

ORDINARY (DECISION MAKING) MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
 953 SOUTH COAST HIGHWAY, DENMARK
 ON TUESDAY, 25 OCTOBER 2011.

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Ordinary Council Meeting

25 October 2011

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.07pm – The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Kelli Gillies
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall
- Cr Ian Osborne
- Cr Dawn Pedro
- Cr Belinda Rowland
- Cr Roger Seeney
- Cr Alex Syme

STAFF:

- Mr Dale Stewart (Chief Executive Officer)
- Mr Garry Bird (Director of Finance & Administration)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Mr Rob Whooley (Director of Infrastructure Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Cr Phil Barnes
- Mr Gregg Harwood (Director of Community & Regulatory Services)

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 7
- Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Seeney	8.5.1	Impartiality	Cr Seeney is a member of Denmark Community Windfarm Inc.
Cr Marshall	8.4.2	Impartiality	Cr Marshall is a non-active life member of the Denmark Surf Life Saving Club Inc.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that the Chief Executive Officer of Denmark Tourism Inc., Ms Justine Nagorski, had been awarded the 2011 West Australian Golden i Award, Visitor Centre Manager of the Year. Cr Thornton extended his congratulations to Justine, stating that the award was justly deserved as she had worked hard to get the Visitor Centre running very well.

The Shire President also announced that last week Council had participated on its first Development Assessment Panel which had been in relation to a development proposal from Yaran Pty Ltd. Cr Thornton congratulated the Director of Planning & Sustainability for her efforts in preparing for the meeting.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the back of the front cover of this Agenda.

Questions from the public are invited and welcomed at this point of the Agenda.

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, no later than 6.00pm.

Questions from the Public

4.2.1 Mr Neil Riddell – Item 8.5.2 (CBD Streetscape Redevelopment & Kwoorabup Community Park Working Groups)

Mr Riddell spoke as a member of the Kwoorabup Community Park Working Group and noted that the Council decision last week had not been carried by an absolute majority. Mr Riddell stated that although the Officer's Recommendation had been amended slightly, to include two community representatives, he believed that merging the two Working Groups would cause more disadvantages than advantages. Mr Riddell asked Council to vote against the Officer's Recommendation.

4.2.2 Mr Ken Richardson-Newton – Item 8.5.2 (CBD Streetscape Redevelopment & Kwoorabup Community Park Working Groups)

Mr Richardson-Newton referred to the Officer's Recommendation to rescind last week's motion was not carried by an absolute majority, stating that he had researched the matter with the Department of Local Government and he considered the motion was lost not carried and therefore no rescission was necessary. Mr Richardson-Newton asked the Chief Executive Officer if he could detail what the effect would be if the rescission motion was carried?

Mr Richardson-Newton also asked that given last week's result, what was the current status of the Working Groups?

Mr Richardson-Newton urged Council to not rescind the previous motion and keep the Working Groups separate.

The Chief Executive Officer responded stating that the effect of the rescission motion proposed on the Agenda is that the purported decision of the meeting held on the 18 October would be null and void. Mr Stewart advised that because the motion had not been carried by an absolute majority it meant that it was not valid which left the status quo, meaning that Council essentially had two Working Groups with no members. The Chief Executive Officer added that not rescinding the motion would have the same result as the previous motion was ineffective and unable to be implemented.

4.2.3 Mrs Gail Guthrie – Item 8.5.2 (CBD Streetscape Redevelopment & Kwoorabup Community Park Working Groups)

Mrs Guthrie, President of the Denmark Chamber of Commerce, stated that the Chamber was opposed to the Officer’s Recommendation and urged Council to reinstate the existing two working groups with their current terms of reference. Mrs Guthrie believed that both groups dealt with different types of planning and each had sufficient workload in the following through of the implementation of plans and stages.

4.2.4 Mr Sam Williams – Item 8.1.1 (Scheme Amendment Request – Lots 85, 86, 93 & 94 Lights Road and Lots 87-92 Bimbimbi Way, Denmark)

Mr Williams thanked Councillors for visiting the subject site that afternoon and highlighted a number of matters which he thought could have been misconstrued. Mr Williams stated that the proposal before Council today was only the first step which, if agreed to by Council, would allow his client to further their proposal and added that Council would have the opportunity to review the proposal at each stage of the proposed Scheme Amendment.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

4.38pm – The Director of Infrastructure Services temporarily left the room.

5. APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Cr Pedro

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 5.1
MOVED: CR MARSHALL	SECONDED: CR SYME
That Cr Pedro be granted Leave of Absence for the Ordinary Council Meetings to be held on the 13 & 20 December 2011.	
CARRIED: 11/0	Res: 491011

The Chief Executive Officer advised that Cr Barnes may well be requesting Leave of Absence for some upcoming meetings.

6. CONFIRMATION OF MINUTES

6.1 SPECIAL COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR PEDRO	SECONDED: CR SYME
That the minutes of the Special Meeting of Council held on the 22 September 2011 be confirmed as a true and correct record of the proceedings.	
CARRIED: 11/0	Res: 501011

6.2 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR SAMPSON	SECONDED: CR MARSHALL
That the minutes of the Ordinary Meeting of Council held on the 27 September 2011 be confirmed as a true and correct record of the proceedings.	
CARRIED: 11/0	Res: 511011

6.3 SPECIAL COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.3
MOVED: CR SAMPSON	SECONDED: CR SYME
That the minutes of the Special Meeting of Council held on the 4 October 2011 be confirmed as a true and correct record of the proceedings.	
CARRIED: 11/0	Res: 521011

4.49pm – The Director of Infrastructure Services returned to room.

6.4 SPECIAL COUNCIL MEETING

OFFICER RECOMMENDATION ITEM 6.4

That the minutes of the Special Meeting of Council held on the 18 October 2011 be confirmed as a true and correct record of the proceedings.

COUNCIL RESOLUTION	ITEM 6.4
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That the minutes of the Special Meeting of Council held on the 18 October 2011 be confirmed as a true and correct record of the proceedings, subject to the following amendments;	
<ol style="list-style-type: none"> 1. Page 2 – Correct Cr Seeneys term expiry date from “2015” to “2013”; and 2. Page 28 – Correct part 2 of the amendment to replace the words “People for Parklands” with the words “Community Members”. 	
CARRIED: 11/0	Res: 531011

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

Nil

8. REPORTS OF OFFICERS

Councillors are encouraged to identify those Agenda Items from Item 8 (Officer Reports) through to and inclusive of Item 9 (Committee Recommendations) that they would like to discuss, debate, amend, ask questions in relation to or make comment on during this meeting.

ITEM NO.	HEADING	Declarations of Interest Yes / No	Absolute Majority Yes / No
8.1.1	SCHEME AMENDMENT REQUEST – LOTS 85, 86, 93 & 94 LIGHTS ROAD AND LOTS 87-92 BIMBIMBI WAY, DENMARK		No
8.4.1	FINANCIAL STATEMENT FOR THE MONTH ENDING 30 SEPTEMBER 2011		No
8.4.2	DENMARK SURF LIFE SAVING CLUB (INC) – LEASE OF PORTION OF LOT 7625 (RESERVE 24913)		No
8.5.1	DENMARK COMMUNITY WINDFARM LTD – REQUEST TO WAIVE PLANNING FEES		No
8.5.2	CBD STREETSCAPE REDEVELOPMENT & KWOORABUP COMMUNITY PARK WORKING GROUPS		Yes
9.1	REVIEW OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE CHARTER		Yes
9.2	LOCAL EMERGENCY MANAGEMENT COMMITTEE – ALTERNATE BRIDGE ACCESS ACROSS THE DENMARK RIVER		No

If any of the above items are identified by Council they will be excluded from the following En-bloc recommendation.

