrated Planning and Reporting Process

Integrated Planning and Reporting Advisory Standard

The Integrated Planning and Reporting Advisory Standard complements the legislative requirements required to for plan for the future.

The Advisory Standard outlines ‘Achieving’, ‘Intermediate’ and ‘Advanced’ standards of Integrated Planning and Reporting performance.

Element	Regulatory requirements	Standards
Strategic Community Plan	A Strategic Community Plan: <ol style="list-style-type: none"> i. Is for a minimum 10-year timeframe. ii. States community vision, aspirations, and objectives. iii. Was developed or modified through engagement with the 	<p>Standard is NOT met:</p> <p>If a Council has not adopted a Strategic Community Plan that meets all of the regulatory requirements.</p> <p>Achieving Standard:</p> <p>Achieving Standard is met when:</p>

Element	Regulatory requirements	Standards
	<p>community, and this is documented.</p> <p>iv. Has regard to current and future resource capacity, demographic trends and strategic performance measurement.</p> <p>v. Is adopted, or modifications to it are adopted, by an absolute majority of council.</p> <p>vi. is subject to a full review scheduled for 4 years from when it is adopted.</p>	<ul style="list-style-type: none"> • A Council has adopted a Strategic Community Plan that meets all of the regulatory requirements¹ • The local government has a community engagement policy or strategy • Community engagement² involves at least 500 or 10% of community members, whichever is fewer, and is conducted by at least 2 documented mechanisms • A Strategic Review is undertaken every two years, alternating between a Minor Strategic Review and a Major Strategic Review
	<p>References:</p> <p><i>Local Government Act 1995, s 5.56</i></p> <p><i>Local Government (Administration) Regulations 1996; Regulation 19C, 19D</i></p>	<p>Intermediate Standard:</p> <p>Intermediate Standard is met when:</p> <ul style="list-style-type: none"> • The Strategic Community Plan connects most of the activities and services that are delivered by the local government with the community’s vision, aspirations and objectives • The Strategic Community Plan takes into account a range of relevant external factors, including relevant plans of State and Commonwealth agencies • Community engagement involves more than the minimum number of community members as provided for in the Achieving Standard, is inclusive and uses more than the minimum number of documented mechanisms that apply in the Achieving Standard
		<p>Advanced Standard:</p> <p>Advanced Standard is met when:</p> <ul style="list-style-type: none"> • The Strategic Community Plan meets Achieving and Intermediate standards • The Strategic Community Plan connects all of the activities and services that are delivered by the local government with the

¹ Note that the IPR Framework and Guidelines refers to community aspirations encompassing vision, outcomes and priorities. These elements will meet the regulatory requirements, however the terminology is flexible. It is acknowledged that different local governments will use different terms, such as goals, objectives, key result areas or key focus areas instead of outcomes.

² Refers to Major Strategic Review

Element	Regulatory requirements	Standards
		community’s vision, aspirations and objectives <ul style="list-style-type: none"> The Strategic Community Plan demonstrates effectiveness in achieving community objectives

Policy Implications:

There are no policy implications as the development and review of a Community Strategic Plan is a legislative requirement.

Budget / Financial Implications:

As per Council Resolution No. 090316, funds were allocated in the 2016/17 Municipal Budget to undertake the major review of the Strategic Community Plan.

The majority of the review process will be undertaken ‘in-house’, with the key expense identified as the appointment of an external engagement/communication consultant(s) to facilitate the workshops and stakeholder focus groups.

Noting that the proposed Project Plan for the review is to take place over two consecutive financial years (2016/17-2017/18), the remaining budget of \$45,000 allocated to GL Account – 1420332 ‘Asset Management & Integrated Planning & Reporting’ is a sufficient 2016/17 provision for the major review and other Integrated Planning and Reporting requirements.

