

Shire of Denmark Minutes



ORDINARY (DISCUSSION ONLY) MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK,
ON TUESDAY, 27 JULY 2010.

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Ordinary Council Meeting

27 July 2010

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.06pm - The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS PRESENT:

- Cr Ross Thornton (Shire President)
- Cr Ken Richardson-Newton (Deputy Shire President)
- Cr Phil Barnes
- Cr Kim Barrow
- Cr George Ebbett
- Cr Adrian Hinds
- Cr Robert Laing
- Cr Richard Phair
- Cr John Sampson
- Cr Alex Syme
- Cr John Wakka

STAFF:

- Mr Dale Stewart (Chief Executive Officer)
- Mr Garry Bird (Director of Finance & Administration)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Rob Whooley (Director of Infrastructure Services)
- Mr Sam Williams (Director of Planning & Sustainability)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Cr Dawn Pedro

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 0

Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Phair	8.1.5	Proximity	Cr Phair owns property which adjoins the Peaceful Bay Structure Plan.
Cr Phair	8.5.2	Impartiality	Cr Phair is a member of the Peaceful Bay Progress Association & the Peaceful Bay Volunteer Bush Fire Brigade.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

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.

There were no questions as there were no members of the public present at the meeting.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Cr Thornton

COUNCIL RESOLUTION	ITEM 6.1
MOVED: CR SYME	SECONDED: CR HINDS
That Cr Thornton be granted leave of absence for the Ordinary Council meeting to be held on 17 August 2010.	
CARRIED: 11/0	Res: 140710

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR SAMPSON	SECONDED: CR RICHARDSON-NEWTON
That the minutes of the Ordinary Meeting of Council held on the 20 July 2010 be confirmed as a true and correct record of the proceedings.	
CARRIED: 11/0	Res: 150710

7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**7.1 CELLAR SALES AND ANCILLIARY PRODUCT SALES**

File Ref:	A408
Applicant / Proponent:	Cr Philip R Barnes for Singlefile Estate Wines Pty.Ltd.
Subject Land / Locality:	No. 90 (PT494) Walter Road, Denmark
Disclosure of Councillor Interest:	Nil
Date:	12 July 2010
Author:	Cr Philip Barnes
Attachments:	Yes – Page 1

Summary:

The proponent has been granted approval to convert an existing outbuilding to allow for modified cellar sales, subject to conditions. One of the conditions requires the proponent to obtain a Special Facility Licence - Tourism from the Office of Racing, Gaming & Liquor. The proponent requests that this licence to be changed to a Tavern Licence with Restrictions. The restrictions will be the same as the conditions previously specified, with the addition of a restriction to disallow the sale of spirits and the take away sale of boutique beer.

Background:

Singlefile Estate Wines Pty. Ltd had been granted Planning Approval to convert an existing outbuilding to allow for modified cellar sales at No. 90 (PT494) Walter Road, Denmark, subject to a number of conditions. See attachment for full Council Resolution. A request from the proponent which differentiates their application from the normal Cellar Sales request is that they wish to sell small quantities of boutique beer and high quality premium wines from other producers, in order to give them a point of 'difference' from a marketing perspective. Their request specifies that the sale of 'foreign' products would be limited to no more than 30% by value of their total sales. In order to avoid loading the Shire with the responsibility of policing this maximum, Council, at their meeting of 27 April 2010, required that the proponents obtain be a Special Facility Licence - Tourism from the Office of Racing, Gaming and Liquor. Under this licence the onus for controlling the maximum sale of 'foreign' beer and wine would fall upon the Office of Racing, Gaming and Liquor.

In making the necessary application to the Office of Racing, Gaming and Liquor for a Special Facility Licence - Tourism, the proponent has been advised that this form of licence is only granted in rare circumstances where no other form of licence can be issued and where it can be clearly shown that the provision of such a licence will enable the facility to become -

- (a) an attraction for tourists; or
- (b) a facility that enhances the State's tourist industry.

