

SHIRE OF DENMARK

Ordinary Council Meeting

MINUTES

30 JANUARY 2024

HELD IN COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK, ON TUESDAY, 30 JANUARY 2024.



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	4
3. DECLARATIONS OF INTEREST	4
4. ANNOUNCEMENTS BY THE PERSON PRESIDING	4
5. PUBLIC QUESTION TIME	5
5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
5.2 PUBLIC QUESTIONS.....	5
5.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	6
5.4 PRESENTATIONS, DEPUTATIONS & PETITIONS.....	6
6. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE	6
6.1 CR LEWIS.....	6
7. CONFIRMATION OF MINUTES	6
7.1 ORDINARY COUNCIL MEETING – 12 DECEMBER 2023	6
7.2 STRATEGIC BRIEFING NOTES – 12 DECEMBER 2023	7
8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	7
9. REPORTS OF OFFICERS.....	7
9.1 DEVELOPMENT SERVICES.....	7
9.1.1 ROPOSED LAND EXCHANGE - REALIGNMENT OF BOUNDARIES BETWEEN RESERVE 45473 AND ADJOINING LOT 9003 (NO. 16) HONEYMYRTLE CIRCUIT	7
9.2 CORPORATE SERVICES	19
9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 NOVEMBER 2023	19
9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2023	22
9.2.3 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 DECEMBER 2023.....	24
9.2.4 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 DECEMBER 2023	28
9.3 INFRASTRUCTURE AND ASSETS.....	29
9.4 GOVERNANCE	30
9.4.1 PROPOSED NAMING – PORTION OF WILSON INLET FORESHORE, ‘HART COVE’	30
9.4.2 PROPOSED NAME FOR FUTURE ROAD RESERVE WITHIN THE SHIRE OF DENMARK - WHITTAKER	33
9.5 COMMUNITY SERVICES.....	36
10. NEW BUSINESS OF AN URGENT NATURE	36
11. CLOSURE OF MEETING.....	36

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm - The Shire President, Cr Gibson, 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 Gibson paid his respects to Elders past, present and emerging.

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

MEMBERS:

Cr Kingsley Gibson (Shire President)
Cr Jan Lewis (Deputy Shire President)
Cr Clare Campbell
Cr Donna Carman
Cr Nathan Devenport
Cr Janine Phillips
Cr Aaron Wiggins
Cr Dominic Youel

STAFF:

David King (Chief Executive Officer)
Rob Westerberg (Director Infrastructure and Assets)
Jodi Masson (Acting Manager Corporate Services)
Claire Thompson (Governance Coordinator)
Kristie Buss (Executive Support Officer)

ON APPROVED LEAVE(S) OF ABSENCE

Cr Jackie Ormsby (pursuant to Council Resolution No. 011223 / 12 December 2023)

ABSENT WITHOUT LEAVE

Nil

VISITORS

Nil

3. DECLARATIONS OF INTEREST

Nil

4. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that the Shire's Acting Manager Corporate Services, Jodi Masson would be departing the Shire of Denmark to take up a position at the Shire of Plantagenet.

Cr Gibson acknowledged the outstanding preparation and quality of financial reporting that Jodi had brought to the Shire in her role. Cr Gibson said that on behalf of the Council and the community he was very grateful for the work that she had produced for the Shire of Denmark and wished her well in her new position.

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 Shane Smith – Rubbish in the Hay River

Shane spoke as a local fisherman and stated that he was extremely saddened with the amount of rubbish that was accumulated along the banks of the Hay River. Shane said that it was the worst he had ever seen it and implored the Council to do something about it.

The Shire President thanked Shane for bringing the matter to the Council's attention.

The Chief Executive officer advised that he would take Shane's comments on notice, investigate the matter, and provide Shane with some information in writing.

5.2.2 Serena Kirby – Item 9.4.1 – Hart Cove

Serena stated that she was attending the meeting with Mrs Ethel Hart, the wife of the late Jim Hart, and noted the submissions that the proposed Hart Cove had received.

Serena referred to the Department of Water's submission and advised that the family supported revegetating the adjacent shoreline. Serena urged Council to support the proposal.

5.2.3 Ben Norrish – Sale of Property for Non-Payment of Rates

Ben referred to a property on Boat Harbour Road that was proposed to be sold for non-payment of rates and asked whether it would be auctioned.

The Acting Manager Corporate Services advised that the matter would be brought before Council in February 2024, at which time Council would decide on what do to with the properties. Jodi said that should Council approve the sale; the property would be auctioned.

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

6.1 CR LEWIS

COUNCIL RESOLUTION	ITEM 6.2
MOVED: CR PHILLIPS	SECONDED: CR CARMAN
That Cr Lewis be granted leave absence 14 June to 30 August 2024 inclusive	
CARRIED: 8/0	Res: 010124
TOTAL VOTES FOR: 8	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING – 12 DECEMBER 2023

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR DEVENPORT	SECONDED: CR CARMAN
That the minutes of the Ordinary Meeting of Council held on the 12 December 2023 be CONFIRMED as a true and correct record of the proceedings.	
CARRIED: 8/0	Res: 020124
TOTAL VOTES FOR: 8	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

7.2 STRATEGIC BRIEFING NOTES – 12 DECEMBER 2023

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 7.2
MOVED: CR PHILLIPS	SECONDED: CR CAMPBELL
That the notes of the Strategic Briefing held on the 12 December 2023 be RECEIVED.	
CARRIED: 8/0	Res: 030124
TOTAL VOTES FOR: 8	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

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

Nil

9. REPORTS OF OFFICERS

9.1 DEVELOPMENT SERVICES

9.1.1 ROPOSED LAND EXCHANGE - REALIGNMENT OF BOUNDARIES BETWEEN RESERVE 45473 AND ADJOINING LOT 9003 (NO. 16) HONEYMYRTLE CIRCUIT

