

Shire of Denmark

Ordinary Council Meeting MINUTES

16 MAY 2023



HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 16 MAY 2023.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

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

- E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

N2.0

Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

B3.0

Our Built Environment

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

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

C4.0

Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

L5.0

Our Local Government

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

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency
- L5.6 To seek two-way communication that is open and effective

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DISCLAIMER

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – *The Shire President, Cr Gearon, declared the meeting open and acknowledged the Bibbulmun and Minang people as the traditional custodians of the land on which the meeting was being held. Cr Gearon paid her respects to Elders past, present and emerging.*

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

MEMBERS:

Cr Ceinwen Gearon (Shire President)
Cr Kingsley Gibson (Deputy Shire President)
Cr Clare Campbell
Cr Donna Carman
Cr Donald Clarke
Cr Nathan Devenport
Cr Jan Lewis
Cr Janine Phillips

STAFF:

David Schober (Chief Executive Officer)
David King (Deputy Chief Executive Officer)
Lee Sounness (Acting Director Corporate & Community Services)
Claire Thompson (Governance Coordinator)

APOLOGIES

Nil

ON APPROVED LEAVE(S) OF ABSENCE

Cr Jackie Ormsby (approved February 2023 / Resolution No. 020223)

ABSENT

Nil

VISITORS

Nil

3. DECLARATIONS OF INTEREST

Nil

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that it was the Chief Executive Officer's last Council meeting as he would be departing the Shire on Friday to take up a position with the Denmark Senior High School as coach of their Basketball Program.

Cr Gearon acknowledged and thanked David for his contributions to the community and the Shire during his time in the position, particularly during some significant and difficult situations, including the COVID-19 pandemic and the Bayview Rise bushfire.

5. PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 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 clauses 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

5.2.1 Dr Cyril Edwards – Aquatic Facility & Departing CEO

Dr Edwards thanked the Councillors for attending a recent informal meeting with the consultant to discuss an aquatic facility for Denmark. Dr Edwards said that he appreciated that any decision around building a pool would be a difficult one.

Dr Edwards extended his thanks to the Chief Executive Officer stating that it had been a pleasure to work with him during his time in the role.

5.2.2 Sam Williams – Item 9.1.4 (Scheme Amendment 146)

Sam spoke as the planning consultant for the amendment to rezone the land from rural to residential. Sam provided some background on the project noting that the land was identified in the Local Planning Strategy as residential. Sam said that they had taken into consideration the well considered submissions and he hoped the Council would support the Officer's recommendation.

5.2.2 Mitchell Wells – Item 9.1.4 (Scheme Amendment 146)

Mitchell, one of the proponents, provided background of his and his partners history and connection with Denmark. Mitchell acknowledged the submissions, noting that they would be taking the comments and suggestions into account. Mitchell said that there was a need for more housing in Denmark and was committed to working with the Council and they had already established a good working relationship with Shire staff.

5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

5.4 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 the Shire'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.

6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

COUNCIL RESOLUTION	ITEM 7.1
MOVED: CR GEARON	SECONDED: CR CLARKE
That Cr Phillips be GRANTED leave of absence from 17 May 2023 to the 30 May 2023.	
CARRIED: 8/0	Res: 070523

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 18 APRIL 2023

OFFICER RECOMMENDATION ITEM 7.1
 That the minutes of the Ordinary Meeting of Council held on the 18 April 2023 be CONFIRMED as a true and correct record of the proceedings.

COUNCIL RESOLUTION	ITEM 7.1
MOVED: CR GIBSON	SECONDED: CR DEVENPORT
That the minutes of the Ordinary Meeting of Council held on the 18 April 2023 be CONFIRMED as a true and correct record of the proceedings, subject to the following amendment:	
1. Page 47, under Resolution No. 060423 add the following Reasons for Change, "To facilitate the lease for the School in a timely manner to meet funding deadlines."	
CARRIED: 8/0	Res: 080523

7.2 STRATEGIC BRIEFING NOTES – 18 APRIL 2023

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.2
MOVED: CR CAMPBELL	SECONDED: CR PHILLIPS
That the Notes from the Strategic Briefing held on 18 April 2023 be RECEIVED.	
CARRIED: 8/0	Res: 090523

7.3 SPECIAL COUNCIL MEETING – 9 MAY 2023

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.3
MOVED: CR CLARKE	SECONDED: CR CARMAN
That the minutes of the Special Meeting of Council held on the 9 May 2023 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 8/0	Res: 100523

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

Nil

9. REPORTS OF OFFICERS

9.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

9.1.1 PROPOSED REVOCATION OF LOCAL PLANNING POLICY NO. 8: HOME OCCUPATION

File Ref:	PLN.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	19 April 2023
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Deputy Chief Executive Officer
Attachments:	9.1.1 – Local Planning Policy No. 8: Home Occupation

IN BRIEF

- This report proposes to revoke *Local Planning Policy No. 8: Home Occupation* (LPP 8).
- LPP 8 has been superseded by changes to the State planning framework, which exempt a ‘Home Occupation’ land use from requiring development approval in all zones.

RECOMMENDATION

That Council, pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. REVOKE *Local Planning Policy No. 8: Home Occupation*.

2. PUBLISH notice of the Council's decision to revoke *Local Planning Policy No. 8: Home Occupation* on the Shire's website and in the Shire's offices for a period of no less than 21 days.

LOCATION

1. A Home Occupation may be established in any zone where a residential dwelling has been established. This includes land within the Residential, Special Residential, Special Rural, Rural, Rural Multiple Occupancy, Commercial or Professional Office zones, as well as and most Tourist zoned land.

BACKGROUND

2. The Shire's *Town Planning Scheme No. 3 (TPS 3)* defines 'Home Occupation' and identifies this as a discretionary land use in most zones. This use class allows for the conduct of a limited range of commercial business activities from within a residential dwelling/ premises.
3. In June 1998 the Council adopted LPP 8 to provide guidance for the assessment and management of 'Home Occupation' proposals. This included provisions to:
 - Establish a register, annual inspection and fee for approved home occupations.
 - Propose that the Council may rescind approval of home occupations that are demonstrated to be a nuisance.
 - Identify the Council's position not to support road directional signage for home occupations.
4. The introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) included state-wide exemptions from the requirement for development approval for a range of developments and land uses. This included exemptions for the establishment of a Home Occupation or a Home Office, within the definitions of these terms:
 - *Home Office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –*
 - (a) is solely within the dwelling; and*
 - (b) does not entail clients or customers travelling to and from the dwelling; and*
 - (c) does not involve the display of a sign on the premises; and*
 - (d) does not require any change to the external appearance of the dwelling.*
 - *Home Occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –*
 - (a) does not involve employing a person who is not a member of the occupier's household; and*

(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 20 m²; and

(d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and

(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(f) does not —

(i) require a greater number of parking spaces than normally required for a single dwelling; or

(ii) result in an increase in traffic volume in the neighbourhood; and

(g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

These exemptions do not remove the need for approval of any associated development that is associated with either of these land uses (for example, the construction or extension of a residential dwelling or an outbuilding).

5. Since the introduction of the Regulations, landowners have not been required to apply to the Shire for planning approval to establish a Home Occupation land use. In some circumstances approvals are required under separate legislation (for example, a business preparing food for sale).
6. In proposing to rescind approval LPP 8 is inconsistent with the current planning framework. The Shire does not have the ability to rescind a previously granted planning approval and can only act to discontinue an approved land use in limited circumstances, including where:
 - A time limited planning approval is granted and expires at the end of the defined term.
 - The Shire has pursued compliance action against a land use is operating outside of the terms of approval (for example, varying from the defined land use or approval conditions).
 - The Shire actively seeks to discontinue a non-conforming land use via land purchase or compensation after a change of zoning has occurred.
7. TPS 3 also defines 'Home Business' as a land use that is discretionary in the Residential Zone, one Special Rural Zone and two Special Residential zones. This use class allows for a

slightly greater range of commercial business activities compared to a 'Home Occupation'. The 'Home Business' land use is not the subject of LPP 8 or this report and will remain in TPS 3.

8. LPP 8 includes a policy provision which indicates that the Council does not support roadside directional signage for home occupations. This position is maintained within *Local Planning Policy No. 32: Signs*.

DISCUSSION / OFFICER COMMENTS

9. As a result of the introduction of exemptions in the Regulations a landowner can establish a new Home Occupation without notifying the Shire. For this reason LPP 8 has not been actively applied for some time and no longer serves its originally intended purpose.
10. The enabling of opportunities to work from home and establish micro-businesses is seen as important for economic development and these changes are broadly supported. Notwithstanding, it is appropriate to maintain limits to business activities to preserve the amenity of residential areas and promote the establishment of more substantial commercial activities within appropriate locations, including the Denmark Town Centre.
11. The introduction of exemptions from planning approval and 'deemed to comply' pathways is reflective of the direction of reforms to the state planning framework. While this enables acceptable land uses and development to occur without approvals, it increases the need to resource both education and compliance to ensure that exemptions are being understood and applied appropriately.
12. In this context, the definition of Home Occupation in the Regulations (or TPS 3) is not easily interpreted in common terms. This has created confusion and potentially resulted in the establishment of some micro-businesses on the understanding that they are exempt from approval when the opposite may be the case. In addition to recommending the revocation of LPP 8 officers are proposing to make improvements to public information to provide clear guidance for the establishment of micro-businesses. The need to improve compliance regimes is also noted.
13. As part of the preparation of a new local planning scheme officers will consider ways to better align our scheme with the Regulations, optimise opportunities to establish micro-businesses, and preserve the primary functions of both residential and commercial areas.