Strategic Implications:

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

Sustainability Implications:

➤ **Governance:**

Following the Integrated Planning and Reporting Advisory Standard is considered best practice and exceeds legislative requirements.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to undertake the major review of the	Rare (1)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or	Accept Officer Recommendation

Strategic Community Plan resulting in statutory non-compliance.				Compliance Requirements	
That Council choose not to extend the major review deadline to 30 September 2017, resulting in reduced opportunities for community engagement	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Officer Recommendation

Comment/Conclusion:

The Strategic Community Plan will provide the long term vision, values, aspirations and priorities for the Shire of Denmark and, as the foundational Integrated Planning and Reporting strategic document, drive the development of the Shire’s complementing strategic documents and plans, targeted strategies, resourcing requirements and the levels of service required to achieve the long term vision.

The Project Plan and Engagement Schedule, which are recommended for endorsement, provide a variety of mechanisms to facilitate engagement with the community during the review process. The Engagement Schedule seeks to provide an increasing level of public participation throughout the review and provide members of the community with multiple opportunities to have their say.

The Project Plan seeks to create a ‘shared ownership’ of the review process, and ultimately of the Strategic Community Plan, by asking the community to partner with the Shire of Denmark. This partnership with the community is requested to both facilitate the review and to ensure that advice, suggestions, solutions and strategies are offered by the Community that will assist the Council to work towards achieving the overall community vision.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2
MOVED: CR GEARON	SECONDED: CR CARON
That with respect to the major review of the Shire of Denmark Strategic Community Plan, Council;	
<ol style="list-style-type: none"> 1. Endorses the IPRF-MR Project Plan & Community Engagement Schedule as the guiding direction for the major review of the Strategic Community Plan; 2. Endorses the IPRF-MR Community Engagement Information Sheet as the guiding principle and strategy for community engagement during the process; 3. Acknowledges that the original deadline of 30 June 2017 is not achievable with the increased level of community engagement proposed; and 4. Commences the major review of the Strategic Community Plan, to be completed by 30 September 2017. 	
CARRIED UNANIMOUSLY: 9/0	Res: 171216

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 SUSTAINABILITY ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBERS

File Ref:	COMM.SUSAC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	8 December 2016
Author:	Donna Sampey, Sustainability Officer
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	9.1a – Sustainability Advisory Committee Charter 9.1b – Community Member Nominations – Confidential attachment

Summary:

At the 6 September 2016 Ordinary Meeting of Council, Council resolved to appoint five community members to the Sustainability Advisory Committee (Res: 080916), leaving two community member vacancies. An additional two community members have since nominated for the remaining positions. Council are requested to review the Nominations for Community Members and appoint members.

Background:

In accordance with the adopted Charter for the Sustainability Advisory Committee (see Attachment 9.1a), membership includes seven community members (maximum). After a public advertising period in August 2016, five nominations were received. At the 6 September 2016 Ordinary Meeting of Council, Council resolved to accept the five community member nominations (Resolution No.: 080916):

“That with respect to the nominations received for Community Member vacancies on the Sustainability Advisory Committee, Council appoint the following community members:

- *Dr Louise Duxbury*
- *Brian Jervis (Jesz) Fleming*
- *Nicole Hodgson*
- *John Schindler*
- *Sonya Stewart.”*

This left a maximum of two community member vacancies.

Since Council’s resolution, two additional community member nominations have been received from:

- Xavier (Zak) Launay
- Julie Marsh

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework.

Xavier Launay’s nomination was presented to the Sustainability Advisory Committee for consideration at its 11 November 2016 meeting. Julie Marsh’s nomination was submitted after the meeting and so has not been considered by the Committee.

Statutory Obligations:

Section 5.10 of the *Local Government Act 1995* relates to the appointment of committee members:

Committee members, appointment of

- (1) *A committee is to have as its members —*
- a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - b) persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- a) to be a member of the committee; or*
 - b) that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee."*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan in accepting community nominations to the Committee.

Strategic & Corporate Plan Implications:

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

STRATEGIC COMMUNITY PLAN

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.