File Ref:	A3557 and A5812
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Reserve 45473 (including portion known as Kingdon Park) Lot 9003 (No. 16) Honeymyrtle Circuit
Disclosure of Officer Interest:	Nil
Date:	15 January 2024
Author:	Will Hosken, Planning Officer David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.1.1a – Location Map 9.1.1b – Schedule of Submissions (agencies) 9.1.1c – Schedule of Submissions (public advertising)

IN BRIEF

- On 19 September 2023 the Council endorsed public advertising of a proposed land exchange that involves a realignment of the lot boundaries between Reserve 45473 and adjoining Lot 9003 Honeymyrtle Circuit.
- This report assesses feedback received and asks the Council to decide whether to proceed with the land exchange proposal.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.1.1

MOVED: CR DEVENPORT

SECONDED: CR LEWIS

That Council:

1. NOTE the submissions received with respect to the proposed land exchange.
2. DETERMINE not to proceed with the land exchange or investigation of the immediate land purchase to create the buffer.
3. REQUEST the Chief Executive Officer to ensure that controls are put in place through the planning framework to facilitate a buffer in the future at the time of development.
4. ADVISE those who provided a submission, and the nearby residents, of the Council's resolution.

CARRIED: 8/0

Res: 040124

TOTAL VOTES FOR: 8

Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.

TOTAL VOTES AGAINST: 0

LOCATION

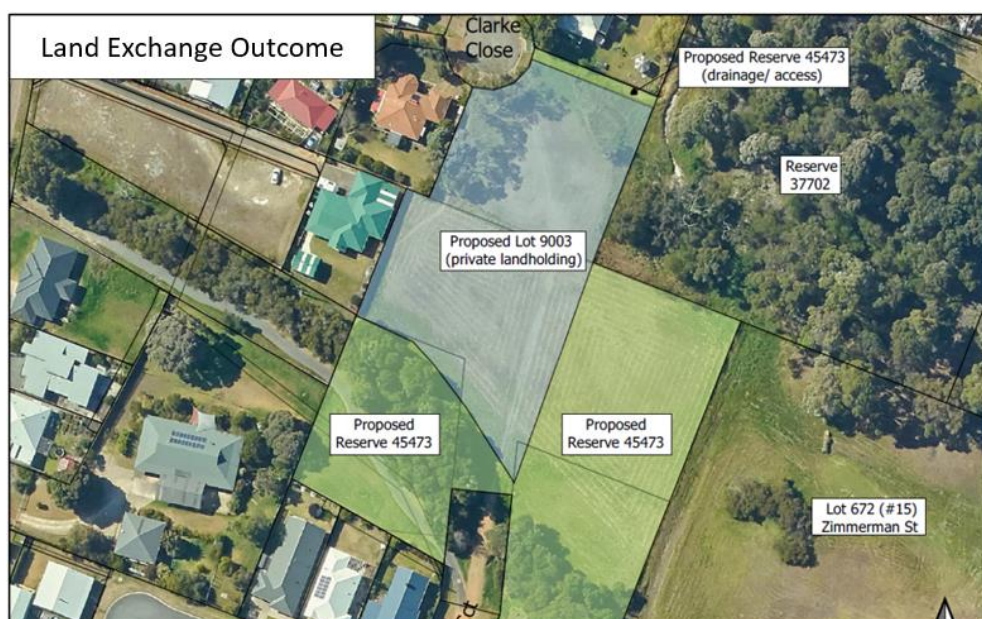
2. The location plan is detailed below and in Attachment 9.1.1a.



BACKGROUND

3. Kingdon Park is an undeveloped 2,022m² portion of Crown Land Reserve 45473, held for public recreation and created in 1994 as part of the subdivision of residential lots in and around Clarke Close.
4. At the time that the surrounding land was subdivided into residential lots, the developer was granted permission to provide a financial contribution to public open space in lieu of the creation of Kingdon Park but elected not to proceed, and the land was ceded.

5. The land is currently zoned 'Residential' in the Shire's Town Planning Scheme No. 3.
6. A report presented to Council on 19 September 2023 (Item 9.1.3) outlined a rationale for a 'land swap' that would achieve the following outcomes:
 - Establishment of a buffer area to minimise conflict between land zoned for residential and industrial uses (addressing potential impacts on residents as well as limitations on business development).
 - Connection of drainage infrastructure between Clarke Close and Zimmerman Street (noting current erosion and discharge issues).
 - Establishment of an ecological corridor from Buckley Street to Zimmerman Street (connecting vegetation on Reserve 37702 with the creek that traverses the southern portions of Reserve 45473).
 - Establishment of a formal north-south pedestrian linkage (currently, this occurs informally across private land).
7. The land changes are depicted below and show the land currently allocated as Kingdon Park being used to form a buffer strip to separate potential future industrial uses of Lot 672:



8. Whilst there are beneficial outcomes to the proposal supported by Council, consultation was requested on the proposed change.

CONSULTATION AND EXTERNAL ADVICE

General

9. The land exchange has been discussed with the owners of Lot 9003, who have supported the Shire investigating the land exchange and have provided access to the site for relevant investigations.
10. Advice has been sought from utility/ servicing agencies regarding any requirements for preserving and/or providing for infrastructure. Responses received are detailed in Attachment 9.1.1b – Schedule of Submissions (agencies), noting that no concerns or objections were raised.
11. Advice has been sought from the Department of Planning, Lands & Heritage (DPLH), who have provided details of the required process (administered by DPLH – Lands) and the information required to be put together by the Shire. This included recommended community consultation, which is now completed.
12. Public advertising was undertaken between 23 October and 23 November 2023, during which 13 submissions were received. Submissions received and officer responses are detailed in Attachment 9.1.1c, with the issues discussed below.
13. Two (2) Site meetings with local residents, officers and councillors were held in November 2023 to hear the views of the local residents.