CONSULTATION AND EXTERNAL ADVICE

14. Officers have 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.
15. In accordance with the requirements of the Regulations public notices are required to advertise a revocation of a local planning policy, should the Council adopt the officer recommendation of this report. This will include notices at the Shire offices and on the Shire website. It is not considered necessary to exercise the option to publish a notice in the local newspaper as this policy is not currently applied in practice.

STATUTORY / LEGAL IMPLICATIONS

16. The revocation of LPP 8 will have no statutory or legal implications given that the policy has been superseded by the *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. The preparation, amending or rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation. The Shire is required to publish notice of the revocation of a local planning policy in accordance with Schedule 2, Part 12, Clause 87.

STRATEGIC / POLICY IMPLICATIONS

18. The draft policy proposed is consistent with the following objectives of the Strategic Community Plan 'Denmark 2027':

Our Economy

- E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality.
- E1.2 To have diverse education and employment opportunities.

Our Built Environment

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

FINANCIAL IMPLICATIONS

19. The revocation of this local planning policy will occur within existing resources and will not require any changes to the adopted budget or long-term financial plan.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

23. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

24. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1.1
MOVED: CR LEWIS	SECONDED: CR GIBSON
That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , resolves to:	
<ol style="list-style-type: none"> 1. REVOKE <i>Local Planning Policy No. 8: Home Occupation</i>. 2. PUBLISH notice of the Council’s decision to revoke <i>Local Planning Policy No. 8: Home Occupation</i> on the Shire’s website and in the Shire’s offices for a period of no less than 21 days. 	
CARRIED: 8/0	Res: 110523

9.1.2 PROPOSED DRAFT REVISED LOCAL PLANNING POLICY NO. 13: OUTBUILDINGS & WATER TANKS

File Ref:	PLN.70.I
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Residential, Special Residential, Professional Office, Special Rural, Landscape Protection, Rural Multiple Occupancy and Rural zones
Disclosure of Officer Interest:	Nil
Date:	17 April 2023
Author:	Will Hosken, Planning Officer
Authorising Officer:	David King, Deputy Chief Executive Officer
Attachments:	9.1.2a – Existing Local Planning Policy No. 13.4: Outbuildings (2014) 9.1.2b – Existing Local Planning Policy No. 40: Rainwater Tanks and Greywater Re-use Systems (2010) 9.1.2c – Proposed draft revised Local Planning Policy No. 13: Outbuildings & Water Tanks (2023)

IN BRIEF

- This report discusses a review of two existing local planning policies (*Local Planning Policy No. 13.4: Outbuildings* and *Local Planning Policy No. 40: Rainwater Tanks and Greywater Re-use Systems*) and proposes a single, amalgamated and revised policy in their place.
- This report recommends that a draft revised *Local Planning Policy No. 13: Outbuildings & Water Tanks* is adopted for the purpose of undertaking public consultation.

RECOMMENDATION

That Council, pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. ADOPT draft revised *Local Planning Policy No. 13: Outbuildings & Water Tanks* (as shown at Attachment 9.1.2c) for the purpose of public consultation.
2. Publish notice of the Council's decision to advertise draft revised *Local Planning Policy No. 13: Outbuildings & Water Tanks* for a period of 30 days on the Shire's website, in the Shire's offices and in a local newspaper.

LOCATION

1. The draft revised policy will apply to all land designated *Town Planning Scheme No. 3* (TPS 3) as being within the Residential, Special Residential, Professional Office, Special Rural, Landscape Protection, Rural Multiple Occupancy and Rural zones. An outbuilding may be approved as development ancillary to a residential dwelling in any of these zones.

BACKGROUND

Existing Outbuildings Policy

2. The development of outbuildings is common with an average of around 60 applications for planning approval received per year over the past 4.5 years.
3. The Shire's existing *Local Planning Policy 13.4 – Outbuildings* (Attachment 9.1.2a) was adopted by Council in February 2013, with minor amendments adopted in April 2014 to ensure consistency with updates to the Residential Design Codes (R-Codes) made by the State at that time.
4. The existing Outbuildings Policy varies the standards established in the R-Codes, recognising that landowners in the Shire have a long-standing preference for larger outbuildings. This is consistent with other local governments in both the Great Southern and other regional areas.
5. The existing Outbuildings Policy has been in operation for a relatively long period of time and has been effective in providing standards for development assessment. Noting this is one of the most frequently used planning policies, Shire officers have undertaken a periodic review and identified a number of opportunities to improve the policy provisions.
6. The Shire regularly receives planning applications for outbuildings that are fully compliant with the Outbuildings Policy and the requirements of the zone; however, have not been exempted from the need for approval in either TPS 3, the Outbuildings Policy or *Local Planning Policy No. 44: As Of Right Development*.
7. The Shire also regularly receives applications to vary from the standards for size (floor area) and building heights established in the Outbuildings Policy. These proposals vary in their nature and extent. This has led to precedent in decision making in some locations that has given rise to the effective establishment of alternative standards in practice, out of step with the standards identified in the Outbuildings Policy.
8. The Outbuildings Policy also provides limited guidance on the exercise of discretion and the range of considerations that form part of planning assessment and decision making.

Existing Rainwater Tanks Policy

9. The Shire's existing *Local Planning Policy No. 40: Rainwater Tanks and Greywater Re-use Systems* (Attachment 9.1.2b) was adopted by Council in June 2010. This Policy has been in operation for a relatively long period of time and it is an appropriate time to review its effectiveness.
10. The Rainwater Tanks and Greywater Systems Policy contains a small number of functioning provisions only, with much of the content expressing intent and providing information only.
11. Provisions in the Rainwater Tanks and Greywater Systems Policy that relate to rainwater storage tanks include expectations for tank siting, management of overflow and the use of colours complementary to an existing dwelling or outbuilding. The Policy also establishes an 'acceptable development' standard that has enabled the installation of rainwater tanks without approval within these parameters.
12. Provisions in the Rainwater Tanks and Greywater Systems Policy that relate to greywater re-use systems currently function as guidance only. The installation of greywater re-use systems is effectively regulated by industry-based standards and the approval of systems by the Department of Health (WA).
13. Reducing wordiness and improving clarity may assist the uptake of sustainable development/ practices, as well as deferring general information and guidance currently in the policy to educational materials produced specifically for this purpose. Other initiatives to improve the sustainability of development are discussed in the Shire's *Sustainability Strategy* and the *Draft Local Planning Strategy*.
14. The combining of policy provisions for water tanks and outbuildings is an appropriate functional alignment. It is noted that the R-Codes interpret water tanks as either outbuildings or external fixtures (eg. under-eave tanks).

DISCUSSION / OFFICER COMMENTS

15. Shire officers have prepared draft revised *Local Planning Policy 13: Outbuildings & Water Tanks* (Attachment 9.1.2c) to combine the two existing policies and incorporate a number of improvements to the policy provisions. This has been undertaken with consideration of the relating policies of other local governments and with an intent to improve alignment where appropriate.
16. The draft revised Policy introduces 'acceptable development' standards for the development of outbuildings in all relating zones, noting that this previously only existed for the Residential Zone or for water tanks under 5,000 litres (as provided for in the *Planning and Development (Local Planning Schemes) Regulations 2015*). Development that meets each of the defined standards will not be required to seek planning approval. This provides a 'go ahead' pathway for landowners that propose to develop within limits that are deemed to be acceptable to the community.
17. For proposed development that does not meet the acceptable development standards, the draft revised Policy identifies the criteria that will be assessed by the Shire and the extent of discretionary decision making. This includes provision for 'minor' and 'substantial' variations and details the extent of justification that is required in each circumstance. The intent of

these provisions is to improve clarity and transparency of decision making, noting that there remains a need to assess proposals on a case-by-case basis.