In this instance, this is clearly not the case.

Another form of licence that would satisfy the proponents requirements and enable the Office of Racing, Gaming and Liquor to grant a licence and not place the onus of policing the sales on the Shire, would be a Tavern Licence, with Restrictions. Council has the authority to nominate these restrictions which would then be adopted by the licencing authority. See letter to proponent from the Office of Racing, Gaming and Liquor, attached.

The proponents request is to sell boutique beer only for consumption on the premises, while the 'foreign' wines would be available for sale to take off-site.

All other factors remain the same as approved by Council at the April 27 2010 meeting.

Comment:

In order to change the type of licence which Council has specified, the proponent was advised that they would have to make an application to SAT, who would either request Council review the condition, resolve it in mediation or a full hearing. This procedure would involve the proponent in a considerable amount of work and expense which will be avoided if Council agrees to change the licence requirements as per this motion.

The fact that a Tavern Licence may be issued will not result in the premises becoming a "wholesale" rowdy liquor establishment or take-away bottleshop, as the restrictions imposed will prevent this possibility. The intent is to provide a sophisticated, premium wine outlet.

In terms of setting a precedent, this will not apply, as Council will always have the discretion to impose conditions/restrictions on the approval of a Tavern licence.

Consultation:

The proposal to grant the proponents should be advertised for public comment for a period of 21 days in a relevant local newspaper, signs on site and the neighbours consulted.

Statutory Obligations:

Prior to operating, the proponents will need to obtain the appropriate liquor licence from the Office of Racing, Gaming and Liquor under the Liquor Control Act 1988. A copy of this shall be provided to the Shire.

Policy Implications:

The site is subject to Policy No. 29 – Rural Settlement Strategy. In summary the following objectives of the policy are relevant to this application:

6.3 Objectives

6.3.1 To conserve the potential of the area to support horticulture on capable land and in such a manner that it will not further exacerbate problems identified in the above management issues.

6.3.2 To encourage horticultural activities on appropriate land.

6.3.4 To encourage the development of small scale tourist orientated developments such as holiday accommodation providing they will not compromise the primary objective 6.3.1 above.

The application is deemed to be consistent with Policy No. 29.

Budget / Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications relating to the report or the Councillor Notice of Motion.

Sustainability Implications:**➤ Environmental:**

There are no known significant environmental considerations relating to the report or Councillor Notice of Motion.

➤ Economic:

The operation of an additional Cellar Door will enhance Denmark's wine producing credentials and bring tourist dollars into the Shire. Such activities have flow on

effects for ancillary businesses, including accommodation providers, tourist operators, local eateries and existing cellar doors where by people visit more than one premise in a day. In addition a small number of staff will be required at the premise, creating some jobs within the Shire benefiting the local community.

➤ **Social:**

There are no known significant social considerations relating to the report or Councillor Notice of Motion.

Voting Requirements:

Simple majority.

At the meeting held on the 20 July 2010;

1. Cr Richardson-Newton asked whether the previous motion required rescission;
2. The Shire President requested that the heading be amended to read "Cellar Sales & Ancillary Product Sales". The title of the item has been amended accordingly; and
3. Cr Syme requested that an Officer comment be included stating whether the Notice of Motion complied with the Shire of Denmark Standing Orders Local Law. Cr Syme also requested that an Officer comment, and perhaps Recommendation, in relation to the content of the motion, be provided for next week's meeting.

The Chief Executive Officer advised that given that the Notice of Motion would cause an amendment to a condition within the original resolution and not a complete revocation of that resolution. The Chief Executive Officer has investigated the matter and provides the following responses to the matters raised by Cr Richardson-Newton, the Shire President and Cr Syme.

Officer comment:

The Notice of Motion complies with the Shire of Denmark Standing Orders Local Law clause 3.10.

Pursuant to the Local Government (Administration) Regulations 1996 section 10 (3), the regulations relating to rescission or revocation do to apply unless the effect of the change would be that the decision would be revoked or would become substantially different. It is the view of the Officer that the effect of the changes proposed does not revoke the decision nor substantially alter it.