OFFICER RECOMMENDATION

That the Officer Recommendations with respect to items be adopted en bloc.

The above Officer Recommendation was not dealt with as Councillors indicated that they would like to discuss, debate, amend, ask questions or make comments on all of the items.

8.1 Director of Planning & Sustainability

8.1.1 SCHEME AMENDMENT REQUEST – LOTS 85, 86, 93 & 94 LIGHTS ROAD AND LOTS 87-92 BIMBIMBI WAY, DENMARK

File Ref:	TPS3/135
Applicant / Proponent:	Sam Williams Planning on behalf of Colin and Fiona Ross
Subject Land / Locality:	Lots 85 (No. 124), 86 (No. 112), 93 (No. 82) & 94 (No. 94) Lights Road and Lots 87 (No. 5), 88 (No. 15), 89 (No. 19), 90 (No. 21) 91 (No. 30) & 92 (No. 16) Bimbimbi Way, Denmark
Disclosure of Officer Interest:	The applicant is the previous Director of Planning and Sustainability at the Shire of Denmark
Date:	11 October 2011
Author:	Duncan Ross, Senior Planning Officer
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1 a) Proposed Scheme Amendment Request 8.1.1 b) Site Photos

Summary:

Planning Services have received a Scheme Amendment Request (SAR) to amend provision (ii) of the Lights Road Special Rural Zone No. 6, which states “no lot shall be less than 2ha in area” to allow for reduced subdivision lot sizes of 1ha.

It is recommended the SAR be supported.

Background:

This item was considered by Council at its meeting held on the 27 September 2011. Council resolved as follows (Resolution No. 090911);

“That the item be deferred pending a site inspection by Council.”

The site inspection has been scheduled for 25 October 2011 at 1.00pm (prior to this meeting).

The Proposal

Planning Services is in receipt of a SAR lodged by Sam Williams Planning on behalf of Colin and Fiona Ross at Lots 85 (No. 124), 86 (No. 112), 93 (No. 82) & 94 (No. 94) Lights Road and Lots 87 (No. 5), 88 (No. 15), 89 (No. 19), 90 (No. 21) 91 (No. 30) & 92 (No. 16) Bimbimbi Way, Denmark. The objective of the SAR is to undertake a textual amendment to the existing Special Rural provision to allow for subdivision with a minimum lot size of 1ha. Currently the Special Rural provisions require a minimum 2ha lot size. As part of this amendment a new Subdivision Guide Plan (SGP) has been prepared (refer 8.1.1 a).

The current proposal will result in two additional lots (12 in total) both above 1ha in size. Whilst the SAR is relevant to all 10 existing lots within the Lights Road Special Rural Zone, realistically future subdivision of these remaining lots will be limited given the difficulties and cost of establishing a scheme water supply, existing dwelling locations, mature remnant vegetation and in some cases irregular lot shape. The SAR proposal has been undertaken in a manner that allows only those lots that can realistically subdivide to be shown on the SGP.

Previous Scheme Amendment Request

A previous SAR was not initiated by Council at its meeting of 22 January 2008 (RES080108) on the grounds that:

- 1) Insufficient justification and/or planning merit for the proposed rezoning to special residential has been provided;
- 2) The subsequent development of the land for the new housing would require the removal of substantial additional areas of remnant vegetation which is not considered desirable; and

- 3) The proposed subdivision design would create additional pressure on the existing creekline area.

This previous SAR sought to provide an additional seven lots and rezone the existing land from the Special Rural Zone to a Special Residential Zone, resulting in lot sizes ranging from 4,197m² to 5,758m² across three lots subject to the SAR, resulting in a total of 17 lots within the entire subdivision. The previous SAR was not responsive to site conditions and proposed a high level of intensification in a confined area (refer to Appendix A within the SAR proposal).

Comment:

After review of the SAR documentation by the Shire’s Development Coordination Unit the following issues are deemed to be the relevant considerations to this SAR.

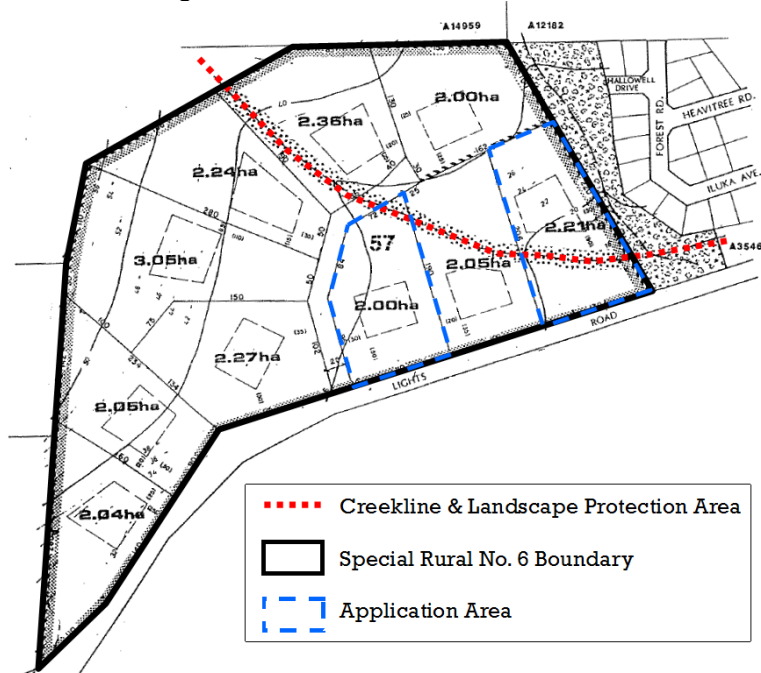
Protection of Remnant Vegetation

Should Council support this SAR the increased development potential will result in the loss of substantial internal vegetation in order to establish development areas and associated fire protection buffers. Whilst the loss of vegetation will be predominantly internal, and not overly visible from either Lights Road or Bimbimbi Way it is clear from a site inspection that visually the vegetation most likely to be removed is immature and less well established than that on the western side of Bimbimbi Way (refer 8.1.1 b).

The two lots identified on the SGP for subdivision have been specifically chosen as they have the least amount of mature vegetation and the removal of the vegetation for development areas can be undertaken in a manner that visually will not detrimentally affect the amenity of the location.

Effluent Disposal

The Shire’s Principal Environmental Health Officer (PEHO) has advised that should subdivision eventuate, Alternative Treatment Units (ATU) should be used to treat effluent disposal. Each ATU requires a disposal field of 150m², and the quality of water being discharged is unlikely to be of a quality that will detrimentally affect the wider receiving environment. As advised by the PEHO the effluent disposal field should be located 30m from the existing creekline that is located as shown below:



The position of the creekline, effectively running east/west across the lots lends itself to the establishment of specific ‘building envelopes’ as shown on the amended SGP.

Water Supply

The current scheme water supply is located in the Lights Road road reserve, making it cost effective for the proposed lots to connect to the existing asset, noting the lots identified as having subdivision potential are connected to scheme water currently. This also facilitates improved fire safety through the provision of fire hydrants.