18. The draft revised Policy includes revised standards for the permitted floor area of outbuildings, including new standards for small (under 500m²) and large (over 2000m²) lots within the Residential, Special Residential and Professional Office zones. These changes have been proposed in addition to existing standards to better relate outbuilding size to lot size, increase consistency across all residential areas and acknowledge the pending implementation of the Medium Density Code (September 2023).
19. The draft revised Policy provides guidance for unenclosed additions (such as a veranda, carport or lean-to) to outbuildings. The proposed 30% standard is intended to limit the extension of outbuildings which can result in increased building size/ bulk and over-development on smaller lots.
20. The draft revised Policy includes an acceptable development standard for outbuildings that includes the development of a small water closet and handbasin only. This will require an application to be made to the Shire prior to the development of a shower, bathroom, laundry or any other additional services and facilities. Officers recommend that greater scrutiny is placed on proposals for additional services to ensure that these are appropriate and relate to the approved land use, noting that an outbuilding cannot be used for habitable purposes. Officers also note that there are a substantial number of outstanding compliance issues relating to the residential/ habitable use of outbuildings.
21. The draft revised Policy includes an acceptable development standard requiring outbuildings to be built with external materials that are non-reflective and visually recessive within the surrounding landscape. This aims to reduce reflective glare and the visual prominence of outbuildings, which often use of a single colour, cladding material and non-articulated form. The Policy includes several measures aimed at protecting visual amenity for neighbours and to preserve landscape values. Proposals for the use of light colour external building materials will require an application to be made and officers can then assess whether this is appropriate within the surrounding context.
22. The draft revised Policy also proposed changes for the acceptable development standards for water tanks, including minor increases in the permitted height and cumulative size. The Policy also accommodates the installation of water tanks that are required under TPS 3 where a reticulated water supply service is not available.
23. Other general information and guidance that has been removed from the Policy will be included in information/ educational materials designed specifically for this purpose.

CONSULTATION AND EXTERNAL ADVICE

24. No external consultation has taken place prior to the preparation of this report.
25. In accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) public notices are required to advertise a proposed or amended local planning policy, should the Council adopt the officer recommendation of this report. This will include notices at the Shire offices and on the Shire website, and it is considered appropriate to exercise the option to publish a notice in the local newspaper for this proposed policy.

26. Public comment will be invited for a period of 30 days, after which time submissions will be reviewed and a subsequent report prepared for the Council.

STATUTORY / LEGAL IMPLICATIONS

27. The preparation, amending or rescinding of a local planning policy must occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, including public consultation. The Shire is required to publish notice of a proposed local planning policy in accordance with Schedule 2, Part 12, Clause 87. This includes a minimum public comment period of 21 days.
28. Local planning policies provide direction on how the Shire implements the statutory requirements of TPS 3 and the Regulations. The proposed revised Policy will amend the provisions of the R-Codes to provide revised standards for outbuildings on lots within the Residential Zone. The consent of the WA Planning Commission is not required to vary R-Codes provisions for outbuildings in regional areas.
29. In the event that draft revised *Local Planning Policy 13: Outbuildings & Water Tanks* is finally adopted by the Council following public consultation, this policy will supersede both existing policies (*Local Planning Policy No. 13.4: Outbuildings* and *Local Planning Policy No. 40: Rainwater Tanks and Greywater Re-use Systems*).

STRATEGIC / POLICY IMPLICATIONS

30. The Shire's Draft Local Planning Strategy (LPS), adopted by Council in September 2022 and currently awaiting the consent of the WA Planning Commission to advertise, identifies the need to manage visual amenity impacts and landscape values as part of subsequent improvements to the local planning framework. The proposed policy revisions are consistent with this intent.
31. The draft policy proposed is consistent with the following objectives of the Strategic Community Plan 'Denmark 2027':

Our Natural Environment

- N2.2 To promote and encourage responsible development.

Our Built Environment

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

Our Local Government

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

FINANCIAL IMPLICATIONS

32. The implementation of the proposed draft policy will occur within existing resources and will not require any changes to the adopted budget or long-term financial plan.
33. The draft revised policy is expected to slightly decrease the number of development applications that will be received by the Shire, including corresponding fee receipts.

OTHER IMPLICATIONS

Environmental

- 34. The draft revised policy includes provisions designed to safeguard environmental outcomes, including requiring a development application when clearing of remnant vegetation is proposed or development is within 30m of a natural wetland or waterway.

Economic

- 35. The draft revised policy proposed is expected to facilitate compliant development, reducing the time and cost of development (associated with submission of a development application) in many circumstances.

Social

- 36. The draft revised policy is not expected to have any substantial social implications. Although development proposals are facilitated, the policy provisions also consider potential impacts on neighbouring landowners.

RISK MANAGEMENT

- 37. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation of the report.

VOTING REQUIREMENTS

- 38. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1.2
MOVED: CR GIBSON	SECONDED: CR LEWIS
That Council, pursuant to Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , resolves to:	
1. ADOPT draft revised <i>Local Planning Policy No. 13: Outbuildings & Water Tanks</i> (as shown at Attachment 9.1.2c) for the purpose of public consultation.	
2. Publish notice of the Council’s decision to advertise draft revised <i>Local Planning Policy No. 13: Outbuildings & Water Tanks</i> for a period of 30 days on the Shire’s website, in the Shire’s offices and in a local newspaper.	
CARRIED: 8/0	Res: 120523

9.1.3 REGIONAL ROAD GROUP FUNDING 2023/24

File Ref:	GOV.21.A
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Various
Disclosure of Officer Interest:	Nil
Date:	27 April 2023
Author:	David King, Deputy CEO
Authorising Officer:	David King, Deputy CEO
Attachments:	Nil

IN BRIEF

- State administered local government road funding is applied for annually through the Great Southern Regional Road Group (GSRRG).
- The GSRRG has ratified indicative funding for the 2023/24 financial year.
- This report seeks to note the funding for inclusion in the 2023/24 budget.

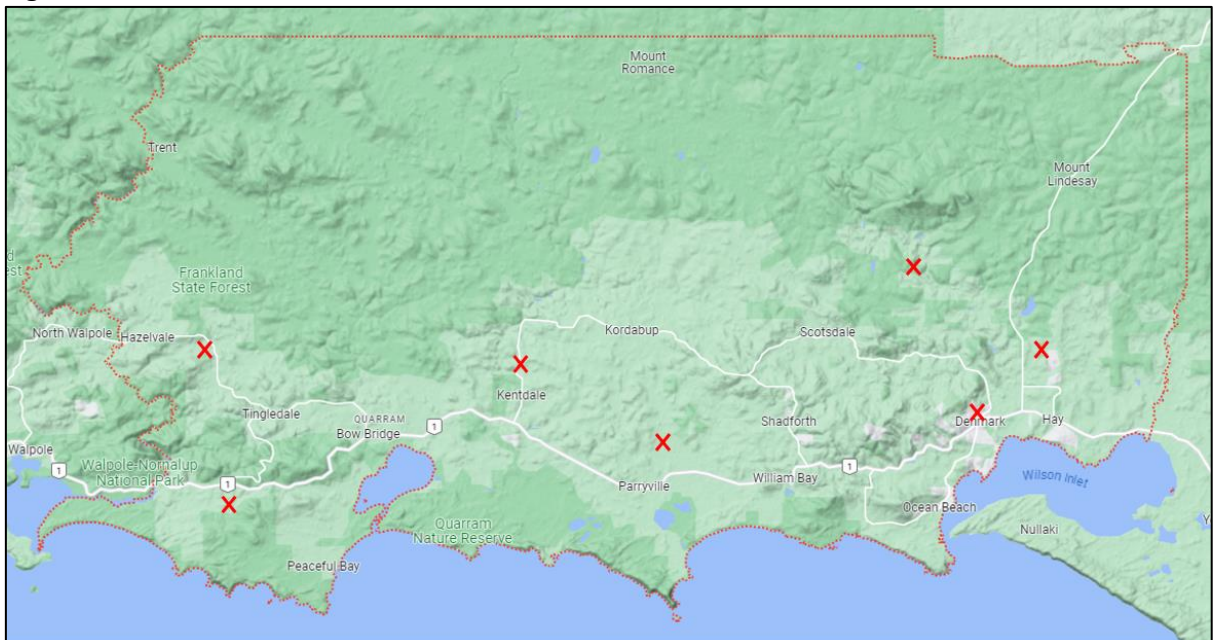
RECOMMENDATION

That Council NOTES the indicative 2023/24 Regional Road Group Funding allocation to the Shire of Denmark

LOCATION

1. Figure 1 shows the various project locations within the municipality.

Figure 1



BACKGROUND

2. The State provides road funds for a number of programs administered by the State Road Funds to Local Government Advisory Committee. The Great Southern Regional Road Group (GSRRG) coordinates an annual application process to determine the distribution of these

funds. Currently there are four sources of competitive road funding available through this process.

- Road Project Grants
- State Blackspot
- National Blackspot
- Commodity Routes Supplementary Funding

Road Project Grants

3. Identified Roads of Regional Significance (Roads 2040) are eligible for Road Project Grants. State funding is spread across 10 WA Regional Road Groups and is based on a percentage of the vehicle licence fee revenue which varies from year to year.
4. State funding provides two thirds (67%) of total project costs with the other third coming from Council's own resources. The GSRRG has also enacted a cap for Road Project Grants of 20% which limits the amount that any one Council can receive from that funding pool each year.
5. The GSRRG Policy and Procedure Guideline and Project Prioritisation Guidelines govern the assessment of projects put forward for funding. Projects are scored and then ranked into four broad categories – preservation, concluding, continuing, and new projects.

State and National Blackspot

6. State Black Spot Program funds are also allocated to individual Regional Road Groups for distribution. The GSRRG also processes the National Black Spot Program which sources federal funding for complying projects.
7. State Program funding covers two thirds (67%) and the National Program covers all (100%) of total project costs. For the national program crash criteria is required to demonstrate a benefit cost ratio (BCR) of over 2 to comply. For the state program either a BCR or a road safety audit are required to comply.
8. The Great Southern Technical Working Group (GSTWG) members each assess the applications and rank them on being the most appropriate and cost effective.