The title of this item has been amended as per the Shire President's comments.

NOTICE OF MOTION

ITEM 7.1

That with respect to the approval granted for Singlefile Estate Wines Pty. Ltd. for cellar sales and ancillary products on the 27 April 2010, Council replace Conditions 1 and 2 with the following conditions:

1. Approval being received from the Office of Racing, Gaming and Liquor for a Tavern Licence with Restrictions.
2. Council to advise the Office of Racing, Gaming & Liquor that should approval be granted for a Tavern Licence with Restrictions, a condition of approval under section 40 of the Liquor Control Act be:
 - a. A minimum of 70% of all alcoholic products sold on site shall be produced by the winery;
 - b. The hours of operation to be restricted to between 10am – 7pm (7 days per week).
 - c. No take away sale of boutique beer is permitted.
 - d. No sale of spirits on the site is permitted.

All other conditions remain as per the 27 April 2010 resolution.

Resultant from discussions with the author of this motion, Cr Barnes, the Director of Planning and Sustainability has prepared the Alternative Officer Recommendation for Council's deliberation. The Alternate Officer Recommendation should only be considered if Cr Barnes' Notice of Motion is lost or withdrawn.

Cr Barnes withdrew his Notice of Motion.

COUNCIL RECOMMENDATION	RESOLUTON & ALTERNATIVE OFFICER	ITEM 7.1
MOVED: CR BARNES	SECONDED: CR BARROW	
<p>That with respect to the approval granted for Singlefile Estate Wines Pty. Ltd. for cellar sales and ancillary products on the 27 April 2010, Council replace Conditions 1, 2 and 6 with the following conditions:</p> <ol style="list-style-type: none"> 1. Approval being received from the Office of Racing, Gaming and Liquor for a Tavern Licence with Restrictions. 2. Council to advise the Office of Racing, Gaming & Liquor that should approval be granted for a Tavern Licence with Restrictions, a condition of approval under section 40 of the Liquor Control Act be: <ol style="list-style-type: none"> a. A minimum of 70% of all alcoholic products sold on site shall be produced by the winery; b. The hours of operation to be restricted to between 10am – 5pm (7 days per week). c. No take away sale of boutique beer is permitted. d. No sale of spirits on the site is permitted. 3. The number of guests being restricted to 50. <p>All other conditions remain as per the 27 April 2010 resolution.</p>		
CARRIED: 11/0		Res: 160710

7.2	DIRECTORS TO SPEAK ON BUDGET ITEMS
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File Ref:	CR.3
Applicant / Proponent:	Cr Hinds
Subject Land / Locality:	Not applicable
Disclosure of Councillor Interest:	Nil
Date:	15 July 2010
Author:	Cr Hinds
Attachments:	No

Summary:

Councillors have received much detail of proposed expenditure but this Councillor finds it difficult to translate departmental lists of expenditure into expenditure by program.

Comment:

Should enhance Councillors' understanding of the significance of budget proposals.

Consultation:

Nil

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

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

Strategic Implications:

There are no known significant strategic implications relating to the report or the Councillor Notice of Motion.

Sustainability Implications:**➤ Environmental:**

There are no known significant environmental considerations relating to the report or Councillor Notice of Motion.

➤ Economic:

There are no known significant economic considerations relating to the report or Councillor Notice of Motion.

➤ Social:

There are no known significant social considerations relating to the report or Councillor Notice of Motion.

Voting Requirements:

Simple majority.

Officer comment:

It is the view of the Chief Executive Officer that Councillors should now have a detailed knowledge of the proposed discretionary and non-discretionary expenditure included in the draft Budget across all of the programs and sub-programs, with all of the Directors present at Budget briefings, such that the intent of this Notice of Motion is no longer required.

Assuming Council adopts the 2010/11 Budget at the scheduled Special Meeting commencing at 12.30pm on the 27 July 2010, the Notice of Motion should be withdrawn as it wouldn't be able to be implemented.