Fire Safety

The entire estate (all 10 existing lots) is bordered by a strategic firebreak, and also provides specific internal fire breaks. Bimbimbi Way is also used as a fire access into the centre of the subdivision, with sufficient manoeuvring areas at the cul-de-sac head.

The existing subdivision provides sufficient lot sizes to accommodate intensification and additional dwellings however clearing will be required to establish a suitable Building Protection Zone (BPZ). Whilst *Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas* (AS-3959) technically allows for buildings to be constructed up to a BAL-FZ and BAL-40 standard, this is not recommended by the Department of Planning (DoP), the Shire or the Fire and Emergency Services Authority of WA (FESA). The Shire commonly supports development within a BAL-19 to BAL-29 range. The following BPZ's would be required with each of the ratings:

- BAL-19 – 20 to 29m BPZ
- BAL-29 – 14 to 20m BPZ

As stated above, this will exacerbate the clearing requirements and the only way in which this could be limited would be to endorse buildings to be constructed to an AS-3959 standard of BAL-29, which would increase the construction costs associated with the dwelling and retain a small percentage of vegetation noting a smaller BPZ (and less clearing) would result.

Notwithstanding the above, a Fire Management Plan will be requested as intensification of land potentially subject to fire risk will be required, addressing how future dwellings can be constructed to a rating of BAL-29 in accordance with the requirements of AS3959.

Conclusion

Based on the above, the two critical issues are as follows:

- i) the amount of remnant vegetation to be cleared; and
- ii) the ability of future lots to subdivide without having to follow the same thorough process as this proposal.

In relation to vegetation clearing it is recommended the Shire endorse the Department of Environment and Conservation's (DEC) recommendation (see below) and make the applicant provide a 'Vegetation Management Plan' which specifically details the type, quality and amount of vegetation required to be removed in order to establish development areas. Whilst a site inspection visually confirms the vegetation to be removed is not mature it is of high quality and its value should be determined by a suitably qualified expert. It is noted Council refused to initiate a similar amendment request on the grounds that the "*removal of substantial additional areas of remnant vegetation which is not considered desirable*" this was based on a subdivision plan that resulted in seven additional lots (where this SAR proposes two additional lots).

In addition the SGP is responsive to the location of the more mature remnant vegetation and does not seek to allow subdivision of those lots where more established vegetation is present.

In relation to the ability of the remaining lots to subdivide, the WAPC has tended to take the position that a Subdivision Guide Plan has less weighting than a specific TPS3 scheme provision. Often the SGP is varied (allowing subdivision that is unplanned)

despite no subdivision potential being shown or assessment having been undertaken. In this regard it is recommended that should Council initiate the SAR that an additional clause is provided in the Special Provisions which states:

The total number of lots shall be 12 within the Lights Road Special Rural Zone.

This provision will ensure that any future subdivision of lots within the Lights Road Special Rural Zone not covered by this SAR will need to be thoroughly assessed by Council via a similar SAR process.

Consultation:

The SAR was received and in accordance with the Shire's internal Policy No. P100601 'Scheme Amendment Requests' and referred to the DoP, FESA, Water Corporation and the DEC for informal assessment and comment.

The following agencies have responded and their comments are summarised below:

- **Department of Planning** – The DoP advise the SAR is not supported for the following reasons:
 - While State Planning Policy 2.5 – Agricultural and Rural Land Use Planning allows for Rural Residential lots of between 1-4ha in size, the current subdivision layout has been created in response to existing site conditions and the reference to 1ha is not a minimum that can be achieved 'as of right'.
 - Natural resources such as existing vegetation and landscape quality need to be carefully managed by discouraging subdivision which may contribute to the environmental degradation which is likely to occur in this instance.
 - The land is not identified in the Settlement Strategy for Denmark (1998) and therefore the proposal would be contrary to the existing planning framework for the Shire.
 - The Shire's Rural Settlement Strategy (1999) states that properties within the Little River Catchment aim to provide for environmentally responsive solutions that protect remnant vegetation and minimise the impact of effluent discharge and nutrients into sensitive receiving environments.
 - The draft Local Planning Strategy (DLPS) shows the land as Rural Small Holdings (4-40ha) and as such this assigned designation does not envisage future intensification of the lots.

Comment: It is noted the DoP is opposed to the SAR for several reasons as stated above. It is not considered at this point in time the reasons are of sufficient merit to refuse to initiate the SAR, noting the DLPS currently shows the land as being for Rural Smallholdings (4-40ha) where further review from Council Officers may likely result in the land being reclassified as Rural Residential (1-4ha), noting the existing characteristics of the land. In addition the Settlement Strategy for Denmark and the Rural Settlement Strategy are old and likely to be reviewed in the upcoming months as part of an on-going review of the Shire's TPS3 policies.

In order to address the issues in terms of vegetation protection and landscape quality, the applicant will be asked to provide a Vegetation Management Plan (as requested by the DEC below) to detail the quality of the vegetation and how it will be affected by the proposal. The DEC will also be able to review the contents of the Vegetation Management Plan, comments which will be used to inform Councils final recommendation on the amendment proposal.

Finally there are sustainability gains to be had from supporting a proposal such as this. Firstly the land can be effectively serviced by scheme water and on-site effluent disposal systems and secondly it reduces the need to continue to develop additional peripheral areas of the Denmark townsite for a similar lot type. Intensifying existing developable areas, whilst maintaining consistency with relevant lot size requirements, in this case 1-

4ha should be encouraged subject to environmental protection considerations which at this point in time have not been fully detailed.

- **FESA** – FESA does not object to the proposal and stated that the proposal and any future development must consider Edition 2 of the 'Planning for Bushfire Protection Guidelines', WAPC Development Control Policy 3.7 (superseded) and AS-3959.
- **Water Corporation** – The Water Corporation stated they did not object to the SAR, noting that creation of the lots would require additional water supply connections from the existing mains water supply. The Water Corporation advised the water supply network has capacity however any extension to the network would be required to be undertaken at the developers cost.
- **Department of Environment and Conservation** – The DEC stated they did not have any objections to the proposal (noting they reserve the right to reassess the proposal at the time the formal amendment document is provided) subject to the applicant demonstrating compliance with Edition 2 of the 'Planning for Bushfire Protection Guidelines' in terms of hazard classification, fire, emergency access, building locations and water supply etc.

In addition the DEC have stated the *Environmental Protection Act 1986* will need to be considered in terms of future vegetation clearing, noting should the amendment be approved some of this clearing may be exempt under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

DEC state the remnant vegetation on site appears to be of a good condition and consideration should be given to the provision of a Vegetation Management Plan which seeks to retain as much vegetation as possible. It is also noted the property is located in the vicinity of known populations of endangered invertebrates and priority listed flora. A feature survey should be undertaken of the remnant vegetation prior to any clearing with any rare species protected.

Given the proximity of the Wilson Inlet, stormwater run-off and effluent disposal need to be carefully managed, and that potential impacts on the Inlet have been considered.

The comments received from the responding government agencies are generally supportive of the proposal with the exception of those from the DoP as commented above.

Statutory Obligations:

The SAR process is not a statutory process under any planning legislation. It is used by the Shire (and other adjoining Local Governments in the region) as a precursor to the formal scheme amendment process. It is designed to provide a proponent with a simple and informal assessment of a proposal to gauge the views and comments of the Shire and other Government agencies on the merits and likely support to be expected.

Should Council support the SAR proposal, it will progress to a formal scheme amendment; which undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

Policy Implications:

Policy No. P100601 'Scheme Amendment Requests' – This SAR has been submitted and processed in accordance with the Policy.