Recreation

14. The majority of submissions in objection note that Kingdon Park has immediate access from Clarke Close and is commonly used by residents as a local park. These submissions note the broad benefits of public open space and the proximity of this site to their residences as important to how the park is used. Submissions refer to the park being used in an informal and 'free play' way that is based on its natural attributes. In practice, this has also been extended by using Reserve 37702 and Lot 9003 (vacant private landholding).
15. It is acknowledged that Kingdon Park has ready access to Clarke Close and is an asset utilised by residents in this location even though there is no formalised infrastructure. The land exchange will diminish this function, as the area of land that will be gained does not have the same visibility from Clarke Close or natural attributes to support its use as a public park. Submissions discuss this as a social cost of the proposal, and officers acknowledge that the loss of any POS could be considered as such. Several submissions reflected residents' expectations that Kingdon Park would be maintained and that decisions to buy property or live in Clarke Close were influenced by the existence of Kingdon Park.
16. While the loss of Kingdon Park as a recreational asset is acknowledged, a broad-level view of the provision of public open space considers there to be sufficient public open space in the neighbourhood with the Denmark Primary School ovals (100m), Hopson Park (approx. 450m walk), the Denmark-Nornalup Rail Trail reserve (550m) being close and well utilised open spaces in the local area. Relative to these other spaces, Kingdon Park also has fewer attributes that are typical of high-quality public open space, as discussed in this report.

Amenity

- 17. Submissions in objection also raise concerns about the loss of visual amenity (the view and sense of open space and nature) enjoyed by nearby neighbours of Kingdon Park. It is acknowledged that the proposed land exchange will reduce the visual amenity enjoyed by neighbours by moving the area of Kingdon Park to a new position behind where development may occur.
- 18. However, if all private land (as is) is to be developed, this visual amenity would be diminished from a 'landscape' perspective.

Pedestrian Access

- 19. Several submissions indicate some confusion with the ownership of land and the availability of public access between Clarke Close and Honeymyrtle Circuit while generally indicating a preference for maintaining public access.
- 20. There is currently no public access between Clarke Close and Honeymyrtle Circuit, with informal access occurring across private property (based on the goodwill of the owners of Lot 9003). The availability of this informal access is one of the reasons for pedestrian use of Clarke Close, referred to in submissions. The current access through Private land is indicated below.



- 21. The land exchange would provide an improved outcome by securing access through public land. This is shown below.



Road Traffic

- 22. The majority of submissions in objection raise concerns with the potential for increased road traffic on Clarke Close resulting from the future development of Lot 9003. This is due to the land exchange resulting in access to the property from Clarke Cl instead of Honeymyrtle Cct.
- 23. If the land exchange were to proceed and Lot 9003 was to be developed at the fullest extent allowed under the current zoning, it is estimated that an additional 9 houses would be serviced by Clarke Close. This could result in an estimated 40 to 55 vehicle movements per day or 3 to 4 movements per hour over 14 hours. This is within the capacity of the existing road design, and no road or pedestrian infrastructure changes would be recommended. This amount of traffic would not be expected to unduly increase traffic or pedestrian safety risk.

Land Use Buffer

- 24. Several submissions question the need for a buffer and the potential for a buffer to be located on Lot 672 Zimmerman Street.
- 25. Some of these submissions suggest that a buffer already exists based on Lot 9003 and Lot 672 being largely undeveloped; however, officers note that each of these lots is entirely zoned Residential R20 in the current Town Planning Scheme and may be subject to a subdivision or development proposal at any time.
- 26. A buffer between land that is used for residential and industrial purposes is essential and this is the primary purpose of the land exchange. The purpose of a buffer is to minimise impacts (such as noise, odour and visual amenity) on current and future residents from existing and potential future industrial land uses, as well as to enable businesses to carry out their work without undue restrictions resulting from residences being in close proximity. For these reasons, a vegetated buffer exists (35m to 50m) around the remainder of this industrial area.
- 27. Alternative ways to establish a buffer are possible and are investigated in the discussion section of the report.

Housing/ Development Outcomes

28. Several submissions raise concerns that the proposed land exchange will result in potential financial benefit to the owners of Lot 9003 and object to the statement that this proposal may contribute to housing availability/ affordability.
29. While noting that this is not the primary reason for the land exchange, the land exchange would reduce infrastructure costs for any potential development of Lot 9003 by improving access to road and utility infrastructure compared to the current position of the lot. This promotes the development of the land for housing at a lower cost than would currently be the case and enables this development to occur sooner than might otherwise be possible.

Naming

30. Several submissions raise consideration of the naming of Kingdon Park and local history associated with the Kingdon family.
31. The park was originally known as Seaton Park in 1994 when the area was subdivided and later renamed as Kingdon Park by a decision of the Council on 27 September 2011, as part of commemorations for the Shire of Denmark's centenary of local government. This recognised the Kingdon family and Henry Rodney Robert Kingdon, an early Road Board Member and chairperson. The name Kingdon Park was approved by the State's Geographic Names Committee but was not formally gazetted (not required for small parks), and signage was installed on the site in early 2012.
32. Officers are unaware of a direct connection between the Kingdon family and the location of the park or original landholding prior to subdivision, which is also not suggested in the submission received from the Historical Society.

Drainage

33. Although drainage issues were not raised as a significant concern in submissions, discussions with residents and landowners have indicated a general agreement on the need for improvements, albeit without consensus on how this might be achieved.
34. The Shire's drainage infrastructure collects stormwater runoff from Clarke Close and other residential areas upstream before discharging on the eastern side of Kingdon Park and southwestern corner of adjoining Reserve 37702. Significant scouring has occurred in heavy rain events and this infrastructure could benefit from a secure and improved means of conveying flows to established drainage lines. At present this discharge travels generally to the south and east through Lot 672.