Commodity Routes Supplementary Funding

9. Commodity Routes Supplementary Funding (CRSF) is provided for roads which are not Roads of Regional Significance (Roads 2040) but where there is a significant high priority transport task associated with the transport of a commodity.
10. CRSF funding provides two thirds (67%) of total project costs and is limited to a maximum of \$275,000 per submitted project.

DISCUSSION / OFFICER COMMENTS

11. Historical acquittals with respect to the various funding sources are outlined in Figure 2. It can be seen that average funding allocations have considerably increased since 2019. The 5 year average from 2015 to 2020 is around \$477k with the 4 year average increasing to \$1.43M from 2020 to 2024.

- 12. These increases align with the Shires Strategic Asset Management Plan (SAMP) that indicated a necessary increase in renewal expenditure to improve the road asset condition profile.
- 13. Table 1 indicates the Indicative GSRRG funding allocations (excluding direct grants) for the Shire of Denmark in the 2023/24 financial year.

Figure 2 – Graph showing historical and expected Shire of Denmark GSRRG funding acquittals since 2015

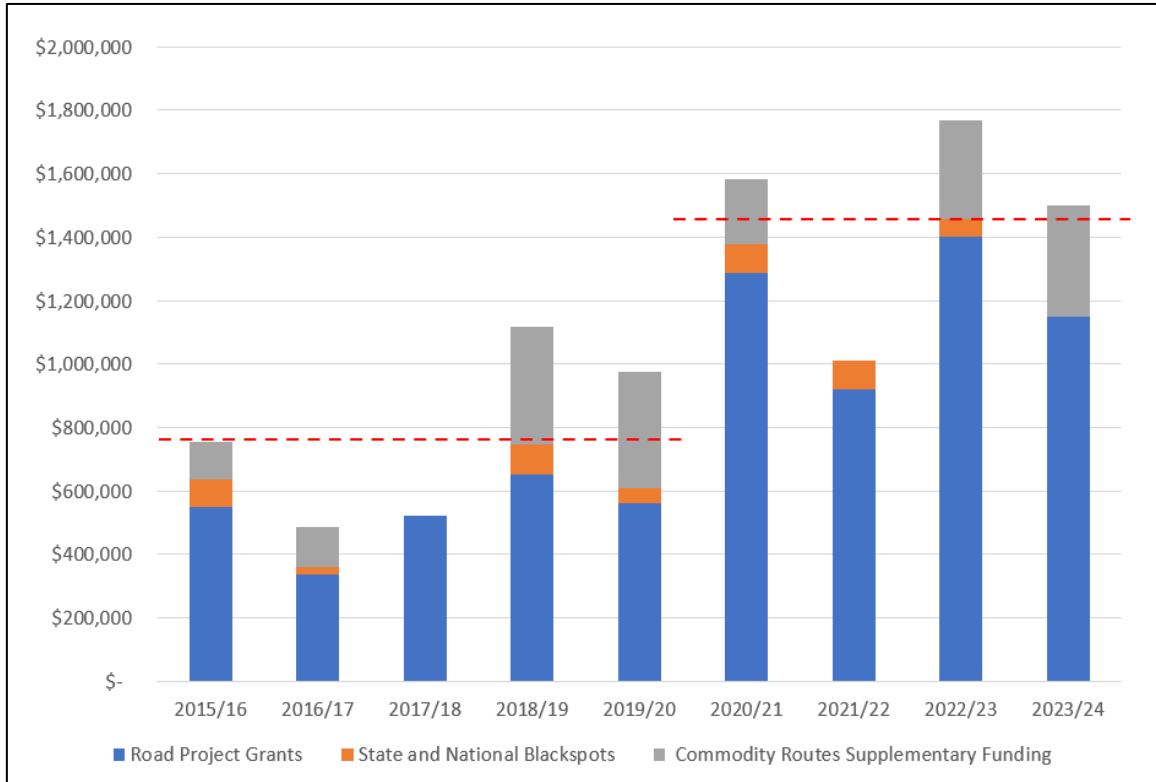


Table 1 – Indicative GSRRG funding allocations to Denmark for 2023/24

Road	Description	Funding (\$)	Total Project Cost (\$)
RPG			
Parker Road	Gravel re-sheet SLK 0.05-4.0	215,333	323,000
Mt Shadforth Road	Renewal failed pavement and drainage SLK 0.09-0.79	454,633	681,950
Mt Lindesay Road	Gravel re-sheet SLK 7.2-11.51	171,333	257,000
Hazelvale Road	Reseal with localised reconstruction SLK 6.75-9.55	160,667	241,001
Conspicuous Beach Road	Gravel re-sheet SLK 1.5-3.9	146,000	219,000
	RPG Total	1,147,966	1,721,949
CRSF			
Kernutts Road	Upgrade road to 6m wide double seal road from SLK 0.1-1.85	273,333	410,000
Bastiani Road	Gravel re-sheet SLK 0.06-1.84	80,000	120,000
	CRSF Total	353,333	530,000
	GRAND TOTAL	1,501,299	2,251,949

* SLK means Straight Line Kilometer (distance along the road)

CONSULTATION AND EXTERNAL ADVICE

14. 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.

STATUTORY / LEGAL IMPLICATIONS

15. Nil

STRATEGIC / POLICY IMPLICATIONS**Community Strategic Plan**

16. The projects meet B3.1 to have infrastructure that is appropriate for our community.
17. The projects meet B3.3 to manage assets in a consistent and sustainable manner.
18. \$307k towards upgrading the infrastructure service levels via the sealing of Kernutts Road for the first 1.8km.

Strategic Asset Management Plan

19. The Strategic Asset Management Plan indicates that \$1.857M should be spent on asset renewal of the transport network.
20. The projects proposed contribute \$1.945M towards renewal.

FINANCIAL IMPLICATIONS

21. The funding requires 1/3 contribution from the Shire of Denmark totalling \$750,650. If the funding is to be accepted then this co-contribution will need to be considered through the Annual Budget process.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

25. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

26. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1.3
MOVED: CR CLARKE	SECONDED: CR GIBSON
That Council NOTES the indicative 2023/24 Regional Road Group Funding allocation to the Shire of Denmark	
CARRIED: 8/0	Res: 130523

9.1.4 SCHEME AMENDMENT 146 – REZONING FROM RURAL TO RESIDENTIAL R20-40 LOT 621 HARLEQUIN STREET AND LOT 1 SOUTH COAST HIGHWAY, DENMARK

File Ref:	TPS3/SA146
Applicant / Proponent:	Williams Consulting
Subject Land / Locality:	Lot 621 Harlequin Street and Lot 1 South Coast Highway, Denmark
Disclosure of Officer Interest:	None
Date:	3 May 2023
Author:	Jasmine Tohill, Senior Town Planner
Authorising Officer:	David King, Director Assets and Sustainable Development
Attachments:	9.1.1a – Extract of Scheme Amendment 146 Report as advertised. (The entire Scheme Amendment can be found on the Shire’s website or by contacting the Shire’s Planning Team) 9.1.1b – EPA Advice 9.1.1c – Structure Plan (Precinct F) 9.1.1d - Schedule of Submissions 9.1.1e – Schedule of Modifications

IN BRIEF

- At its meeting of 16 August 2022 Council resolved to adopt (initiate) Amendment 146 to rezone two rural lots for residential development and to progress public advertising.
- 26 public submissions were received during the consultation period, with a majority objecting to the proposal. 9 submissions have been received from public agencies indicating the site can accommodate residential development, but identifying technical and design matters that will need to be resolved as part of further detailed design.
- This report is presented to Council with a recommendation to support the Amendment that will consolidate urban development within the Denmark townsite and accommodate additional housing supply in accordance with the Shire’s Local Planning Strategy and the Settlement Strategy for Denmark. Modifications are

recommended to address issues raised in submissions and to inform the future detailed design and lot layout.

RECOMMENDATION

That Council:

1. In accordance with Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a) NOTES the submissions received in respect to Amendment No. 146 to the Shire of Denmark Town Planning Scheme No.3; and
 - b) ENDORSE the response to the submissions as contained at Attachment 9.1.1d of this report.
2. In accordance with Regulation 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORT with modifications Amendment No. 146 to the Shire of Denmark Town Planning Scheme No.3 as detailed in Attachment 9.1.1e.
3. AUTHORISES the Shire President and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal Amendment No.146 to the Shire of Denmark Town Planning Scheme No.3.
4. ADVISES the Western Australian Planning Commission that it does not support the Indicative Structure Plan as a basis to support future subdivision of the property due to unacceptable environmental and landscape amenity outcomes and deficiencies identified within the supporting documents.
5. ADVISES those who provided a submission of the Council's resolution.