Budget / Financial Implications:

Fees associated with the SAR have been paid as per Councils 2010/11 Fees and Charges Schedule applicable at the time of lodgement.

Strategic Implications:

Council's decision on the SAR proposal should be consistent with the DLPS as the principal land use planning strategy for the Shire. The DLPS, at time of writing, is currently having submissions considered, with future changes to the draft document expected. The DLPS shows the land as Rural Small Holdings (4-40ha). Given the characteristic of the current subdivision on lots of between 2.0 and 2.3ha a Rural Residential (1-4ha) classification is considered more appropriate than that shown in the DLPS currently and is one of the modifications that will be recommended by Planning Services when Council consider the DLPS in due course.

Sustainability Implications:**➤ Environmental:**

The significant environmental implications relating to the proposal include land capability/suitability, remnant vegetation protection, creekline management, bushfire protection/management, filling/drainage and clearing controls. These issues will need to be addressed in the Scheme Amendment documentation.

➤ Economic:

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

➤ Social:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION**ITEM 8.1.1**

That Council with respect to the Scheme Amendment Request to amend provision (ii) of the Lights Road Special Rural Zone No. 6 to allow for reduced subdivision lot sizes of 1ha advise the proponent that:

1. The proposal is supported subject to the following matters being addressed in the formal Scheme Amendment document:
 - i) Land Capability Study demonstrating the site is suitable for development and effluent disposal fields relative to the Wilson Inlet and internal creekline.
 - ii) Measures to retain/protect significant remnant vegetation.
 - iii) Preparation of a Fire Management Plan in accordance with *Edition 2 of Planning for Bushfire Protection Guidelines (May 2010)*, including the details of future design requirements to allow for housing to be constructed to a rating of BAL-29.
 - iv) Provision of a Vegetation Management Plan incorporating a Flora and Fauna survey detailing the known populations of endangered invertebrates and priority listed flora. A feature survey should be undertaken of the remnant vegetation prior to any clearing with any rare species protected prevalence of identified endangered species and design outcomes intended to minimise disruption on these species.
 - v) A proposed scheme provision which states "The total number of lots shall be 12 within the Lights Road Special Rural Zone".
2. The Department of Planning have indicated they do not support the SAR request at this point in time, therefore it is recommended that the proponent should liaise with the Department of Planning prior to lodgement of the formal Amendment documentation with the Shire.

Deferred Motion from the meeting held on the 27 September 2011.

<p>COUNCIL RESOLUTION MOVED: CR SYME</p> <p>That Council, with respect to the Scheme Amendment Request to amend provision (ii) of the Lights Road Special Rural Zone No. 6 to allow for reduced subdivision lot sizes of 1ha, advise the proponent that the proposal is not supported as it would ultimately result in most of the vegetation within the special rural zone being cleared.</p> <p>DEFERRAL MOTION MOVED: CR EBBETT</p> <p>That the item be deferred pending a site inspection by Council.</p> <p>CARRIED: 6/5</p>	<p>ITEM 8.1.1 SECONDED: CR RICHARDSON-NEWTON</p> <p>SECONDED: CR BARNES</p> <p>Res: 090911</p>
<p><i>Council meeting held on the 25 October 2011</i></p> <p>Following debate and noting that the Councillors had attended a site inspection of the property on today's date, the Shire President put the motion.</p> <p>CARRIED: 6/5</p>	

8.2 Director of Community & Regulatory Services
 Nil

8.3 Director of Infrastructure Services
 Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 SEPTEMBER 2011

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	6 October 2011
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	8.4.1 a) - Monthly Financial Report

Summary:

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

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

Background:

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

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

Comment:

Shire Trust Funds have been invested for eighty days with the National Bank, maturing 19 December 2011 at the quoted rate of 5.70%

Reserve Funds have been invested with Members Equity Bank, placed in an on call cash account at the rate of 5.60%.

There are no surplus municipal funds available for investment.

Key Financial Indicators at a Glance

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

- As there have been no amendments to the Municipal Budget to date, the estimated 30 June 2012 end of year position is estimated to be a small surplus of \$289 (Note 5).
- Operating income is slightly lower than that predicted for 30 September 2011, and expenditure is less than estimated (Statement of Financial Activity).
- The 2011/12 Capital Works Program has now commenced.

- Rates Collection percentage of 24.45% is in keeping with historical collection rates (Note 6).
- Various transfers to and from Reserve Funds have not been made, generally being undertaken in conjunction with the relevant project.
- Salaries and Wages expenditure is proceeding as per budget estimates (not reported in Financial Statement)

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

Policy P040222 relates as follows;

MATERIAL VARIANCES IN BUDGET AND ACTUAL EXPENDITURE

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

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

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

Budget / Financial Implications:

As the Financial Report is for the third month of the new financial year, there are no significant trends or issues to be reported.

Strategic Implications:

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

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

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

➤ Social:

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

Voting Requirements:

Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR HINDS
That with respect to Financial Statements for the month ending 30 September 2011, Council;	
<ol style="list-style-type: none"> 1. Receive the financial report, incorporating the Statement of Financial Activity, Adopted Budget Amendments and Variations Report and other supporting documentation. 2. Endorse the Accounts for Payment as listed. 	
CARRIED: 11/0	Res: 551011

Prior to consideration of Item 8.4.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Marshall is a non-active life member of the Denmark Surf Life Saving Club Inc. and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Marshall declares that she will consider this matter on its merits and vote accordingly.

8.4.2 DENMARK SURF LIFE SAVING CLUB (INC) – LEASE OF PORTION OF LOT 7625 (RESERVE 24913)

File Ref:	A3108
Applicant / Proponent:	Denmark Surf Life Saving Club (Inc)
Subject Land / Locality:	Portion of Lot 7625 (Reserve 24913) Ocean Beach Rd, Denmark
Disclosure of Officer Interest:	Nil
Date:	4 October 2011
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Draft Lease – Portion of Lot 7625, Reserve 24913

Summary:

The lease of portion of Lot 7625 (Reserve 24913) Ocean Beach Rd Denmark, between the Shire of Denmark and the Denmark Surf Life Saving Club (Inc) expired on 31st December 2009. This lease was for a ten year term provided at \$1 per annum rental.

It is proposed that a further lease be entered into with Denmark Surf Life Saving club for the maximum allowable term of 21 years, in accordance with the Management Order for the Reserve.

Background:

The Denmark Surf Life Saving Club (DSLSC) have occupied the site since 1958 and the following buildings and facilities have been developed over the term of the previous lease/s by the lessee with assistance from the Shire of Denmark.

- Clubhouse
- Storage Shed.

All maintenance requirements of the site are undertaken by club members, in accordance with the terms of the lease and there have been no reported complaints regarding their occupation and use of the Reserve.

In addition, DSLSCT members undertake maintenance (i.e. lawn mowing) of public access area's adjoining the leased area on the same Reserve.

The DSLSC currently have 280 members (up from 170 three years ago), with this number still increasing.

Upon consultation with Mr George Mumford, President of the Denmark Surf Club, the leased area boundaries have been resurveyed to provide clear clarification for this new lease and to address an anomaly where an extension undertaken during the term of the previous lease was constructed in part outside of the leased area.

Comment:

The Draft Lease reflects the existing management and maintenance responsibilities of both parties that were contained in previous lease agreements.