STATUTORY / LEGAL IMPLICATIONS

35. Statutory and legal considerations of a land swap are contained in the September 2023 Ordinary Council Item. However, no Statutory Implications are associated with the officer's recommendation in this report. If an alternate option is to be considered Council is advised to seek additional information relating, but not limited to:
 - Planning and Development Act 2005
 - Land Administration Act 1997

STRATEGIC / POLICY IMPLICATIONS

Strategic Community Plan' Our Future 2033

36. The following priorities of the Strategic Community Plan 'Our Future 2033' are relevant:

- *Local roads and stormwater drainage* – consideration of the future resolution of existing drainage issues occurring at and around the site.
- *Environmental conservation and protection* – the consideration of the establishment of a reserve corridor and connection of Reserve 37702 with the creekline passing through the southern portions of Reserve 45473.
- *Housing availability and affordability* – consideration of reducing constraints to the development of Lot 9003 for housing in a location that has utility services available, is close to community services, and potentially provides for the development of (relatively) affordable housing.
- *Engagement and decision-making* – consideration of transparent and ethical decision-making in response to the community's wishes.

Draft Local Planning Strategy

37. The Shire's Draft Local Planning Strategy, adopted by Council in September 2022, classifies public open space (POS) and details a strategic approach to its future development, management and rationalisation. The Strategy aims to support the provision of a public open space network that is centralised and accessible, equitably distributed, diverse, flexible, resource-efficient, and maintains environmental, social and cultural values.
38. The Draft LPS takes a strategic view and provides direction for how the Shire can develop a high-quality, accessible network of POS. This identifies areas of POS that are well used, highly accessible and would benefit from further investment, and areas of POS that have limited use, are not well suited to their purpose and may be considered surplus assets.
39. The Draft Strategy identifies Kingdon Park as suitable for rationalisation from the POS network on the basis of it lacking the location, size, accessibility and passive surveillance to serve as high quality POS, having no existing recreational infrastructure and existing drainage issues, and with the local area already being appropriately serviced and other nearby parks being a higher priority for investment.
40. The Draft Strategy also notes the need to establish buffers between the existing industrial area and adjoining residential land uses. It is noted that even if the zoning of this area changes and accommodates less offensive types of commercial land uses, an existing industrial land use may remain indefinitely (as a 'non-conforming use').
41. The below shows an extract from the Draft Strategy showing Lot 9003 and the planned land use buffer (green) between future residential (orange) and industrial (purple) zones.



- 42. Submissions to this proposal have raised concerns with the loss of existing POS and the attributable social cost – this is noted as a factor to be considered by the Council in determining the direction for this proposal as well as the broader approach to reshaping the POS network expressed in the Draft Local Planning Strategy.

FINANCIAL IMPLICATIONS

- 43. Statutory and legal considerations of a land swap are contained in the September 2023 Ordinary Council Item. However, in this report, no financial implications are associated with the officer's recommendation. If an alternate option is to be considered Council are advised to seek additional information on the financial impacts.

OTHER IMPLICATIONS

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

RISK MANAGEMENT

- 45. 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.

DISCUSSION / OFFICER COMMENTS

- 46. The proposed land exchange meets a wide range of strategic objectives and does so at the least possible cost to ratepayers. However, due to the concerns of the potential impact on adjoining residents that were raised during public consultation, officers have completed a more comprehensive assessment and considered potential alternatives to assist the Council's consideration.

Option 1 – Originally Proposed Land Swap

- 47. Option 1 is to proceed with the land swap as per the September 2023 Ordinary Council meeting.

- 48. The proposed land swap in option 1 provides optimal planning outcomes with very little cost. The Shire has undertaken a transparent process with community involvement that has sought to understand the opinions of those directly affected by the removal of Kingdon Park.
- 49. The local community have raised a number of concerns, particularly around recreation amenity and social impact, that are all valid and accepted to varying degrees by officers (see consultation section of the report)
- 50. Exploring alternatives and mitigation measures is, therefore, essential. If the park is being removed for development purposes, ethical considerations include whether there are alternative ways to achieve objectives without eliminating the park.

Option 2 – Retain Kingdon Park and Purchase the Buffer Strip

- 51. The Shire has the opportunity to acquire the buffer strip through either a private negotiated purchase of part of lot 9003 or mandatory acquisition. The resulting outcome could be as below:



- 52. To acquire the buffer through private negotiation, any proposal would have to have support from the owner of Lot 9003 and could be in part (with subdivision) or whole, with subdivision and sale of the balance at a later date.
- 53. There are mechanisms in the Land Administration Act that allow the acquisition of private land (into Crown Land) for strategic purposes. This would not have to have the consent of the landowner of Lot 9003. However, this would be a lengthy and potentially more expensive process.
- 54. This option facilitates the optimal outcomes of the land use buffer, drainage, ecological corridor and public access but comes at a financial cost. Officers estimate the overall cost to be around \$150,000 to \$200,000 to acquire the portion indicated above.

Option 3 – Resolve the buffer through the planning framework and development at a future time.

- 55. This option would aim to set in place a requirement for the establishment of a vegetated buffer on private land as part of the future development of Lot 672.