LOCATION

1. Amendment 146 applies to No.1189 (Lot 1) South Coast Highway and No.27 (Lot 621) Harlequin Street comprising 16.88ha of land in the western portion of the Denmark townsite.
2. The site extends between South Coast Highway to the north and the Denmark - Nornalup Heritage Rail Trail to the south. It forms part of three residual rural landholdings located within the gazetted townsite boundary, situated between existing tourist and residential zoned land and a large undeveloped residential land parcel to the west.

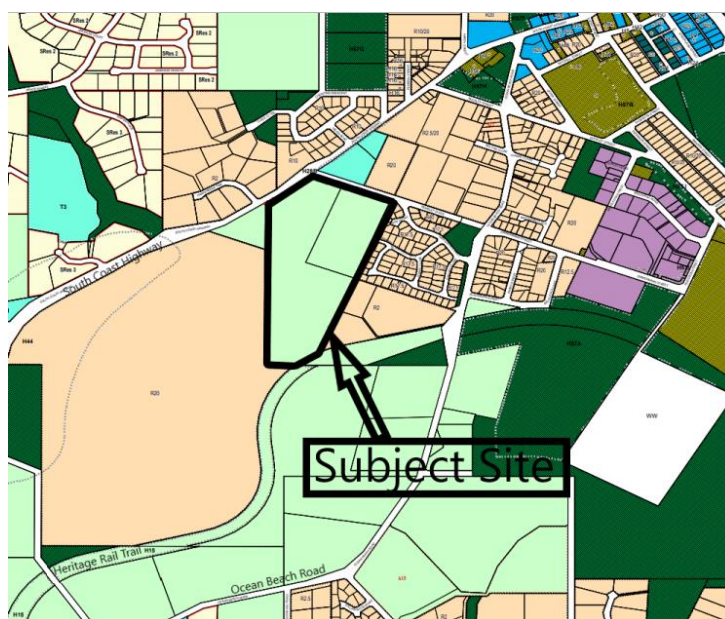


Figure 1 : Location Plan (extract from TPS No.3)

BACKGROUND

3. Amendment 146 seeks to rezone No.1189 (Lot 1) South Coast Highway and No.27 (Lot 621) Harlequin Street from Rural to Residential R20-40 and to introduce supporting clauses into the scheme to address detailed design and structure planning requirements.
4. At its meeting on 16 August 2022, Council resolved to adopt (initiate) Amendment 146 subject to modifications, to refer the proposed amendment to the Environmental Protection Authority and progress public advertising (Res:110822).

DISCUSSION / OFFICER COMMENTS

5. This report is presented to Council for consideration of submissions received on the amendment and to pass a resolution to either support the amendment with or without modifications; or not to support the amendment. If modifications are proposed that Council considers are significant then further advertising can be required. The final decision on whether to proceed with the Amendment rests with the Minister for Planning based upon the recommendation and advice of the Western Australian Planning Commission.
6. The Amendment seeks to apply a residential zoning and inform requirements for further detailed planning. It will not determine the final density layout, lot sizes, road configuration or public reserves, although Council may seek to apply provisions to guide some of these matters. The primary factors to be considered at this stage are whether the proposal accords with the adopted strategic planning for the townsite or if other significant constraints exist that would render the property unsuitable for residential development.
7. The site has been identified for the purpose of Urban Residential development in the Shire's Local Planning Strategy and the Settlement Strategy for Denmark (Precinct E). It represents a logical extension of the urban development front, and will represent an important conduit for extension of essential services and future road connections supporting development of residential land in the western portion of the townsite.
8. A majority of public submissions have focussed on key issues associated with future lot sizes/ density, loss of landscape amenity, clearing and traffic impacts informed by an Indicative Structure Plan within the Amendment report. Shire Officers have also noted shortcomings in the design and technical documents supporting the indicative layout that would need to be addressed at the next planning stage. No significant land capability, environmental or service constraints have been identified through the advertising process that would preclude residential rezoning.

Retention and Protection of remnant vegetation

9. The property contains a large number of mature trees and an area of excellent quality vegetation. Insufficient information is available to inform the value of individual trees or acceptability of vegetation removal. It is recommended that a comprehensive tree survey be required to inform tree protection and possible environmental referral under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The excellent quality vegetation identified in the southern portion of the site has been noted to contain potential habitat for Phascogale and Quenda. The Indicative Structure Plan and supporting

technical reports have indicated an intent to clear this vegetation. In line with EPA advice, it is expected that future planning proposals accommodate its retention. Further on-site fauna assessment is warranted to inform vegetation, creekline and habitat values noting potential species identified within the Environmental Report based upon a preliminary desktop analysis.

10. The advertised R Code range (R20 to R40) has been intended to provide opportunities for select medium density development in suitable locations to accommodate greater housing choice and diversity within the townsite. It is envisaged that densities would vary across the site guided by appropriate density groupings and a density code plan to be prepared as part of the structure planning process. This will inform the final lot sizes and associated development standards such as setbacks and private open space.
11. To respond to the landscape and environmental attributes of the property and enable opportunities for improved tree retention it is recommended that the density code range be broadened to include an R5 coding (minimum 2000m²). This is consistent with the lower density code nominated on the approved Structure Plan for the residential development site (Planning unit F) to the west (Attachment 9.1.1c).

Visual Impact/ South Coast Highway Interface

12. Provision of a visual buffer and vegetation screening along the South Coast Highway frontage will be essential to protect and enhance the amenity of the western townsite approach. It is appropriate that this be addressed through the preparation of a Landscape Management Plan, consistent with the advertised Scheme provisions.
13. The Noise Management Plan (June 2021) appended to the Amendment report utilises monitoring data from a property outside of the townsite and in a substantially different landscape context. Further on-site modelling will be required to address the requirements of *State Planning Policy 5.4 – Road and Rail noise*. Notwithstanding these shortcomings, noting the large size of the landholding there is scope to accommodate additional buffer requirements at the detailed structure planning stage.

Traffic Management

14. Concerns regarding traffic flow through Kemsley Estate, via Harlequin Street have featured in many of the public submissions. The final road alignment and connections are not established through the rezoning process and will need to be addressed in further detail through the structure planning and subdivision design. Notwithstanding, the following considerations are relevant in responding to submissions:-
15. Harlequin Street was created as part of the subdivision of Kemsley Estate being designed and constructed at that time to accommodate a road connection for future development, replacing the original Zimmermann Street alignment. The road reserve already extends through to South Coast Highway but remains unconstructed adjacent to the Amendment area. To protect significant trees and drainage within the unconstructed section of Harlequin Street, it is preferable that any extension of the road network be accommodated via a new road constructed within the development site. Once that occurs, options to close the residual unconstructed section of Harlequin Street could be considered.

16. The provision of road connections between residential areas is essential to allow connectivity, reduce overly circuitous routes/ distance travelled and support current day bushfire and emergency access requirements. Traffic projections will need to be reviewed and addressed through the structure planning and subdivision design stages informed by lot yields and layout. Any connection proposed through Kemsley Estate will need to make provision for tree retention and traffic control measures that reinforce the residential nature of the road network, limit traffic speeds and discourage non-residential through traffic.
17. Structure Planning and subdivision approvals in place for residential development to the west (Urban Unit F) will provide other access opportunities to assist in dispersing traffic, including an additional planned road link from Ocean Beach Road (west of Weedon Hill Drive) to connect to South Coast Highway.
18. Main Roads do not support road access to the highway, requesting access be obtained via Harlequin Street to Ocean Beach Road. This outcome would not be desirable noting implications for increased traffic movement through Kemsley Estate, reduced permeability, an inability to meet secondary access for bushfire planning, and additional traffic demands being placed upon the Ocean Beach Road/ South Coast Highway intersection. Should a new intersection be proposed onto South Coast Highway through future detailed planning, closure of the (unconstructed) Harlequin Street intersection at South Coast highway could be considered. Other opportunities may exist to consolidate access with residential development to the west and/or provide temporary access onto South Coast Highway to support staging. Ultimately this will need to be resolved through the structure planning process and be informed by further detailed road design and engineering requirements including those matters outlined within the WAPC's draft *Operational Policy 1.12 – Planning Proposals adjoining Regional Roads in Western Australia*.

Bushfire Planning

19. The Department of Fire and Emergency Services has provided feedback on the Bushfire Management Plan noting further updates are required. An assessment by Shire officers has also identified issues with the assumed extent of clearing, including areas of excellent quality vegetation within the site and modification of other vegetation within the unconstructed Harlequin Street road reserve that has not been supported.
20. Council does not have an ability to withhold its recommendation on the Amendment pending receipt of an updated Bushfire Management Plan. The Guidelines for Bushfire Planning relating to Scheme Amendments are clear in terms of the requirement for a Bushfire Hazard Level assessment to be provided that demonstrates development can be accommodated within areas of low to moderate risk and this will need to be verified by the WAPC prior to progressing the rezoning. It is recommended that a modification be required to require update of the Bushfire Management Plan to support the WAPC's determination.
21. Additional modifications are recommended to inform other matters raised during the public consultation process as discussed in the Schedule of Submissions (Attachment 9.1.1d).