The Draft has been based on the pro-forma lease document for community groups and modified where necessary to suit the specific requirements of this site. The main changes to the pro-forma lease are summarised as follows;

(a) On the production of a receipt for payment of the Local Government rate assessment notice in the financial year such levies and payment is made the Lessor shall reimburse the Lessee an amount equal to land rates with the Lessee to meet the cost of ESL refuse and interest (if any) charges showing on that notice.

(b) Council's Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.

This Club has a long standing association with the Reserve and as there would appear to be no immediate alternative use for the site, a new lease arrangement is recommended.

Consultation:

The Denmark Surf Club was invited to comment on the proposed lease, and have indicated that they are willing to accept the proposed lease details.

Statutory Obligations:

In accordance with the Management Order, Council can dispose of the property by lease for a term of up to 21 years.

The DSLSC are exempt from requirements of the Local Government Act 1995 in regards to the disposal of property.

Policy Implications:

Policy P110102 Leasing of Land and/or Buildings to Community Groups relates as follows;

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

- a. There be a signed lease based on Councils standard 'not for profit' lease prior to occupation or upon renewal;*
- b. Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act) (CEO addition September 2008);*
- c. Contribution by Council towards legal costs (if required) by Council 100%;*
- d. Have differing rentals discounted to market valuation depending upon the following factors;*
 - i. To what degree the property is utilised for charitable, not for profit or sporting purposes;*
 - ii. The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;*
 - iii. The strategic value of the land in the short term to Council;*
 - iv. To what degree if any that the use is competing with commercial enterprise;*
- e. Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;*
- f. Offer local authority rate exemption rebate donation (rather than exemption contra);*

- g. Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first \$500 of any insurance excess on claims;
- h. All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;
- i. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;
- j. Leases require endorsement of Council prior to signing;
- k. Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);
- l. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).
- n. Councils Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.

Budget / Financial Implications:

There are no budgetary or financial implications arising from the proposed lease, with all maintenance requirements of the Reserve the responsibility of the lessee.

The proposed rental income is \$1.00 per annum, if demanded.

Strategic Implications:

There is no known alternative long term strategic use for the site.

Sustainability Implications:

➤ **Environmental:**

There are no environmental implications arising from the proposed Lease.

➤ **Economic:**

There are no economic implications arising from the proposed Lease.

➤ **Social:**

The DSLSC is a widely respected community organisation that provide recreational activity for both junior and senior members, in addition to providing a public safety service to users of Ocean Beach by virtue of their patrols of the area.

Voting Requirements:

Simple majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.2
MOVED: CR MARSHALL	SECONDED: CR SEENEY
That Council agree to lease portion of lot 7625, Reserve 29413, to the Denmark Surf Life Saving Club for a term of 21 years at an annual rental of \$1.00 per annum, with all other terms and conditions to be as per the attached Draft Lease.	
CARRIED: 11/0	Res: 561011

8.5 Chief Executive Officer

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

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

8.5.1 DENMARK COMMUNITY WINDFARM LTD – REQUEST TO WAIVE PLANNING FEES

File Ref:	Rem13
Applicant / Proponent:	Denmark Community Windfarm Ltd
Subject Land / Locality:	Ptn of Reserve 24913
Disclosure of Officer Interest:	Nil
Date:	12 September 2011
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Attachment 8.5.1 – Denmark Community Windfarm Ltd correspondence

Summary:

Correspondence has been received from the Denmark Community Windfarm Ltd requesting Council refund all or some of town planning fee’s payable on the development of the Community Windfarm proposed on portion of Reserve 24913, Ocean Beach Rd, Denmark, following submission of the Development Application.

Background:

The development is proposed pursuant to the approve Town Planning Scheme Amendment No. 88.

The development has been lodged with Council staff and will be assessed by the Great Southern Development Assessment Panel (DAP) and is subject to the following Council related planning fees. Note DAP fees have not been included as these are payable to another authority and cannot be waived;

Council Development Application Fee \$11,988.40

The subject land is currently vested in the Shire of Denmark but proposed to be excised by the State Government and then leased to the company.

It should be noted that the Company has paid the Development Application Fee on 14 October 2011, and they are therefore seeking a refund or donation to the extent that Council believes appropriate in view of the fact that;

- “the proposed development is a public utility which will serve Denmark residents and visitors;
- as a shareholder in the Windfarm Denmark Community Windfarm Inc., the originating body, will redistribute its entire project income, currently estimated to be worth \$15-\$20,000 per annum, back into the community, via a community enterprise fund”.

The author has been advised that Denmark Community Windfarm Inc. (a not for profit community group) retains approximately 10% of the equity in the private company (a ‘limited’ company).

Comment:

The request does not appear to be supported by Council Policy in two respects – first that the land will be privately owned (leased direct form the State Government) and secondly in that it is majority owned by private shareholders.

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Council Policy P100606 "Payment of Planning and Building Fees by Not for Profit Community Organisations" is not applicable to this development, and has not been applied by staff as the application has been lodged by a private (limited) company.

Policy P100606 states as follows;

When assessing planning and building applications received from not for profit community organisations on land not owned by or vested in Council, a reduction of 50% in the application fees payable shall be granted.

Where such an application relates to land owned by or vested in Council, a reduction of 100% shall apply.

Notes:

1. *All statutory charges levied by the State Government are to be paid in full by the applicant and are not subject to the provisions of this Policy.*
2. *Organisation Wide Procedure Manual topic titled "Council Approved Discounts, Donations, Waivers or Reduced Fees" is to be implemented when applying this policy.*

Budget / Financial Implications:

If Council was to approve the request, it would need to identify the budget line from which to draw the expense.

The only avenue for Council to thus consider a donation is, not pursuant to Policy P100606 but, an outright donation through members donation account Budget Line 1410082, which has a budget of \$13,300, comprising yet to be determined discretionary expenditure of \$8,000 and net expenditure / commitments at 20 October 2011 of \$1,007.95.

Strategic Implications:

There are no strategic implications arising from the request to waive/refund planning fees applicable to the redevelopment of their premises.

Sustainability Implications:**➤ Environmental:**

There are no direct or immediate indirect environmental implications arising from the request or officer recommendation.

➤ Economic:

There are no direct economic implications for the Council or the broader community arising from the request or officer recommendation. The granting of a discount or donation of planning fees would improve the financial performance of the limited private company in the current financial year, which in turn will have a positive impact on the potential ability of the public shareholder (Denmark Community Windfarm Inc). to consider donations to the community in subsequent financial years. As indicated, the Wind Farm if it returns a profit to members in subsequent years, a donation to the private company now may result in a future benefit to the not for profit shareholder (DCW Inc) as it owns approximately 10% of the private company.

➤ Social:

There are no direct or immediate indirect social implications arising from the request or officer recommendation.

Voting Requirements:

An absolute majority decision of Council is required if it determines that a waiver of planning fees, to the extent it believes appropriate, should apply. Alternatively if Council determines that a donation should be made to the applicant then this can be by a simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR MARSHALL	SECONDED: CR SAMPSON
That Council decline the request of the Denmark Community Windfarm Ltd for the waiving of planning fees applicable to their development on portion of Reserve 24913, Ocean Beach Rd, Denmark.	
CARRIED: 11/0	Res: 571011

8.5.2 CBD STREETScape REDEVELOPMENT & Kwoorabup Community Park Working Groups

File Ref:	PBR.14A
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark CBD & Kwoorabup Community Park
Disclosure of Officer Interest:	Nil
Date:	20 October 2011
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

This report recommends that the CBD Streetscape Redevelopment Working Group & the Kwoorabup Community Park Working Group be merged to form a Denmark CBD and Kwoorabup Community Park Working Group.