CR HIND'S NOTICE OF MOTION

ITEM 7.2

That Council hear a presentation from each of the Departmental Directors of their plans for the expenditure proposed in the Shire Council's Budget for 2010/11 and that these presentations take place before the Special Meeting for the adoption of the Budget.

COUNCIL RESOLUTION	ITEM 7.2
MOVED: CR HINDS	SECONDED: CR LAING
That Council hear a presentation from each of the Departmental Directors of their plans for the expenditure proposed in the Shire Council's Budget and that these presentations take place before the Special Meeting for the adoption of the Budget.	
AMENDMENT	
MOVED: CR SYME	SECONDED: CR RICHARSON-NEWTON
That the following words be added;	
1. After the words "Shire Council's" insert the word "Annual";	
2. Before the word "Budget" on the last line insert the word 'Annual';	
3. After the words 'take place' add the words 'at least four weeks before'.	
CARRIED: 11/0	Res: 170710
AMENDED MOTION	
That Council hear a presentation from each of the Departmental Directors of their plans for the expenditure proposed in the Shire Council's Annual Budget and that these presentations take place at least four weeks before the Special Meeting for the adoption of the Annual Budget.	
THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS THEN PUT & CARRIED: 11/0	
	Res: 180710

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 FINAL ADOPTION OF DRAFT TOWN PLANNING SCHEME POLICY - PUBLIC OPEN SPACE

File Ref:	PLN 59
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 June 2010
Author:	Cindy Simpson, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – Page 9

Summary:

The draft Town Planning Scheme for 'Public Open Space' (POS) was advertised and submissions received. It is recommended that Council modify the policy where identified as a result of the submissions received and adopt it as a final Scheme policy.

Background:

Council at its 23 March 2010 meeting adopted a draft of the above policy to enable consultation and referral to occur. The policy was advertised in the Denmark Bulletin over a 6 week period and referred to relevant agencies. No submissions were received from the community. The Department of Planning, Water and Sport and Recreation provided comments.

Comment:

All comments received on the policy were in support of the policy. The majority of changes are minor. One major change to the policy relates to cash-in-lieu contribution.

The draft policy provided that a cash-in-lieu contribution could be made for 5 or less lots being created on a sliding scale based on the maximum potential lot yield as follows:

- 3 lots - 5%
- 4 lots - 7.5%
- 5 lots - 10%

The Department for Planning commented that:

- Cash-in-lieu contribution should allow for subdivisions where more than 5 lots are being created. There may be instances where the area of land to be dedicated for POS is not of practicable use (size, slope etc.), or where there is already adequate POS in the locality.
- The planning purpose behind the sliding scale for cash-in-lieu is not sound and WAPC's requirements for a 10% contribution of the value of the gross subdividable land are more appropriate for subdivision of 3 or more lots. In terms of establishing a nexus between the development and its planning impact for the demand for public open space, the Department recommends that a credit be given for the existing lot. For example, where one lot is subdivided into 4 lots, a credit is provided for the existing lot resulting in the cash-in-lieu contribution being 3/4ths of the 10%.

The Department's comments are concurred with and the policy has been amended to reflect this.

The policy provision to raise cash-in-lieu for subdivision that create 3 to 5 lots is sound as it is in accordance with the *Planning and Development Act 2005* that requires contributions for POS where a subdivision seeks to create more than 2 lots. Whilst the WAPC policy seeks contribution where more than 5 lots are created it recognises that a contribution can be raised for 3 to 5 lots where a contribution has not been made in an earlier subdivision. For example, a 3 to 5 lots subdivision is likely to be infill development (i.e. central Denmark town and its immediate environs) that would have been developed prior to POS contributions being sought (approximately 1960's).

Consultation:

Consultation on the draft policy took place as referenced above under "comment".