CONSULTATION AND EXTERNAL ADVICE

22. Amendment 146 was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005*. The EPA has determined that the proposal should not be formally assessed under the *Environmental Protection Act 1986* but has provided relevant advice and recommendations. A full copy of the EPA's advice is provided at Attachment 9.1.1b. Additional scheme provisions are recommended to address matters raised by the EPA.
23. The Amendment was subject to public advertising for a period of 42 days from 10 November 2022 until 22 December 2022 including:
- An advertising notice in the Denmark Bulletin
 - Referral of the Amendment documentation to government agencies
 - Referral to immediately adjacent landowners
 - Signs on site
 - The Amendment documents being available for viewing at the Shire Administration Office and on the Shire's website.
24. Following concerns raised by residents within Kemsley Estate regarding the adequacy of landowner consultation, additional correspondence was sent to all remaining landholders advising that the Shire would accept their submission up until 12 January 2023. At the close of this period a total of twenty six (26) public submissions were received and nine (9) submissions from public agencies as detailed in the Schedule of Submissions together with Planning Services' response to the issues raised (refer Attachment 9.1.1d).
25. The Department of Planning Lands and Heritage has indicated a general intent to move away from the requirement for Structure Planning of consolidated urban development sites in favour of progressing to subdivision. In this case Shire Officers do not favour such an approach as it would be contrary to structure planning requirements in the Settlement Strategy, given a lack of suitable controls to inform and implement density code ranges and staging (noting typical slow development rates in regional towns), unresolved design considerations and inability to undertake further consultation to inform the optimum design outcome.
26. In similar circumstances an Urban Development zone would ordinarily be appropriate to give force and effect to structure planning and a mechanism to implement the final density code. As TPS No.3 does not contain an Urban Development zone, the Residential zone is proposed to be supported by additional provisions to give effect to structure planning. With the preparation of TPS No.4 it is envisaged that sites of this nature would eventually transfer across to an Urban Development zone. It is recommended that the requirement for structure planning be retained in accordance with the advertised scheme Amendment and Council continue to advocate that approach.

STATUTORY / LEGAL IMPLICATIONS

27. The Shire of Denmark Town Planning Scheme No.3 (TPS 3) is an operative Local Planning Scheme under the *Planning and Development Act 2005*.

28. An amendment to TPS 3 must be prepared in the manner and form prescribed by the Western Australian Planning Commission (the Commission) and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
29. Under Regulation 35(2) the Amendment has been progressed as a 'standard amendment' on the basis that it is consistent with the Shire of Denmark Local Planning Strategy (2011) that has been endorsed by the Commission.

STRATEGIC / POLICY IMPLICATIONS

30. The proposed 'Residential' zoning allocation is consistent with the 'Urban Residential' land use designation in the Shire's Local Planning Strategy (2011) and the nominated Urban Development site (Planning Unit E) in *TPS Policy 28 – Settlement Strategy for Denmark*.
31. Council's consideration should have regard to the Shire of Denmark's Housing Affordability Policy that seeks to inform future town planning decisions and identify opportunities within the local planning framework to encourage affordable, sustainable, and diverse housing.
32. Various WAPC policies and guiding documents are relevant and have been considered as part of Planning Services assessment of this proposal including:
- *State Planning Policy 3 – Urban Growth and Settlement*
 - *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*
 - *Guidelines for Planning in Bushfire Prone Areas*
 - *State Planning Policy 5.4 – Road and rail noise*
 - *Better Urban Water Management*
 - *Draft State Planning Policy 2.9 Planning for Water*
 - *Draft operational Policy 1.12 – Planning proposals adjoining Regional Roads in Western Australia*
 - *Operational Policy 2.4 – Planning for School Sites*

Denmark Strategic Community Plan 2027

N2.0 Out Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

B3.0 Our Built Environment

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

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

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

FINANCIAL IMPLICATIONS

- 33. Fees associated with the Amendment have been paid as per Council’s operative Fees and Charges Schedule.

OTHER IMPLICATIONS

Environmental

The amendment incorporates zoning provisions to address environmental considerations, including those identified by the EPA.

Economic

Residential development is an important contributor to Denmark’s economy.

Social

The proposal will contribute towards increased residential lot and housing supply.

RISK MANAGEMENT

An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.1.4
MOVED: CR CARMAN	SECONDED: CR DEVENPORT
That Council:	
<ol style="list-style-type: none"> 1. In accordance with Regulation 50(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>: <ol style="list-style-type: none"> a) NOTES the submissions received in respect to Amendment No. 146 to the Shire of Denmark Town Planning Scheme No.3; and b) ENDORSE the response to the submissions as contained at Attachment 9.1.1d of this report. 2. In accordance with Regulation 50(3)(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, SUPPORT with modifications Amendment No. 146 to the Shire of Denmark Town Planning Scheme No.3 as detailed in Attachment 9.1.1e. 3. AUTHORISES the Shire President and the Chief Executive Officer, in accordance with Section 9.49a of the <i>Local Government Act 1995</i>, to execute under Common Seal Amendment No.146 to the Shire of Denmark Town Planning Scheme No.3. 4. ADVISES the Western Australian Planning Commission that it does not support the Indicative Structure Plan as a basis to support future subdivision of the property due to unacceptable environmental and landscape amenity outcomes and deficiencies identified within the supporting documents. 5. ADVISES those who provided a submission of the Council’s resolution. 	
CARRIED: 8/0	Res: 140523

9.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 MARCH 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	2 May 2023
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	9.2.1 – March 2023 Monthly Financial Report

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted budget.
- The Shire of Denmark’s Statement of Financial Activity for the period ending 31 March 2023 has been prepared and is attached.
- In addition, the Shire provides Council with a monthly investment register to ensure the investment portfolio complies with the Shire’s Investment Policy.

RECOMMENDATION

That Council;

1. with respect to the Financial Statements for the period ending 31 March 2023, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1 and;
2. with respect to the 2022/2023 adopted and amended budget, APPROVE a budget amendment to increase the expenditure provision to account 1121072 by \$120,000 and increase the income estimate for account 1137063 by \$120,000 to maintain a balanced budget and facilitate the required preparatory works to commence on the Surf Club Precinct Redevelopment Project.

LOCATION

Nil

BACKGROUND

1. In order to fill statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the Shire’s year-to-date financial performance. The report provides:
 1. Statement of Financial Activity by Nature or Type;
 2. Statement of Financial Activity by Program;
 3. Explanation of Material Variances;
 4. Net Current Funding Position;
 5. Receivables;
 6. Capital Acquisitions;
 7. Cash Backed Reserve Balances;
 8. Loan Schedule;

- 9. Investment Register;
 - 10. Cash and Investments Summary.
2. Each year a local government is required to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Resolution 030822, Council adopted the monthly reporting variance for the 2022/2023 financial year of 10% or greater for each program area in the budget as a level that requires an explanation or report, with a minimum dollar variance of \$10,000.
 3. Pursuant to the Shire’s Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

DISCUSSION / OFFICER COMMENTS

4. The Statement of Financial Activity for March 2023 shows a year-to-date closing funding surplus of \$2,786,279 compared to the year-to-date budget surplus of \$1,164,093, a variance of \$1,622,186. The reason why there is a significant closing funding surplus, is that most of the total operating revenue has been recognised (from raising of rates and fees and charges), however, most of the Shire’s expenditure occurs evenly over the 12 months. This results in a timing variance and the actual surplus reduces as the financial year progresses. It is also quite usual for a number of capital expenditure projects and any associated non-operating grant funding income applicable to the progress milestones of those projects to be scheduled in the second half of the year and the timing of some of these works have been adjusted for various reasons since the adoption of the budget.
5. A summary of the financial position for March 2023 is detailed in the table below:

	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)
	\$	\$	\$	\$	%
Opening Funding Surplus / (Deficit)	1,493,572	1,493,572	1,493,572	0	0%
Revenue					
Operating revenue	13,641,755	12,561,878	12,550,127	-11,751	0%
Capital revenue, grants and contributions	5,095,106	891,031	911,655	20,624	2%
	18,736,861	13,452,909	13,461,782	8,873	
Expenditure					
Operating Expenditure	-17,612,285	-13,041,669	12,471,125	570,544	-4%
Capital Expenditure	-7,169,837	-4,144,286	-3,065,087	1,079,199	-15%
	-24,782,122	- 17,185,955	15,536,212	1,649,743	
Funding balance adjustments	4,551,690	3,403,567	3,367,136	-36,431	-1%
Closing Funding Surplus / (Deficit)	0	1,164,093	2,786,279	1,622,186	139%

OTHER INFORMATION

6. At the mid-year budget review Council adopted an amended budget which included removal of the Surf Club Precinct Redevelopment capital works project totalling \$3,624,874 and its funding sources including capital grants, borrowings and use of Reserve funds. The decision was made because at the time of preparing and considering the budget review it was not clear whether the funding would be guaranteed into future years and it was quite clear that even if the funding was approved no construction works would commence prior to 30 June 2023.
7. Confirmation of the grant funding has now been received and in order for the project to commence in a timely fashion towards construction during the 2023-2024 financial year some design and other preparatory works need to be undertaken. Initially, and given that the project was still in its infancy stage of planning, it was believed that these costs could be absorbed within operating expense account 1121072 – Concept Design and Proposal Fees (Recreation & Culture), which is intended for this purpose and contained a budget provision of \$40,000.
8. The costs for architect and other services required to prepare the design and specification for the calling of tenders are likely to require expenditure of \$250,000 of which approximately 50% may be required to be expended prior to 30 June 2023.
9. Management is submitting as part of this report a recommendation to Council to amend the budget to increase the operating expenditure for Account 1121072 – Concept Design & Proposal Fees from \$40,000 to \$160,000 with the additional cost to be directly offset by drawing on the first claim of the approved Lotterywest funding for \$120,000 to income account 1137063.