Background:

This item was considered at the Special Council meeting held on the 18 October 2011. The Officer Recommendation was carried 6 votes to 5 however, for the motion to be valid and it must have been carried by an Absolute Majority, that being half plus one of members (whether vacant or not), being 7.

It was therefore noted that the matter would be re-presented to Council for consideration at this meeting.

Comment:

CBD STREETScape REDEVELOPMENT WORKING GROUP

Current Terms of Reference & Membership

The CBD Streetscape Redevelopment Working Group was established on the 28 June 2005 (Resolution No. 166/05) and the Terms of Reference were reviewed and amended on the 22 February 2011 (Resolution No. 260211).

Terms of Reference

The objective of the Working Group is to provide comment and recommendations to Council on the following issues in relation to the Denmark CBD;

- Parking in and around the CBD;
- Staging of any proposed construction or redevelopment works; and
- Monitoring expenditure of each stage.

For the purpose of the Working Group the Denmark CBD is that area as defined in the Local Planning Policy No. 31 – Commercial Strategy.

Number of Previous Councillor Members	2 Councillors (one of whom is to be elected Presiding Person)
Other Working Group Members	<ul style="list-style-type: none"> • 2 x Denmark Chamber of Commerce representatives or Deputy. • 1 x Community representative or Deputy. • 1 x Shire of Denmark Disability Services Committee representative. • 1 x Denmark Arts Inc. Representative or Deputy. • 1 x Denmark Tourism Inc. Representative or Deputy.
Usual meeting frequency	Every 3 months or as required
Usual meeting duration	1 – 2 hours
Usual meeting day	No set day
Usual meeting time	No set time
Officer Secretariat	Director of Infrastructure Services or nominee

KWOORABUP COMMUNITY PARK WORKING GROUP

Current Terms of Reference & Membership

The Community Park Development Working Group was established on the 16 October 2007 (Resolution No. 362/07) and the Terms of Reference amended on the 24 August 2010 (Resolution No. 320810). The role of the Community Park Working Group is;

- To provide guidance to the Director of Infrastructure Services on matters as required in implementing the staged development of the Kwoorabup Community Park.

Number of Previous Members	3 Councillors (one of whom is to be elected Presiding Person)
Other Working Group Members	2 x Community representatives Council's Parks Supervisor 1 x People for Parklands Representative
Usual meeting frequency	Every 3 months or as required
Usual meeting duration	1 – 2 hours
Usual meeting day	Thursday
Usual meeting time	10.00am
Officer Secretariat	Director of Infrastructure Services or nominee

Given community consultation and conceptual design has been substantially concluded with respect to the Strickland Street redevelopment and also Kwoorabup Community Park, together with the proximity of both projects, the Author recommends merging of the two Working Groups, with appropriate amendment to the membership.

The suggested membership of the merged Working Group is as follows;

- 3 x Councillors (one of whom is to be elected Presiding Person).
- 1 x Denmark Chamber of Commerce representative or Deputy.
- 1 x Shire of Denmark Disability Services Committee representative.
- 1 x Denmark Arts Inc. representative or Deputy.
- 1 x Denmark Tourism Inc. representative or Deputy.
- 1 x People for Parklands representative or Deputy.

The suggested (amended) Terms of Reference of the merged Working Group is as follows;

To provide guidance to the Director of Infrastructure Services in relation to the following matters and, if not consistent with the relevant adopted Concept Plans, make recommendation to Council accordingly;

1. Redevelopment works associated with the Denmark Central Business District CBD in accordance with the principles of the approved concept plan;
2. Development works associated with the Kwoorabup Community Park in accordance with the principles of the approved concept plan;
3. Monitoring expenditure with respect to parts 1 & 2 (above).
4. Implementation of the endorsed CBD Streetscape Plan with respect to Strickland Street between the South Coast Highway and North Road;
5. Evaluation of the traffic movement at the intersection of Strickland Street and Barnett Street, including the opportunity for the installation of a roundabout;
6. Evaluation of the need and opportunity for tourist (car and caravan) and/or long term car parking on Barnett Street between Strickland Street and Brazier Street, noting design impediments relating to the existing footpath;
7. Evaluation of the pedestrian movement and vehicle conflicts on Hollings Road between Barnett Street and Walker Street.
8. Reviewing parking arrangements and traffic and pedestrian movement concerns on both Mitchell & Bent Streets between Strickland Street and Price Street.

For the purpose of the Working Group the Denmark CBD is that area as generally defined in the Local Planning Policy No. 31 – Commercial Strategy.

Consultation:

Nil

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The Working Groups whether retained as individual Working Groups or as a merged Group will assist the Director of Infrastructure Services in decision making relevant to expenditures contained within the 2011/12 Budget.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Absolute majority.

Given the fact that the motion of (18 October 2011) was not carried by an absolute majority and the Author has slightly amended the Terms of Reference and proposed

Committee Membership, the Officer recommends that the decision of 18 October 2011 be rescinded.

Notewell: Four (4) Councillors are required to indicate their support for rescission of a motion that Council has been previously carried (Local Government (Administration) Regulations 1996).

OFFICER RECOMMENDATION

ITEM 8.5.2 (a)

That Council rescind motion number 371011 of 18 October 2011 in relation to the creation of the Denmark CBD and Kwoorabup Community Park Working Group to enable consideration of an alternate officer recommendation on the subject.

The Shire President noted the advice from the Chief Executive Officer that whether Council rescinded the previous motion or not, the result will be the same. For this reason the above Officer Recommendation was not dealt with.

OFFICER RECOMMENDATION

ITEM 8.5.2 (b)

That Council discontinue both the CBD Streetscape Redevelopment and Kwoorabup Park Working Groups and in its place form the Denmark CBD and Kwoorabup Community Park Working Group as follows;

1. Membership
 - a) 3 x Councillors (one of whom is to be elected Presiding Person).
 - b) 1 x Denmark Chamber of Commerce representative or Deputy.
 - c) 1 x Shire of Denmark Disability Services Committee representative.
 - d) 1 x Denmark Arts Inc. representative or Deputy.
 - e) 1 x Denmark Tourism Inc. representative or Deputy.
 - f) 1 x People for Parklands representative or Deputy.
 - g) 2 x Community representatives.
2. Appoint the following Councillors as members of the Working Group;
 - a) Cr Barnes;
 - b) Cr Osborne;
 - c) Cr Lewis.
3. Terms of Reference

“To provide guidance to the Director of Infrastructure Services in relation to the following matters and, if not consistent with the relevant adopted Concept Plans, make recommendation to Council accordingly;

 - a) Redevelopment works associated with the Denmark Central Business District CBD in accordance with the principles of the approved concept plan;
 - b) Development works associated with the Kwoorabup Community Park in accordance with the principles of the approved concept plan;
 - c) Monitoring expenditure with respect to parts 1 & 2 (above).
 - d) *Implementation of the endorsed CBD Streetscape Plan with respect to Strickland Street between the South Coast Highway and North Road;*
 - e) *Evaluation of the traffic movement at the intersection of Strickland Street and Barnett Street, including the opportunity for the installation of a roundabout;*
 - f) *Evaluation of the need and opportunity for tourist (car and caravan) and/or long term car parking on Barnett Street between Strickland Street and Brazier Street, noting design impediments relating to the existing footpath;*
 - g) *Evaluation of the pedestrian movement and vehicle conflicts on Hollings Road between Barnett Street and Walker Street.*
 - h) *Reviewing parking arrangements and traffic and pedestrian movement concerns on both Mitchell & Bent Streets between Strickland Street and Price Street.*

For the purpose of the Working Group the Denmark CBD is that area as generally defined in the Local Planning Policy No. 31 – Commercial Strategy.”
4. Invite member organisations to nominate their representative.
5. Advertise for the two Community representative positions.