Statutory Obligations:

Clause 8.2 'Town Planning Scheme Policies' sets out the requirements for the preparation and adoption of town planning scheme policies. Clause 8.2.1 states that Council may make a Town Planning Scheme Policy in order to achieve the objectives of the Scheme. Clause 8.2.2 sets out the adoption requirements for a town planning scheme policy and the status and powers of an adopted town planning scheme policy is set out in clause 8.2.4.

Policy Implications:

The final adoption of this draft policy will create a new town planning scheme policy under the provisions of the Scheme (clause 8.2).

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Plan for the Future. The costs of advertising and referral of the draft policy was provided for in the 2009/2010 budget.

Strategic Implications:

The adoption of the policy will result in the orderly and proper planning of POS land and improve the quality of residential areas within the Shire of Denmark.

Sustainability Implications:

➤ **Environmental:**

The implementation of the policy will result in better urban water management practices, retention of remnant vegetation, safeguard high-value landscapes, protect foreshores, wetlands and watercourses and sites of historical and cultural significance and allow for the development of vegetation corridors in the Shire of Denmark.

➤ **Economic:**

There are no known significant economic considerations relating to the report of officer recommendation. However, the provision of cash-in-lieu funds will provide Council with resources for POS upgrades.

➤ **Social:**

The implementation of the policy will result in the planning and development of POS that meets the active and passive recreational needs of the community. It will result in POS located within walking distance from residential houses which will increase the proportion of walking and cycling trips. POS placement and design promoted by the policy will further facilitate visual amenity and a sense of place.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 8.1.1
MOVED: CR BARROW		SECONDED: CR SAMPSON
That Council with respect to the draft 'Public Open Space' Town Planning Scheme Policy:		
<ol style="list-style-type: none"> 1. Note modifications to the policy as a result of submissions received. 2. Adopt the attached 'Public Open Space' Policy and a final Town Planning Scheme Policy. 3. In accordance with clause 8.2.2 (c) of Town Planning Scheme No.3 advertise the final Policy accordingly. 		
CARRIED: 11/0		Res: 190710

8.1.2 FINAL ADOPTION OF DRAFT TOWN PLANNING SCHEME POLICIES - RAINWATER TANKS AND GREYWATER RE-USE SYSTEMS, AND RENEWABLE ENERGY SYSTEMS

File Ref:	PLN 59
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 June 2010
Author:	Cindy Simpson, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – Page 25

Summary:

Council staff separated the "Rainwater Tanks, Renewable Energy and Greywater Re-use Systems" policy into two distinct policies being "Rainwater Tanks and Greywater Re-use Systems" and "Renewable Energy Systems".

It is recommended that Council adopt it as final scheme policies.

Background:

Council at its 23 February 2010 meeting adopted a draft of the 'Rainwater Tanks, Renewable Energy and Greywater Re-use Systems' policy to enable consultation and

referral to occur. The draft policy was advertised in accordance with the Town Planning Scheme requirements for 21-days and referred to relevant government agencies including Department of Health, Water Corporation, Department of Environmental Protection and Department of Water seeking a submission.

The submissions were assessed and modified policy tabled at the June round of Council meetings with a recommendation for final adoption.

At its meeting of 22 June Council resolved to request the CEO to separate the Policy into two distinct policies with the following and relative objectives; "Rainwater Tanks and Greywater Re-use Systems" and "Renewable Energy Systems".

Council staff have prepared two separate policies. All technical aspects of the 2 policies remain as per the original policy. The policies were only reformatting to improve the presentation thereof and to group all information relevant to planning requirements under one paragraph.

Comment:

All of the submissions received on the original draft policy were in support thereof and provided detailed comments on various aspects of the policy, with some issues being outside the scope thereof.

As a result of the submissions received, modifications to the original draft policy ("Rainwater Tanks, Renewable Energy and Greywater Re-use Systems") adopted by Council in February 2010 were undertaken. These modifications are reflected in the two separate policies "Rainwater Tanks and Greywater Re-use Systems" and "Renewable Energy Systems".