56. There is no financial cost to the Shire of Denmark for this option.
57. A buffer secured over private land has the potential to be used or developed for a purpose that it was not intended for, potentially reducing the extent or effectiveness of any buffer between land uses and resulting in a need for ongoing compliance.
58. Without the purchase of land to enable the formalisation of the public path pedestrians and cyclists would have an increase of 235m to travel by using the Creekside path, Ocean Beach Road and Clake Close.
59. While Option 3 highlights the potential of securing the buffer through planning controls, the success of creating a connected ecological corridor depends on the effectiveness of these controls and the commitment to ecological conservation in future developments.
60. This option also compromises the available area for industrial development as the buffer will be largely unusable space within the industrial zone.
61. To implement this option the Draft Local Planning Strategy will be amended to designated buffer requirements that may be applied if and when Lot 672 is developed.

Conclusion

62. On assessing the issues and concerns raised in public submissions, officers acknowledge that there will be a direct impact on surrounding landowners and residents who value Kingdon Park as a public open space. The availability of Kingdon Park for informal recreational use and the overall amenity enjoyed by residents in Clarke Close will be impacted by the proposed land exchange, and the feedback from local residents has been strong in objection.
63. A review of options indicates that there are alternatives to achieving the objectives, and therefore, the originally proposed land swap is not considered the preferred option by officers after consultation.
64. Officers have assessed a range of alternative ways to establish a land use buffer. It has been demonstrated that alternatives could provide a satisfactory buffer, although a sub-optimal outcome is often achieved. Option 2 represents the option that achieves uncompromised objectives but at an approximate cost of \$150,000 - \$200,000 and, ideally, the support of the landowner.
65. On the basis that it is possible to achieve a satisfactory land use buffer through planning requirements for future development of Lot 672, the officer's opinion is that the cost of option 2 to link the ecological corridors and secure land for a future path connection is not justified and, therefore, recommends securing a buffer through the introduction of planning controls into the local planning framework.

9.2 CORPORATE SERVICES

9.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 NOVEMBER 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 December 2023
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.1 – November 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 30 November 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.

VOTING REQUIREMENTS

1. Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.1
MOVED: CR WIGGINS	SECONDED: CR YOUEL
That Council, with respect to the Financial Statements for the period ending 30 November 2023, RECEIVE the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	
CARRIED: 8/0	Res: 050124
TOTAL VOTES FOR: 8 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Nil

BACKGROUND

3. 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:
 - Statement of Financial Activity by Nature or Type;
 - Statement of Financial Activity by Program;
 - Explanation of Material Variances;
 - Net Current Funding Position;
 - Receivables;
 - Capital Acquisitions;
 - Cash Backed Reserve Balances;
 - Loan Schedule;
 - Investment Register;
 - Cash and Investments Summary.

4. 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 030823, Council adopted the monthly reporting variance for the 2023/2024 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.

5. 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

Statement of Financial Activity

6. The Statement of Financial Activity for November 2023 shows a closing funding surplus of \$8,369,094. The adopted budget for the year ended 30 June 2024 (as amended) is premised on a zero year end closing funding position. Operating expenditure is \$403,024 higher than the year-to-date budgeted amount. The main factors relating to this variance is the depreciation expense for infrastructure asset classes have calculated slightly higher than budget due to the revaluation of that asset class effective as at June 2023. There are also some variances in timing for undertaking contracted works when compared to the budget profile. (Refer to Materials & Contracts Expense).

7. A summary of the financial position for November 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)	1,882,014	1,882,014	1,883,689	1,675	0%
Revenue					
Operating revenue	13,928,609	12,027,662	12,215,161	187,499	2%
Capital revenue, grants and contributions	7,810,453	1,069,751	1,083,085	13,334	1%
	21,739,062	13,097,413	13,298,246	200,833	
Expenditure					

Operating Expenditure	-17,590,191	-7,440,560	-7,843,584	-403,024	-5%
Capital Expenditure	-10,636,504	-1,793,427	-1,161,698	631,729	35%
	-28,226,695	- 9,233,987	-9,005,282	228,705	
Funding balance adjustments	4,605,619	1,939,265	2,192,440	253,175	13%
Closing Funding Surplus / (Deficit)	0	7,684,704	8,369,094	684,390	8.91%

Investment Report

8. 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.
9. As at 31 November 2023, total cash funds held (including trust funds) totals \$11,503,969 (Summary – Investment Register).
 - Municipal Funds total \$6,850,404
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,652,715
 - Municipal Funds (unrestricted) invested, total \$6,174,845
10. The official Reserve Bank of Australia’s (RBA) cash rate was lifted by 0.25% from 4.10% to 4.35% at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

11. 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) Regulations 1996

12. 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

13. Section 6.14.

The Trustees Act 1962

14. Part III Investments.

The Local Government (Financial Management) Regulations 1996

15. 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

16. Nil

FINANCIAL IMPLICATIONS

- 17. The Shire’s 2023/2024 Annual Budget provides a set of parameters that guides the Shire’s financial practices.
- 18. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

- 22. 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.

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2023

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	8 January 2023
Author:	Kelly Schroeter, Acting Assistant Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.2 – November 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 November 2023 to 30 November 2023.

VOTING REQUIREMENTS

- 1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.2
MOVED: CR CAMPBELL	SECONDED: CR PHILLIPS
That Council, with respect to the attached Schedule of Payments totalling \$1,835,108.73 for the month of November 2023, RECEIVE the following summary of accounts:	
<ul style="list-style-type: none"> • Electronic Funds Transfers EFT 36808 to EFT 37071 - \$1,045,171.43 • Municipal Fund Cheque payments – \$532.50 • Internal Account Transfers (Payroll) - \$633,647.15 • Direct Debit - \$7,484.78 • Corporate Credit Card - \$5,113.67 • Department of Transport Remittances - \$99,908.30 • Loan Payments – \$43,250.90 	
CARRIED: 8/0	Res: 060124
TOTAL VOTES FOR: 8	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Nil.