COUNCIL RESOLUTION	ITEM 8.5.2
MOVED: CR HINDS	SECONDED: CR ROWLAND
That Council continue with both the CBD Streetscape Working Group and the Kwoorabup Community Park Working Group in their present structures.	
CARRIED BY AN ABSOLUTE MAJORITY: 7/4	Res: 581011

5.37pm – The Director of Finance & Administration temporarily left the room.

COUNCIL RESOLUTION	ITEM 8.5.2
MOVED: CR MARSHALL	SECONDED: CR HINDS
With respect to the CBD Streetscape Redevelopment Working Group, Council consider the appointment of 2 Councillors with the nominations being Cr Barnes, Cr Osborne and Cr Lewis.	
AMENDMENT	
MOVED: CR HINDS	
That the selection of 2 Councillors to the CBD Streetscape Working Group be determined by secret ballot.	
LAPSED FOR WANT OF A SECONDER	
AMENDMENT	
MOVED: CR SAMPSON	SECONDED: CR GILLIES
That the words “consider the appointment of 2 Councillors with the nominations being Cr Barnes, Cr Osborne and Cr Lewis” be replaced with the words “appoint Cr Osborne & Cr Lewis”.	
CARRIED: 11/0	Res: 591011
AMENDED MOTION	
With respect to the CBD Streetscape Redevelopment Working Group, Council appoint Cr Osborne & Cr Lewis.	
THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED BY AN ABSOLUTE MAJORITY: 11/0	
	Res: 601011

5.45pm – The Director of Finance & Administration returned to the room.

COUNCIL RESOLUTION	ITEM 8.5.2
MOVED: CR MARSHALL	SECONDED: CR SEENEY
With respect to the Kwoorabup Community Park Working Group, Council;	
1. Appoint Cr Barnes, Cr Thornton and Cr Syme.	
2. Appoint Cr Lewis as a Deputy for any of the Councillors.	
CARRIED BY AN ABSOLUTE MAJORITY: 11/0	Res: 611011

COUNCIL RESOLUTION	ITEM 8.5.2
MOVED: CR HINDS	SECONDED: CR MARSHALL
That Council advertise for community members for both the CBD Streetscape Redevelopment Working Group and the Kwoorabup Community Park Working Group.	
CARRIED BY AN ABSOLUTE MAJORITY: 11/0	Res: 621011

COUNCIL RESOLUTION	ITEM 8.5.2
MOVED: CR HINDS	SECONDED: CR SYME
That Council appoint Cr Barnes as the Deputy Council member to the CBD Streetscape Redevelopment Working Group.	
CARRIED BY AN ABSOLUTE MAJORITY: 11/0	Res: 631011

COUNCIL RESOLUTION	
MOVED: CR HINDS	SECONDED: CR SYME
That the meeting be adjourned for the Electors Special Meeting, the time being 5.53pm.	
CARRIED: 11/0	Res: 641011

COUNCIL RESOLUTION	
MOVED: CR HINDS	SECONDED: CR MARSHALL
That the meeting be resumed, the time being 7.21pm.	
CARRIED: 9/0	Res: 651011

All members & staff who were present prior to the adjournment, were present with the exception of Cr Sampson, Cr Seeney and the Director of Finance & Administration.

7.22pm – Cr Sampson & Cr Seeney returned to the room.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 REVIEW OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE CHARTER

File Ref:	ORG.20
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	19 October 2011
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	Yes – Charter

Summary:

This report discusses the need to review the current membership list of the Local Emergency Management Committee (LEMC) Charter to ensure that the Committee regularly achieves a quorum and recommends that Council adopt a revised membership that was recommended by the Local Emergency Management Committee at its 5 October 2011 Committee meeting.

Background:

After completing the annual LEMC report for 2010/2011, which included a member attendance list and the inability for the Committee to achieve a quorum at its June 2011 meeting, Council’s Community Emergency Services Manager (CESM) reviewed the Local Emergency Management Committee Charter and identified that the current membership list urgently needs to be reviewed.

It was identified that some members had not attended a single meeting for the year and other members may not be relevant, as they form a basis of the District Emergency Management Committee (DEMC) in Albany. This includes Western Power, the Department of Agriculture and the Water Corporation.

The Captain of the Denmark Volunteer Fire and Rescue has been included in the list of nominated positions.

Section 38 (1) of the Emergency Management Act 2005 states that;

- (1) A local government is to establish one or more local emergency management committees for the local government’s district.

- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Comment:

The Local Emergency Management Committee approved the revised Committee Charter at its 5 October 2011 Committee meeting. The amended Charter is now being referred to Council for adoption so that the Local Emergency Management Committee Charter can be updated accordingly.

It is noted that Council reappointed the Committee and its Charter at the Council meeting held on the 18 October 2011, unfortunately this report was not able to be presented at that same meeting due to time constraints. However, this notwithstanding the 2011 Charter does not differ from the Charter which was reviewed by the CESM and therefore the review and the recommendations discussed in this report are still valid.

Consultation:

In making the following recommendation to update the LEMC membership list the CESM consulted with the FESA Community Emergency Management Officer Adam Smith and the Director of Community and Regulatory Services Gregg Harwood. The proposed amendments to Charter Local Emergency Management Committee at its 5 October 2011.

Statutory Obligations:

Council has powers and duties under Section 38 (1) of the Emergency Management Act in respect to Advisory Committees.

Policy Implications:

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

Budget / Financial Implications:

There are no known Budget / Financial implications relating to the report or officer recommendation.

Strategic Implications:

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

Sustainability Implications:

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

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & COMMITTEE & OFFICER RECOMMENDATION ITEM 9.1

That Council amend the Local Emergency Management Committee Charter to reflect the following list;

Position	Organisation
Voting Members	
Shire President	Shire of Denmark
Officer in Charge	Denmark Police Service
Officer in Charge	Walpole Police Service
Chief Bush Fire Control Officer	Bushfire Advisory Committee
Director of Nursing	Denmark District Hospital
Centre Manager	Walpole Silver Chain
Unit Manager	Denmark State Emergency Service
Unit Manager	Walpole State Emergency Service
Officer In Charge	Denmark St John Ambulance
Officer In Charge	Walpole St John Ambulance
Commander	Denmark Volunteer Marine Sea Rescue
Commander	Peaceful Bay Vol. Marine Sea Rescue
Commander	Walpole Volunteer Marine Sea Rescue
Captain	Denmark Fire and Rescue Service
District Operations Officer	Dept of Environment & Conservation
District Officer	Dept Child Protection
President	Denmark Surf Life Saving
Non Voting Members	
Community Emergency Services Manager	Shire of Denmark / FESA

AMENDMENT

MOVED: CR SYME

SECONDED: CR SAMPSON

Add the words "With the exception of the Shire President (as this is covered by the Local Government Act 1995), each position holder is entitled to nominate a Deputy Delegate from their organisation for an individual meeting."