The policies are intended to assist Council increase the uptake and incorporation of energy efficiency measures including rainwater tanks, renewable energy and greywater re-use systems within the Shire.

The objectives of the "Rainwater Tanks and Greywater Re-use Systems" policy are as follows:

- *Improve the environmental sustainability of housing and other developments within the Shire by lowering consumers' individual 'carbon footprints'.*
- *Encourage installation of rainwater tanks and greywater re-use systems for residential developments.*
- *Ensure that streetscape and local amenity values of the local area are not adversely affected through unacceptable visual impacts from the placement of rainwater tanks.*
- *Introduce standards for the siting and development of rainwater tanks and greywater re-use systems.*

The objectives of the "Renewable Energy Systems" policy are as follows:

- *Improve the environmental sustainability of housing and other developments within the Shire by lowering consumers' individual 'carbon footprints'.*
- *Encourage installation of renewable energy for residential developments.*
- *Ensure that streetscape and local amenity values of the local area are not adversely affected through unacceptable visual or acoustic impacts from the operation of renewable energy systems.*
- *Introduce standards for the siting and development of renewable energy systems.*

The policies contain background information, definitions, objectives and policy provisions to guide Council decision-making and sets out what types of development

do and do not require approval by establishing acceptable development criteria for each type.

As with all policies, it is expected that the Policy will be adjusted over time as new technologies and systems are developed.

Consultation:

The draft Policy was advertised in accordance with Clause 8.2.2 of the scheme being once a week for two consecutive weeks in a newspaper circulating in the area giving details of the draft and inviting submissions.

The original draft "Rainwater Tanks, Renewable Energy and Greywater Re-use Systems" policy was referred directly to the Department of Health, Water Corporation, Department of Environmental Protection and Department of Water with a request for a submission.

A total of 10 submissions were received from Department of Health, Department of Water, Denmark Environment Centre, Great Southern Solar and local residents.

All of the submissions supported the policy. The main points raised in the submissions are summarised as follows:

- The draft needs modifications to clarify the thrust of the document, remove some ambiguity and tighten the language.
- The Shire's initiative is in accordance with the State Water Strategy by encouraging alternate supplies of water.
- Reticulated scheme water should always be used in preference to rainwater for drinking purposes. If reticulated water is not available, rainwater can be safe to drink if it is carefully collected and properly stored.
- Rainwater should be required to be plumbed to the house.
- Rainwater may be subject to a variety of environmental/human contaminants.
- The Department of Health has available fact sheets on rainwater use including collection, storage and disinfection.
- The policy should advise that rainwater collection and storage tanks are required to be regularly maintained.
- The policy should introduce strategies to ensure mosquito breeding is controlled.
- There are 3 greywater reuse options systems for sewerred areas each with a different approval requirement and permitted end-use.
- Greywater treatment systems require lifetime maintenance including servicing by accredited service agents and a minimum annual inspection.
- Greywater treatment systems must operate to the satisfaction of manufacturer, Department of Health and Shire requirements.
- Use of mandatory greywater systems may affect a localities water balance and absorptive capacity of the area should be determined prior to any installations.
- Consider deleting the building and streetscape requirements from the acceptable development criteria for solar panels to avoid having to adjudicate this matter in the future.
- Expand the policy to other zones including commercial and industrial.
- Allow larger 5kW turbines on rural land.
- Permit taller towers for small turbines in less sensitive zones.
- Permit installation of Energy Ball product 2.2kW in residential areas.
- Permit solar tracking in appropriate locations.
- Wind energy systems should have an acceptable noise level.
- Solar energy systems should be affixed to the roof (not freestanding).
- Suggests that air conditioners be approved subject to using an alternative energy source such as solar to reduce overall energy use from grid.

- Rainwater tanks should be permitted in front of dwellings if screened or landscaped from public view.

The positive response to the original draft policy received is encouraging. Many of the points raised in the submissions have provided constructive input and the opportunity to refine the draft and proceed to final approval.