INVESTMENT REPORT

10. Pursuant to the Shire's Investment Policy, an investment report and investment register are to be provided to Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The Investment Register is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.
11. As at 31 March 2023, total cash funds held (including trust funds) totals \$8,456,329 (Summary – Investment Register).
 - Municipal Funds total \$3,572,239
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,883,240
 - Municipal Funds (unrestricted) invested, total \$2,256,367
12. The official Reserve Bank of Australia's (RBA) cash rate remained set at 3.60% during the month of April 2023 but was increased by 0.25% to 3.85% at the Reserve Bank Board meeting held on 2 May 2023.

CONSULTATION AND EXTERNAL ADVICE

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.

STATUTORY / LEGAL IMPLICATIONS

Regulation 34 (1-5) of the Local Government (Financial Management) Regulations 1996, details the form and manner in which a local government is to prepare financial activity statements.

The Local Government Act 1995 – Section 6.14;

The Trustees Act 1962 – Part III Investments;

The Local Government (Financial Management) Regulations 1996 - Reg. 19, 28 and 49; and The Australian Accounting Standards, sets out the statutory conditions under which Council funds may be invested.

STRATEGIC / POLICY IMPLICATIONS

Delegation Number D040201 relates:

Implement a financial strategy to ensure the Shire of Denmark's financial sustainability.

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

Denmark 2027

L5.4 To be fiscally responsible

FINANCIAL IMPLICATIONS

The Shire's 2022/2023 Annual Budget provides a set of parameters that guides the Shire's financial practices.

Any financial implications or trends are detailed within the context of this report.

OTHER 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.

Social

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

RISK MANAGEMENT

An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR CLARKE	SECONDED: CR CAMPBELL
That Council;	
<ol style="list-style-type: none"> 1. With respect to the Financial Statements for the period ending 31 March 2023, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1a.and; 2. With respect to the 2022 – 2023 adopted and amended budget, APPROVE a budget amendment to increase the expenditure provision to account 1121072 by \$120,000 and increase the income estimate for account 1137063 by \$120,000 to maintain a balanced budget and facilitate the required preparatory works to commence on the Surf Club Precinct Redevelopment Project. 	
CARRIED: 8/0	Res: 150523

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 MARCH 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	20 April 2023
Author:	Jodi Masson, Manager of Corporate Services (Acting)
Authorising Officer:	Lee Sounness, Director Corporate & Community Services (Acting)
Attachments:	9.2.2 – March 2023 Monthly List of Payments Summary

IN BRIEF

The purpose of this report is to advise the Council of payments made during the period 1 March 2023 to 31 March 2023.

RECOMMENDATION

That with respect to the attached Schedule of Payments, totalling \$2,042,250.27 for the month of March 2023, Council RECEIVE the following summary of accounts:

- Electronic Funds Transfers EFT34994 to EFT35259 - \$1,437,194.53;
- Municipal Fund Cheque No’s 60526 - 60528 - \$9,610.00;
- Internal Account Transfers (Payroll) - \$453,377.08;
- Direct Debit - \$9,733.37;
- Corporate Credit Card - \$7,864.09;
- Department of Transport Remittances - \$124,471.20; and
- Loan Payments – Nil

LOCATION

Nil

BACKGROUND

Nil

DISCUSSION / OFFICER COMMENTS

Nil

CONSULTATION AND EXTERNAL ADVICE

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.

STATUTORY / LEGAL IMPLICATIONS

Local Government (Financial Management) Regulation 13 relates:

STRATEGIC / POLICY IMPLICATIONS

Delegation Number D040201 relates:

Implement a financial strategy to ensure the Shire of Denmark's financial sustainability.

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

Denmark 2027

L5.4 To be fiscally responsible

FINANCIAL IMPLICATIONS

There are no known significant trends or issues to be reported.

OTHER 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.

Social

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

RISK MANAGEMENT

An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.2
MOVED: CR GIBSON	SECONDED: CR GEARON
<p>That with respect to the attached Schedule of Payments, totalling \$2,042,250.27 for the month of March 2023, Council RECEIVE the following summary of accounts:</p> <ul style="list-style-type: none"> • Electronic Funds Transfers EFT34994 to EFT35259 - \$1,437,194.53; • Municipal Fund Cheque No’s 60526 - 60528 - \$9,610.00; • Internal Account Transfers (Payroll) - \$453,377.08; • Direct Debit - \$9,733.37; • Corporate Credit Card - \$7,864.09; • Department of Transport Remittances - \$124,471.20; and • Loan Payments – Nil 	
CARRIED: 8/0	Res: 160523

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 DRAFT WASTE LOCAL LAW

File Ref:	LEG.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	4 May 2023
Author:	Niel Mitchell, Conway Highbury, Consultant
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.1 – Draft Waste Local Law

IN BRIEF

- Consideration of a draft Waste Local Law to commence the statutory processes for adoption
- The purpose of this report –
 - to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
 - for Council to approve the proposed local law for public comment;
 - for Council to give notice of the purpose and effect of the proposed local law; and
 - to authorise the advertising of the proposed local law for public comment.

RECOMMENDATION

That Council –

1. Pursuant to section 3.12(3) and (3a) of the *Local Government Act 1995*, and all other legislation enabling it, GIVE local public notice of the intention to make a Waste Local Law –
 - Purpose – to regulate the collection, disposal and storage of waste and recyclable materials,
 - Effect – to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment;
2. In accordance with section 3.12(3) of the *Local Government Act 1995*, ADVISE the relevant Ministers and Departments of the proposed local law.

LOCATION

Whole of Shire

BACKGROUND

1. The development of the draft Waste Local Law commenced in November 2022, after discussion of the possibility for some years.
2. The draft local law is based on the model developed by the WA Local Government Association and Department of Water and Environmental Regulation ('DWER'), but does contain a number of significant differences, predominately due to residents providing their own receptacles, rather than the receptacles being provided by the local government or the contractor.

DISCUSSION / OFFICER COMMENTS

3. In making a new local law, Council must comply with the provisions of section 3.12 of the *Local Government Act 1995*, and any specific requirements of other legislation, in this case the *Waste Avoidance and Resource Recovery Act 2007*.
 - Purpose – to regulate the collection, disposal and storage of waste and recyclable materials,
 - Effect – to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment.
4. The procedure for making local laws requires Council to give local public notice, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.
5. The proposed Waste Local Law requires the separate consent of the CEO of the Waste Authority (responsibility delegated to Department of Water and Environmental Regulation) prior to its adoption. Any changes resulting from submissions, must obtain further consent of the DWER CEO.

6. Generally, the proposed Waste Local Law is very similar to the model local law developed by WA Local Government Association, the Department of Local Government, Sporting and Cultural Industries, Department of Water and Environmental Regulation, and the Parliamentary Joint Standing Committee on Delegated Legislation. The differences are –
 - inclusion of various provisions, such as –
 - o cl.1.5 – inclusion of a number of important definitions (carriageway, vectors of disease etc),
 - o cl.2.1(2) – a sub-clause requiring the owner / occupier of premises to supply a compliant receptacle (as defined by the local government) if not provided by the local government or contractor,
 - o cl.3.1(e) – even though provided by the owner/occupier, a requirement to repair or replace if directed by the local government,
 - text amendments to various clauses to take into account that receptacles may not be provided by the local government, but by the owner/occupier, particularly clauses 2.3, 2.4 and 2.5,
 - inclusion of a number of penalties omitted in the model local law.
7. The proposed Waste Local Law would also repeal a number of clauses of the Health Local Law 1998, which would be inconsistent or addressed under the new local law.
8. As required by the Local Government Act, the next steps include:
 - Local public notice inviting submissions;
 - Relevant ministers to be advised immediately after advertising for public comment –
 - o Minister for Local Government
 - o Minister for the Environment (delegated to Director General, Department of Water and Environmental Regulation);
 - Supporting documentation to be sent to the Ministers.
9. Local public notice is to invite comment on the proposed local law, with submissions being open for a period not less than 6 weeks. Internal submissions may also be made at this time.
10. The advertisements will be placed once Council has resolved its approval of the draft for public comment.
11. After the submission period is closed, Council is required to consider any submissions received. Minor amendments not affecting the intent of the provisions can be made, but if significant changes are needed, the proposal must be readvertised.
12. Any amendments are required to be submitted for consent of the DWER CEO.
13. Once final adoption is resolved, the proposed local law is then published in the Government Gazette and comes into effect on the date specified. The Gazzetal copy and other documentation is then sent to the Parliamentary Joint Standing Committee on Delegated Legislation for review. The Committee may then disallow or require changes, even though having been Gazetted.