BACKGROUND

3. Nil.

DISCUSSION / OFFICER COMMENTS

4. Nil.

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

Local Government (Financial Management) Regulations 1996

6. Regulation 13

STRATEGIC / POLICY IMPLICATIONS

7. Nil

FINANCIAL IMPLICATIONS

8. Nil.

OTHER IMPLICATIONS

Environmental

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

Economic

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

Social

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

RISK MANAGEMENT

12. 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.

9.2.3 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 DECEMBER 2023

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	16 January 2024
Author:	Scott Sewell, Financial Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.1 – December 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 December 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.

VOTING REQUIREMENTS

1. Simple Majority

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.3
MOVED: CR CAMPBELL	SECONDED: CR CARMAN
That Council RECEIVE the Financial Reports for the period ending 31 December 2023, incorporating the Statement of Financial Activity and other supporting documentation, as per Attachment 9.2.1.	
CARRIED: 8/0	Res: 070124
TOTAL VOTES FOR: 8 Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Nil

BACKGROUND

3. 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:
 - Statement of Financial Activity by Nature or Type;
 - Statement of Financial Activity by Program;
 - Explanation of Material Variances;
 - Net Current Funding Position;
 - Receivables;
 - Capital Acquisitions;
 - Cash Backed Reserve Balances;
 - Loan Schedule;
 - Investment Register;
 - Cash and Investments Summary.

4. 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 030823, Council adopted the monthly reporting variance for the 2023/2024 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.

5. 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

Statement of Financial Activity

6. The Statement of Financial Activity for December 2023 shows a closing funding surplus of \$7,683,509. The adopted budget for the year ended 30 June 2024 (as amended) is premised on a zero year end closing funding position. Operating expenditure is \$408,928 higher than the year-to-date budgeted amount. The main factors relating to this variance

is the depreciation expense for infrastructure asset classes have calculated slightly higher than budget due to the revaluation of that asset class effective as at June 2023. There are also some variances in timing for undertaking contracted works when compared to the budget profile. (Refer to Materials & Contracts Expense).

7. A summary of the financial position for December 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)	1,882,014	1,882,014	1,883,689	1,675	0%
Revenue					
Operating revenue	13,928,609	12,532,005	12,868,686	336,681	3%
Capital revenue, grants and contributions	7,810,453	1,069,763	1,083,248	13,485	1%
	21,739,062	13,601,768	13,951,934	350,166	
Expenditure					
Operating Expenditure	-17,590,191	-8,961,558	-9,370,486	-408,928	-5%
Capital Expenditure	-10,636,504	-2,453,792	-1,402,983	1,050,809	43%
	-28,226,695	- 11,415,350	-10,773,469	641,881	
Funding balance adjustments	4,605,619	2,319,298	2,621,355	302,057	13%
Closing Funding Surplus / (Deficit)	0	6,387,729	7,683,509	1,295,780	20%

Investment Report

8. 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.
9. As at 31 December 2023, total cash funds held (including trust funds) totals \$10,659,339 (Summary – Investment Register).
 - Municipal Funds total \$5,968,770
 - Shire Trust Funds total \$850
 - Reserve Funds (restricted) invested, total \$4,689,719
 - Municipal Funds (unrestricted) invested, total \$4,936,538
10. The official Reserve Bank of Australia’s (RBA) cash rate was lifted by 0.25% from 4.10% to 4.35% at the Reserve Bank Board meeting held on 7 November 2023. No further adjustments to the official cash rate have occurred at the time of writing this report.

CONSULTATION AND EXTERNAL ADVICE

11. 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) Regulations 1996**

12. 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

13. Section 6.14.

The Trustees Act 1962

14. Part III Investments.

The Local Government (Financial Management) Regulations 1996

15. 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

16. Nil

FINANCIAL IMPLICATIONS

17. The Shire's 2023/2024 Annual Budget provides a set of parameters that guides the Shire's financial practices.
18. Any financial implications or trends are detailed within the context of this report.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

22. 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.

9.2.4 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 DECEMBER 2023

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	16 January 2023
Author:	Kelly Schroeter, Acting Assistant Accountant
Authorising Officer:	Jodi Masson, Acting Manager Corporate Services
Attachments:	9.2.4 – December 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 December 2023 to 31 December 2023.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.2.4
MOVED: CR WIGGINS	SECONDED: CR CAMPBELL
That Council, with respect to the attached Schedule of Payments totalling \$1,599,635.51 for the month of December 2023, RECEIVE the following summary of accounts:	
<ul style="list-style-type: none"> • Electronic Funds Transfers EFT 37072 to EFT 37320 - \$1,021,904.26 • Municipal Fund Cheque payments 60551 to 60552 – \$1,683.60 • Internal Account Transfers (Payroll) - \$440,497.35 • Direct Debit - \$8,000.26 • Corporate Credit Card - \$5,729.33 • Department of Transport Remittances - \$75,471.55 • Loan Payments – \$46,349.16 	
CARRIED: 8/0	Res: 080124
TOTAL VOTES FOR: 8	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Nil

BACKGROUND

3. Nil.

DISCUSSION / OFFICER COMMENTS

4. Nil.

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**Local Government (Financial Management) Regulations 1996**

6. Regulation 13

STRATEGIC / POLICY IMPLICATIONS

7. Nil

FINANCIAL IMPLICATIONS

8. Nil.

OTHER IMPLICATIONS**Environmental**

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

Economic

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

Social

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

RISK MANAGEMENT

12. 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.