Natural environment goal - 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.

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.

Structure goal - 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.

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

CORPORATE BUSINESS PLAN

Structure strategic initiative 4.2.2 - Ensure that agendas and minutes are prepared and Council and Committee meetings are held in accordance with the appropriate legislation, Local Law, policies and corporate standards.

Co-operation & community input initiative 4.4.6 - Support strategic alliances, community groups, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.

Sustainability Implications:

➤ **Governance:**

Accepting community nominations to the Committee is in accordance with Division 5 of the *Local Government Act 1995*.

➤ **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 members on Council Committees provide an important ‘community’ perspective on Council functions, service provisions and strategic direction. Community representatives on Council Committees provides an additional conduit between the Council and the community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
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That Council choose not to appoint additional Community Members to the Sustainability Advisory Committee	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation OR maintain current community membership.
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Comment/Conclusion:

Copies of the nominations are attached (refer Attachment 9.1b).

In accordance with the Committee’s Charter, membership was to comprise of a maximum of seven (7) community members. With the two additional nominations, Council have the option to:

- Appoint the members who have nominated and thus fill the maximum community membership; or,
- Appoint one of the nominations and accept six community members as the total community membership. This is possible, given the Charter referenced a *maximum* of seven community members; or,
- Not appoint additional members and retain the current community membership at five.

Voting Requirements:

Absolute majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That the Sustainability Advisory Committee recommend to Council that Mr Xavier (Zak) Launay be appointed as a Community Member position on the Sustainability Advisory Committee.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1
MOVED: CR LEWIS	SECONDED: CR CARON
That with respect to the nominations received for the two Community Member vacancies on the Sustainability Advisory Committee, Council appoint the following community members:	
<ul style="list-style-type: none"> • Xavier (Zak) Launay • Julie Marsh. 	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/9	Res: 181216

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR GEARON	SECONDED: CR CARON
That pursuant to Section 5.23 (2) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors to consider Item 10.1 which deals with the personal affairs of a person.	
CARRIED UNANIMOUSLY: 9/0	Res: 191216

Prior to consideration of Item 10.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Bartlett declares a financial interest on the basis that she is a coach for the Denmark Gymnastics Club.

8.10pm - Cr Bartlett left the room and did not participate in discussion or vote on the matter.

Cr Gearon declares that a number of the nominees are known to her and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declares that she will consider this matter on its merits and vote accordingly.

Mr Schwarzbach and his family are members of the Denmark Cricket Club, Denmark Little Athletics, Denmark Surf Life Saving Club and Denmark Gymnastics and as a consequence there may be a perception that his impartiality on this matter may be affected. Mr Schwarzbach declares that he has considered this matter on its merits and advised Council accordingly.

10.1 SPORTSPERSON OF THE YEAR AWARDS 2016	
File Ref:	PBR.1
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The Author is a member of the Denmark Cricket Club; Family is a member of the Denmark Surf Lifesaving club, partner and children members of the Denmark Netball Club, Denmark Gymnastics Club. and Denmark Little Athletics Club.
Date:	29 November 2016
Author:	Damian Schwarzbach, Manager of Recreation & Youth Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	10.1 – Nominations (confidential to Councillors) 10.2 – Honour Board of previous winners

Summary:

Council is asked to consider the Nominations received for the Shire of Denmark’s annual Sportsperson of the Year Awards for 2016 and select winners for each category (where there are nominations for such).

Background:

The Sportsperson of the Year Awards are annual Council awards which are provided pursuant to Policy P040113 and are normally presented at the Shire of Denmark’s Australia Day Function on the 26 January of each year, pursuant to Council Policy.