CONSULTATION AND EXTERNAL ADVICE

14. No public consultation undertaken at this time.
15. Staff were consulted and provided input into the development of the draft local law.
16. The Local Government Act requires a minimum 6 weeks public consultation period prior to final adoption. The notice of the review is required to be published in at least 4 places in accordance with the Administration Regulations r.3A.

STATUTORY / LEGAL IMPLICATIONS

17. Local Government Act 1995 –
 - 3.12 – Procedure for making local laws
 - (2) Notice of purpose and effect of local law to be given by the person presiding
 - (3) Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks notice
 - (3a) Local public notice also required to be given
 - After notice period, all submissions to be considered, and local law may then be made by absolute majority
 - Publication in Government Gazette required
 - (7) Parliament to be advised within 10 working days of Gazettal
 - s.3.13 – Significant changes require recommencement of proposal
 - s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal
 - s.3.15 – local public notice of the final adoption/making of a local law to be given
18. Interpretations Act 1984 –
 - s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt
19. Waste Avoidance and Resources Recovery Act 2007 –
 - s.61 – local government may make local laws if departmental CEO consents
 - s.64(2) – list of purposes for which local laws may be made

STRATEGIC / POLICY IMPLICATIONS

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed local government.

FINANCIAL IMPLICATIONS

The cost of public advertising can be accommodated within the Council's existing budget.

OTHER 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.

Social

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

RISK MANAGEMENT

- 20. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.1
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
That Council –	
1. pursuant to section 3.12(3) and (3a) of the <i>Local Government Act 1995</i> , and all other legislation enabling it, GIVE local public notice of the intention to make a Waste Local Law –	
<ul style="list-style-type: none"> • Purpose – to regulate the collection, disposal and storage of waste and recyclable materials, • Effect – to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment; 	
2. in accordance with section 3.12(3) of the <i>Local Government Act 1995</i> , ADVISE the relevant Ministers and Departments of the proposed local law.	
CARRIED: 8/0	Res: 170523

9.3.2 2021-22 ANNUAL REPORT AND ANNUAL ELECTORS MEETING

File Ref:	FIN.31
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	05 May 2023
Author:	Courtney Walsh, Communication and Engagement Officer
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	9.3.2 – Draft Annual Report including Annual Financial Report

IN BRIEF

- The purpose of this report is to accept the Shire of Denmark 2021/22 Annual Report, including the Annual Financial Statements and Audit Report, and to set a date for the Annual Electors Meeting.
- The audited Annual Financial Report (included in the Annual Report) has not been accepted by the Audit Advisory Committee at the time of the release of the Council Agenda for May 2023 and will be presented (made publicly available) prior to the meeting date.

RECOMMENDATION

That in relation to the 2021-22 Annual Report, Council;

1. ACKNOWLEDGE the resolution of the Audit Advisory Committee meeting, held 9 May 2023;
2. ACCEPT the Annual Report including the Annual Financial Report and Audit Report for the 2021-22 year; and
3. HOLD the Annual Electors meeting on Tuesday, 20 June 2023 at in the Council Chambers, commencing at 6.00pm.

BACKGROUND

1. Each local government is to prepare an Annual Report for each financial year. The Annual Report is a record of the Council’s activities for the financial year and forms part of the accountability principles established for Local Government.

DISCUSSION / OFFICER COMMENTS

2. Council is required to accept the Annual Report by 31 December following the financial year end however, should the Auditor’s Report not be made available in time to be accepted by 31 December, the Annual Report must be accepted no later than two months after receiving the Audit Report.
3. The Audit Report was received by the Shire of Denmark on 14 April 2023 and in accordance with Section 5.54(2) of the Local Government Act 1995, is required to be accepted by 14 June 2023.

4. A copy of the Audit Report including the 2021-22 Annual Financial Statements have been forwarded to the Department of Local Government, Sport and Cultural Industries by the Office of Auditor General.
5. The Audit Report and Management Letter will be the subject of an Audit Advisory Committee meeting to be held 9 May 2023. The Audit Advisory Committee will consider any action that may be required in relation to the Management Letter. The Audit Advisory Committee meeting will be provided to Councillors prior to the Ordinary Meeting of Council.
6. Comments on the financial position of the Shire of Denmark and operational and strategic activities are contained within the draft Annual Report for consideration.
7. The Annual Electors Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given, pursuant to Section 5.27 of the Local Government Act 1995.
8. The Officer recommends that the date for the Annual Electors meeting be set for 20 June 2023.

CONSULTATION AND EXTERNAL ADVICE

9. On 5 April 2023, Shire officers together with the Chair of the Audit Advisory Committee, Kingsley Gibson, held an audit exit meeting with the Office of the Auditor General and Lincolns Albany, via video conference, to discuss outcomes of the annual audit.
10. The Audit Advisory Committee will consider a recommendation for Council to adopt the 2021-22 Annual Financial Statements including the Auditors Report, note the recommendations therein and endorse any actions proposed to be taken by the Chief Executive Officer in relation to the 2021-22 Annual Financial Statements and Auditors Report.

STATUTORY / LEGAL IMPLICATIONS

- Local Government Act 1995
 - a. Subdivision 4 Electors' Meetings
 - i. Section 5.27 (1) & (2)
 - ii. Section 5.29 (1)
 - b. Division 5 Annual Reports and Planning
 - i. Section 5.53 (1) & (2)
 - ii. Section 5.54 (1) & (2)
 - iii. Section 5.55
 - iv. Section 5.56 (1) & (2)
- Local Government (Financial Management) Regulations 1996
- Local Government (Administration) Regulations 1996

STRATEGIC / POLICY IMPLICATIONS

11. There are no policy implications.
12. The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives in the following specific ways:

- L5.0 Our Local Government – The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.
 - L5.1 – To be high functioning, open, transparent, ethical and responsive.
 - L5.4 – To be fiscally responsible.
13. There are no known significant governance considerations relating to the report or officer recommendation. The adoption of the Annual Report is a key activity for all Local Governments.

FINANCIAL IMPLICATIONS

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

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

18. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3.2
MOVED: CR GIBSON	SECONDED: CR CARMAN
That in relation to the 2021-22 Annual Report, Council;	
1. ACKNOWLEDGE the resolution of the Audit Advisory Committee meeting, held 9 May 2023;	
2. ACCEPT the Annual Report including the Annual Financial Report and Audit Report for the 2021-22 year; and	
3. HOLD the Annual Electors meeting on Tuesday, 20 June 2023 in the Council Chambers, commencing at 6.00pm.	
CARRIED BY AN ABSOLUTE MAJORITY: 8/0	Res: 180523

10. COMMITTEE REPORTS AND RECOMMENDATIONS

10.1 SUSTAINABLE PROJECTS COMMITTEE MINUTES 7 MARCH 2023 & RECOMMENDATIONS

File Ref:	COMM.SPC
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 April 2023
Author:	Laura Delbene, Sustainable Projects Officer
Authorising Officer:	David King, Deputy Chief Executive Officer
Attachments:	10.1 – Sustainable Projects Committee Minutes

IN BRIEF

- The Sustainable Projects Committee met on 7 March 2023.

RECOMMENDATION

That Council RECEIVE the Committee Minutes for the meeting held on 7 March 2023.

BACKGROUND

3. The Sustainable Projects Committee (SPC) held a meeting on 7 March 2023 at the Shire Administration Building.

DISCUSSION / OFFICER COMMENTS

4. The Author recommends that the minutes from 7 March 2023 be received by Council.

CONSULTATION AND EXTERNAL ADVICE

5. 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.

STATUTORY / LEGAL IMPLICATIONS

6. Section 5.22 of the Local Government Act 1995 requires that the Presiding Person of a Council Committee is to cause minutes to be kept of the meeting’s proceedings.
7. Minutes of Council Committee meetings are not required under legislation to be presented to Council however, the Chief Executive Officer has determined that, in order to improve transparency and ensure that Councillors are aware of their various Committees’ activities, all Advisory Committee minutes will be presented to Council to be received.

- 8. Council Committees are generally established to advise, and make recommendations to, Council.

STRATEGIC / POLICY IMPLICATIONS

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

Denmark 2027

L5.0 Our Local Government

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

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

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

L5.4 To be fiscally responsible.

FINANCIAL IMPLICATIONS

Nil

OTHER 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.

Social

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

RISK MANAGEMENT

An assessment of evident risks has been undertaken in accordance with the Shire’s Risk Management Governance Framework and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1
MOVED: CR LEWIS	SECONDED: CR CAMPBELL
That Council RECEIVE the Committee Minutes for the meeting held on 7 March 2023.	
CARRIED: 8/0	Res: 190523

11. MATTERS BEHIND CLOSED DOORS

Nil

12. NEW BUSINESS OF AN URGENT NATURE

Nil

13. CLOSURE OF MEETING

5.42pm – *There being no further business to discuss the Presiding Person, Cr Gearon, declared the meeting closed.*

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

Signed: _____
David Schober – 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.)