9.3 INFRASTRUCTURE AND ASSETS

Nil

9.4 GOVERNANCE

9.4.1 PROPOSED NAMING – PORTION OF WILSON INLET FORESHORE, ‘HART COVE’

File Ref: GOV.49
Applicant / Proponent: Serena Kirby on behalf of the family
Subject Land / Locality: Portion of northern shoreline of Wilson Inlet
Disclosure of Officer Interest: Nil
Date: 15 January 2024
Author: Claire Thompson, Governance Coordinator
Authorising Officer: David King, Chief Executive Officer
Attachments: 9.4.1a - Proposal
 9.4.1b - Maps
 9.4.1c - Schedule of Submissions

IN BRIEF

- In July 2023, for the purpose of advertising, Council agreed, in principle, to a proposal to name a portion of Wilson Inlet Foreshore ‘Hart Cove’.
- Council is requested to consider the submissions and make recommendation to the Geographic Naming Committee (Landgate).

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.1
MOVED: CR PHILLIPS	SECONDED: CR LEWIS
That Council	
1. NOTE the submissions received;	
2. RECOMMEND to Landgate’s Geographic Naming Committee that the portion of the Wilson Inlet Foreshore, as identified in Attachment 9.4.1b, be named ‘Hart Cove’; and	
3. REQUEST the Chief Executive Officer to investigate the foreshore area and, if required, undertake revegetation in liaison with the adjacent property owners.	
CARRIED: 8/0	Res: 090124
TOTAL VOTES FOR: 8	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. Portion of northern foreshore of Wilson Inlet, within the Shire of Denmark local government area. See Attachment 9.4.1b.
3. The location proposed is at the rear of Jim and Ethel Hart’s residence of over 32 years. Ethel still resides at the dwelling.

BACKGROUND

4. The Shire has received a proposal from a member of the public, on behalf of the Hart Family, to name as portion of the Wilson Inlet Foreshore, 'Hart Cove'.
5. At the meeting held in July 2023, Council resolved as follows (Resolution No. 120723):

That with respect to the proposal to name a portion of the northern shoreline of Wilson Inlet, located within the Shire of Denmark local government area, Council:

1. *SUPPORT the proposal in principle;*
2. *ADVERTISE the proposal broadly seeking public comment;*
3. *SEEK comment from residents and ratepayers who live near the location;*
4. *SEEK specific comment from the following stakeholders:*

Department of Fisheries

Department of Transport

Department of Water

Department of Planning, Lands and Heritage

Southern Seafood Producers WA

Denmark Sea Rescue

Denmark Cruise and Adventures

Madfish Charters

Wilson Inlet Restoration Group

Wilson Inlet Catchment Committee

South Coast Natural Resource Management

Denmark Historical Society

South Coast Bushcare Services

5. *REQUEST that the Chief Executive Officer bring the matter back to Council with any submissions received for further consideration.*

DISCUSSION / OFFICER COMMENTS

6. The outcome of the consultation period has confirmed that there are no objections to the proposal.
7. Officers suggest that Council recommend the naming of 'Hart Cove' to Landgate, the Geographic Naming Committee, and the Minister.

CONSULTATION AND EXTERNAL ADVICE

8. The proposal was advertised generally for six weeks, and comment was sought from specific stakeholders, as identified in the Council's July 2023 Resolution. Stakeholders were written to on 21 September 2023 and were provided until the 31 October 2023 to make comment.
9. On 4 December 2023, follow up emails were sent to stakeholders that hadn't yet responded.
10. 16 submissions / comments were received, all of which had no objections to the proposal. See Attachment 9.4.1c for the schedule of submissions.
11. Of the stakeholders specifically engaged, there was no response from the Department of Transport, the Denmark Sea Rescue or the South Coast Bushcare Services.
12. The proposal has been referred to the Wagyl Kaip Cultural Advice Committee who have advised that they have no objection.

13. Given the requirement for an assessment of Jim's 'significant community contribution', initial advice was also sought from Landgate. Landgate have provided in principle support noting that it will still need to be considered by the Geographic Names Committee and the Minister.
14. All commemorative name proposals must include evidence of support by the wider community and reach beyond a single local government, person or special interest group.

STATUTORY / LEGAL IMPLICATIONS

Land Administration Act 1997

15. Section 26A(5) – a person must not assign a name to an area without the prior approval of the Minister for Lands.

Policies and Standards for Geographical Naming in Western Australia

16. The legislation is supported by the *Policies and Standards for Geographical Naming in Western Australia* ('Policies and Standards'), which detail the process to be undertaken prior to referring a proposed name to the Geographic Names Committee, who then make a recommendation to the Minister. Of note in the Policies and Standards:
 - Clause 1.4.2
 - the use of a personal name can only be used posthumously. Jim passed away in February 2022.
 - permission of the immediate family must be obtained. The applicant is acting on behalf of the family.
 - There must be evidence of broad community support for the proposal.
 - Clause 1.8.1 - Consultation
 - The immediate community is defined as including residents, ratepayers and businesses within the immediate area who are directly affected by the submission.
 - The extended community includes residents, ratepayers and businesses surrounding the area directly affected by the proposal, any visitor groups to the area, and government or non-government organisations with an interest in the area.
 - Clause 3.1.2
 - Each topographic name proposal needs to include a feature class.
 - Appendix 3A
 - Defines a 'Cove' as "a sheltered recess in a coast, a small bay, a creek or inlet where boats may shelter. This is considered appropriate for this proposal.
 - Section 9
 - Provides guidance on consultation and naming proposals.

Road & Reserve Naming within the Shire Policy

17. The name 'Hart' is identified in the policy to be used in the future in recognition of a 'War Veteran'. There is no other information and from the history received, there is no mention of Jim Hart going to war, so it is unlikely that the 'Hart' reference is for Jim.

18. Notwithstanding, it does not negatively impact this proposal.

STRATEGIC / POLICY IMPLICATIONS

Our Future 3033

19. The proposed naming of Hart Cove is consistent with the engagement and decision making objectives of the Strategic Community Plan ‘Our Future 2033’.