Consultation:

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

Marketing & promotion for these awards commenced during September 2016 and included the following;

- Letters to every known local Community Sporting Group;
- Council’s website;
- Council’s Notice Board;
- Denmark Recreation Centre;

- Denmark Library;
- Denmark Youth Centre;
- Denmark Bulletin – September 2016; and
- Emails to Councillors & Staff.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Policy P040113 – CITIZEN & SPORTSPERSONS OF THE YEAR relates and the Sportsperson of the Year section reads as follows;

B. SPORTSPERSONS OF THE YEAR

The Sportspersons of the Year Awards are to be advertised commencing in September, inviting sporting organisations, community groups & organisations, schools and individuals to submit nominations for awards for the year ending 30 September, in the following categories;

- *Junior Sportsperson of the Year (under 18 years of age)*
- *Senior Sportsperson of the Year*
- *Service to Sport Award*

Nominations to close the last week in November.

A person may only be nominated for one category on a Nomination Form. A person may be nominated more than once on separate Nomination Forms.

Winners are to be chosen at a meeting of the Council and be kept strictly confidential until the presentation.

Winners are to receive a suitable gift at a value determined annually by Council during the budget process (GL1160752) and a grant of \$100.00 will be awarded for the winner's club or a local club nominated by the winner (should the winner not be a member of a club).

Presentation of the Awards to be at a function held no later than February. Sporting organisations are to be given the opportunity to facilitate the function with the assistance of Council or in the absence of interest from sporting organisations to do so, Council will organise the function which will include a small attendance fee to cover costs.

Eligibility

Nominations for a person who resides out of the Shire but participates in sport in the Shire of Denmark will be accepted however the nominee will only be judged on their achievements within the Shire of Denmark.

Budget / Financial Implications:

Council has included provision in the 2016/17 Budget for these Awards which will fund certificates, plaques for each winner and updating of the Honour Board.

Strategic & Corporate Plan 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 OBJECTIVE - Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.

Referencing Council’s recently adopted Corporate Business Plan, under the heading of

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.

1.2.8 Support, encourage and advocate for the hosting of local events and festivals

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 other than mentioned in under Budget implications.

➤ **Social:**

These Awards provide a way for Council & the Community to recognise and acknowledge local individuals and community sporting groups who have contributed positively to the Denmark Community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That No nominations are received for a particular category	Possible (3)	Insignificant (1)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Risk

Comment/Conclusion:

Council is requested to peruse the attached Nominations and determine a recipient for the award categories.

Nominations closed on Friday 25 November 2016 and there were 11 nominations in total received.

Sixteen nominations were received as follows;

CATEGORY: Service to Sport

- Katy Pierce
- Phillip Oxbrow
- Linda McWilliams
- Andrew Milne
- Mark Williamson

CATEGORY: Junior Sportsperson of the Year

- Charlie Pierce
- Bonnie Parker
- Claire Rooke
- Laura McEwan
- Oliver Pluckhahn

CATEGORY: Senior Sportsperson of the Year

- Kelly Judd

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1
MOVED: CR GEARON	SECONDED: CR LEWIS
<p>With respect to the Shire of Denmark 2016 Sportsperson Awards the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers of Council, Council's Executive Assistant and Council's Manager of Recreation & Youth Services and in addition those names also be embargoed until the Awards Ceremony on 26 January 2017;</p>	
<ol style="list-style-type: none"> 1. 2016 Senior Sportsperson of the Year to Kelly Judd; and 2. 2016 Junior Sportsperson of the Year to Claire Rooke; and 3. 2016 Service to Sport Award to Andrew Milne. 	
CARRIED UNANIMOUSLY: 8/0	Res: 201216

8.20pm – Cr Bartlett returned to the room.

COUNCIL RESOLUTION	ITEM 10.2
MOVED: CR GEARON	SECONDED: CR WHOOLEY
<p>That council come out from behind closed doors.</p>	
CARRIED UNANIMOUSLY: 9/0	Res: 211216

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

12. **CLOSURE OF MEETING**

8.21pm – There being no further business to discuss, the Shire President declared the meeting closed.

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

Signed: _____
Bill Parker – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

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