CARRIED: 11/0

Res: 661011

AMENDED MOTION

That Council amend the Local Emergency Management Committee Charter to reflect the following list;

Position	Organisation
<i>Voting Members</i>	
Shire President	Shire of Denmark
Officer in Charge	Denmark Police Service
Officer in Charge	Walpole Police Service
Chief Bush Fire Control Officer	Bushfire Advisory Committee
Director of Nursing	Denmark District Hospital
Centre Manager	Walpole Silver Chain
Unit Manager	Denmark State Emergency Service
Unit Manager	Walpole State Emergency Service
Officer in Charge	Denmark St John Ambulance
Officer in Charge	Walpole St John Ambulance
Commander	Denmark Volunteer Marine Sea Rescue
Commander	Peaceful Bay Vol. Marine Sea Rescue
Commander	Walpole Volunteer Marine Sea Rescue
Captain	Denmark Fire & Rescue Service
District Operations Officer	Dept. of Environment & Conservation
District Officer	Dept. of Child Protection
President	Denmark Surf Life Saving

Non Voting Members

Community Emergency Services Manager (Shire of Denmark/FESA)

With the exception of the Shire President (as this is covered by the Local Government Act 1995), each position holder is entitled to nominate a Deputy Delegate from their organisation for an individual meeting.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED BY AN ABSOLUTE MAJORITY: 11/0 Res: 671011

9.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE – ALTERNATE BRIDGE ACCESS ACROSS THE DENMARK RIVER

File Ref:	ORG.20
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	19 October 2011
Author:	Gregg Harwood - Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:

The Local Emergency Management Committee has considered the need for an alternative means to gain access across the Denmark River within, or within close proximity of, the town centre and recommends that Council consider in the proposed Local Planning Strategy an additional bridge across the Denmark River within, or within close proximity of the Denmark town centre.

The officer recommends that this resolution be adopted with revised wording so that it is relevant to the local planning strategy consideration process.

Background:

The Committee at its meeting of 5 October 2011 resolved as follows;

“That with respect to the Shire of Denmark local planning strategy, consideration is given to the designation and future construction of an additional bridge across the Denmark River within, or within the close proximity of the town centre.”

At the Special Meeting of Council held on the 4 October 2011 to deal with the LPS, it resolved as follows in relation to the issue of a Bridge;

“That Council with respect to the proposed East-West Link Road/Northern Link Road as provided for in the draft Local Planning Strategy, resolve that it be deleted and the following annotations be added:

1. *Provision of a bridge crossing point in the general vicinity of the stretch of river from Reserve 12995 north to Riverbend Lane;*
2. *Provision of a road link on Lot 374 Scotsdale Road to provide for vehicular access from the McLean Road/re-aligned Horsley Road intersection to Scotsdale Road noting this road should be shown as an indicative neighbourhood connector road as it will be dependent on the location of the proposed bridge crossing;*
3. *Identification of the following roads as neighbourhood connector roads:*
 - a) *Cussons Road;*
 - b) *McLean Road from Kearsley Road/Lantzke Road intersection through to the re-aligned Horsley Road intersection;*
 - c) *New road link on Lot 374 from McLean Road/re-aligned Horsley Road intersection through to Scotsdale Road;*
 - d) *Horsley Road from Scotsdale Road to McLean Road;*
 - e) *Kearsley Road from Mt Shadforth Road to McLean Road/Lantzke Road intersection; and*

- f) *Riverbend Lane and East River Road from Denmark-Mt Barker noting these two roads should be shown as indicative neighbourhood connector roads as they will be dependent on the location of the proposed bridge crossing."*



Possible Road Accident Scenario

During a peak tourist season, should the evacuation of Denmark be called for, there is the potential for up to 4000 cars (40km long column of traffic) trying to cross the Denmark River in order to evacuate to Albany.

The absence of an alternative means of crossing the Denmark River within, or within close proximity of, the town centre is a major concern from an emergency management perspective. The reason for this is that the current bridge represents a major choke point in the event of an evacuation particularly during the peak tourist season. Even during other times of the year there is still potential for the bridge to become blocked for extended periods in the event of a truck rollover or break down, damage to the bridge (fire or overloading) or even passenger vehicle accidents.

Given that wild fires in Denmark are typically fanned by winds coming from either the North East or South West directing people to evacuate via the network of gravel roads that lead to the Churchill Rd bridge and the Denmark Mount Barker Rd has the potential to put them directly into an approaching fire front. Such a scenario represents an unnecessary risk when compared to evacuating the community via an additional bridge across the Denmark River within, or within the close proximity of the town centre that they will become familiar with through every day use.

In addition to the emergency management implications the loss of the bridge even for a relatively short period would have significant economic impacts on Denmark as it would largely extinguish tourism, extend the average commute to Albany by around 20 minutes and increase the costs of freighting goods into the district. The loss of the bridge would also severely impact on Council's own ability to conduct business and respond to emergencies on both sides of the River.

While the need for an additional crossing over has the potential to be the subject of considerable research and debate it does stand on its merits when considered at an operational level and support for the Committee's recommendation is recommended.

Statutory Obligations:

Council has responsibility under the Emergency Management Act 2005 to ensure that adequate arrangements are in place to ensure that risks are identified and strategies are in place to enable the community and local emergency service agencies to respond to them.

Policy Implications:

The recent debate regarding the Local Planning Strategy has highlighted the need for the future construction of an additional bridge across the Denmark River within, or within the close proximity of the town centre.

Budget / Financial Implications:

The construction of an additional bridge across the Denmark River within, or within the close proximity of the town centre will be a significant item of infrastructure that will place a significant long term financial burden on Council in terms of construction capital and ongoing maintenance costs. These costs however would be minimised if the State Government funding can be accessed for the construction and ongoing maintenance of the bridge.

Strategic Implications:

The construction of an additional bridge across the Denmark River within, or within the close proximity of the town centre would have significant benefits for the community and commerce of Denmark.

Sustainability Implications:

➤ **Environmental:**

There will be environmental and indigenous heritage issues that will need to be resolved before the construction of an additional bridge across the Denmark River can commence.

➤ **Economic:**

The loss of the bridge even for a relatively short period would have significant economic impacts on Denmark as it would largely extinguish tourism, extend the average commute to Albany by around 20 minutes and increase the costs of freighting goods into the district.

➤ **Social:**

The loss of the bridge would literally split the Denmark community in two and isolate its eastern districts and the adjoining City of Albany locality of Young's Siding socially from the town centre. It would also severely impact on Council's own ability to conduct business and service the community on both sides of the River.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.2

That with respect to the Shire of Denmark local planning strategy, consideration is given to the designation and future construction of an additional bridge across the Denmark River within, or within the close proximity of the town centre.

Reason for alternate Officer Recommendation: The wording has been revised so that it is relevant to the local planning strategy consideration process.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.2

MOVED: CR HINDS

SECONDED: CR MARSHALL

That Council note the Local Emergency Management Committee's recommendation of 5 October 2011 with respect to consideration of the designation and future construction of an additional bridge across the Denmark River for emergency access and evacuation and advise the Committee that it believes its resolution of 4 October 2011 (Resolution No. 061011) adequately addresses the issue.

CARRIED: 11/0

Res: 681011

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

7.30pm - There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.

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

Signed: _____
Dale Stewart – Chief Executive Officer

Date: 26 October 2011

These minutes were confirmed at the meeting of the _____

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