FINANCIAL IMPLICATIONS

20. There are no financial implications with respect to the officer recommendation.

OTHER IMPLICATIONS

Environmental

21. In the Department of Water and Environmental Regulation’s submission they have requested that the Shire seek to improve the vegetation located on the foreshore, adjacent to the proposed ‘Hart Cove’.

Economic

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

Social

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

RISK MANAGEMENT

24. 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.

9.4.2 PROPOSED NAME FOR FUTURE ROAD RESERVE WITHIN THE SHIRE OF DENMARK - WHITTAKER

File Ref:	GOV.49
Applicant / Proponent:	Whittaker Family
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 January 2024
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David King, Chief Executive Officer
Attachments:	9.4.2a – Road Naming within the Shire of Denmark Policy

IN BRIEF

- The Shire has a request for Council to consider the name ‘Whittaker’ as a commemorative name for future road naming, after the late Peter Whittaker.

VOTING REQUIREMENTS

1. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4.2
MOVED: CR YOUEL	SECONDED: CR DEVENPORT
That Council:	
<ol style="list-style-type: none"> 1. ENDORSE the name 'Whittaker', in recognition of the late Peter Whittaker; 2. ADVERTISE the name seeking community comment for a period of 14 days; and 3. Should there be no objection received, APPROVE the inclusion of the name in the Road Naming within the Shire of Denmark Policy. 	
CARRIED: 8/0	Res: 100124
TOTAL VOTES FOR: 8	
Cr Campbell, Cr Wiggins, Cr Youel, Cr Gibson, Cr Devenport, Cr Carman, Cr Lewis and Cr Phillips.	
TOTAL VOTES AGAINST: 0	

LOCATION

2. The family have not indicated any location preference for future allocation of the proposed name.

BACKGROUND

3. Nil.

DISCUSSION / OFFICER COMMENTS

4. The following history has been provided by the applicants:

PETER FRANK WHITTAKER (1930-2015)

Born in the Denmark, Peter was the son of Frank and Stezla Whittaker who settled in Denmark in the early 1900s.

Peter was deeply involved with the Denmark town's people, its business growth, its clubs and institutions.

Peter's father was the first butter maker in Denmark and in 1939 the family moved to a house next to the (now) Old Butter Factory (Shadforth Road). The Palm Tree his father planted in their front yard still shades the front of Mrs Jones Café.

Peter went to the Denmark Primary School and the Denmark Agricultural College but found his passion was in mechanical things. In 1946 he took an apprenticeship with Jack Rickey who owned the local automotive business, and went on to become an accomplished mechanic, panel beater and spray painter.

Peter married Jo Stephens in 1951 in Denmark and went on to have three children, Ken, Graeme and Lee-Ann. Their children, their partners, grandchildren and great grandchildren all reside in Denmark.

Peter and Harold Mayer joined in partnership to start up their own business called Talisman Motors (1972), which is still going today.

Around the same time, Peter became a member of the Denmark Fire Brigade and together with his mate Jim Hart, they were involved in building the Fire Station on Hollings Road.

Peter was also a member of Apex, then the Denmark Lions Club where he became president. He became a Justice of the Peace and spent many a day waiving goal umpire flags for the Denmark Football Club.

In the 1980s, Peter and Jo took on the Koorda Hotel for two and a half years before moving back to Denmark in 1983 (circa), when they took over the Spot Newsagency for a couple of years. After moving into semi-retirement, Peter then spent many years driving school busses.

For the 20 years prior to his death, Peter was a member of the Clay Pigeon Club, the Denmark Historical Society and the Denmark Bowling Club, where he and Jo took on responsibility for running the bar for 13 years.

5. Should the name be endorsed by Council, if it is chosen to be used in the future, final approval will need to be sought from Landgate's Geographic Name's Committee.

CONSULTATION AND EXTERNAL ADVICE

6. Section 1.8 of Landgate's *Policies and Standards for Geographical Naming in WA* states that any proposed new name, which could be considered to be of significance to the immediate or extended community, must include evidence of consultation with the community.
7. It is recommended that the proposed name of 'Whittaker' be advertised and, should there be no objections received, it be added to the Council's Road Naming Policy.
8. Depending on when and where the name may be used in the future, further consultation could be required in accordance with Landgate's *Policies and Standards for Geographical Naming in WA*.

STATUTORY / LEGAL IMPLICATIONS

9. Section 26 and 26A of the Land Administration Act 1997 relates to the practice of officially naming features, localities and roads within Western Australia.
10. Landgate's *Policies and Standards for Geographical Naming in WA* supports the legislation and provides the process and principles which apply to all naming.

STRATEGIC / POLICY IMPLICATIONS

11. Road Naming within the Shire of Denmark Policy relates. See Attachment 9.4.2.
12. It is noted that the name 'Whitaker' is already included in the policy. This is in recognition of 'Tom Whitaker' who was an Elected Member from 1997 – 1999 and is no relation to Peter 'Whittaker' who is the subject of this proposal.
13. It is also noted that if the name is added to the Council's policy, should one of the names, either 'Whitaker' or 'Whittaker', be allocated to a road reserve in the future, then the other may not be accepted at a later time by Landgate, given that they are essentially the same and same or similar names within a particular area are generally not accepted.

FINANCIAL IMPLICATIONS

14. The cost of advertising the proposed name can be accommodated within the Shire's 2023/24 administration's general advertising budget.

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. Using the names of local identities who have contributed significantly, or in a significant way to a community, provides an interesting insight into the history and culture of an area.

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.

9.5 COMMUNITY SERVICES

Nil

10. NEW BUSINESS OF AN URGENT NATURE

Nil

11. CLOSURE OF MEETING

4.28pm – The Shire President declared the meeting closed.

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

Signed: _____
David King – 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)