Some other points raised did not relate directly to the policy including dwelling solar orientation/overshadowing, building design, waste management, and rural landowners/tip passes, personal water use from tank/scheme and whilst valid, cannot be dealt with in this report.

Statutory Obligations:

Clause 8.2 ‘Town Planning Scheme Policies’ sets out the requirements for the preparation and adoption of town planning scheme policies. Clause 8.2.1 states that Council may make a Town Planning Scheme Policy in order to achieve the objectives of the Scheme. Clause 8.2.2 sets out the adoption requirements for a town planning scheme policy and the status and powers of an adopted town planning scheme policy is set out in clause 8.2.4.

Policy Implications:

The final adoption of the “Rainwater Tanks and Greywater Re-use Systems” and “Renewable Energy Systems” policies will create two new town planning scheme policies under the provisions of the scheme (clause 8.2) and will apply as set out in the Policy.

Budget / Financial Implications:

There are no known financial implications upon the Councils current Budget or Plan for the Future. The costs of advertising and referral of the original draft “Rainwater Tanks, Renewable Energy and Greywater Re-use Systems” policy was provided for in the 2009/2010 budget.

Strategic Implications:

The adoptions of the policies assist to fulfil Council’s decision at its February 2010 meeting to develop policies to facilitate on-site potable water supplies and to reduce reliance on reticulated potable water services over the long-term.

Sustainability Implications:

➤ **Environmental:**

The adoption of final policies on rainwater tanks, renewable energy and greywater re-use systems is a positive contribution to improving the sustainability of developments within the Shire.

➤ **Economic:**

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

➤ **Social:**

The policies are expected to provide a positive social contribution as it will affirm the Council’s and community’s commitment to improving the sustainability of Denmark over the long-term.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR SAMPSON	SECONDED: CR SYME
That Council with respect to the ‘Rainwater Tanks and Greywater Re-use Systems’ and ‘Renewable Energy Systems’ Town Planning Scheme Policies:	
<ol style="list-style-type: none"> 1. Note modifications to the policies as a result of submissions received. 2. Adopt the attached ‘Rainwater Tanks and Greywater Re-use Systems’ and ‘Renewable Energy Systems’ as final Town Planning Scheme Policies. 3. In accordance with clause 8.2.2 (c) of Town Planning Scheme No.3 advertise the final Policies accordingly. 	
CARRIED: 11/0	Res: 200710

8.1.3 COUNCILLOR NOMINATION FOR REPRESENTATION ON WALPOLE-TINGLEDALE LANDCARE DISTRICT COMMITTEE

File Ref:	ORG 4
Applicant / Proponent:	Gail Arnold – LCDC Project Support Officer
Subject Land / Locality:	Walpole-Tingledale Land Conservation District Committee
Disclosure of Officer Interest:	Nil
Date:	29 June 2010
Author:	Yvette Caruso, Natural Resource Management Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – Page 35

Summary:

For Council to appoint a Councillor to act as Shire of Denmark representative on the Walpole-Tingledale Land Conservation District Committee for a term of three years.

Background:

Councillor Kim Barrow has previously held the position for more than two terms as Shire of Denmark Council representative on the Walpole-Tingledale Land Conservation District Committee since 6th February 2003, however the most recent term of appointment is due to expire on 31 July 2010.

Comment:

The Walpole-Tingledale Soil Conservation District is defined as “*all that portion of land bounded by... the High Water Mark of the Southern Ocean with the centre line of Gardner River and extending generally northerly... to the centre of Chesapeake Rd... to the centre line of Broke Inlet Road... Beardmore Rd... North Walpole Rd... Mount Frankland Rd... Boronia Rd... Nornalup Rd... Northumberland Rd... to the centre line of Kent River... boundaries [freehold]...through Reserve 33842...to the high water mark of the Southern Ocean...*” (Government Gazette WA, 20 March 1987, p.985)

(A map depicting Land Care District boundaries is attached.)

Land Care District Committees roles and functions are to focus on landcare issues relating to land degradation and soil conservation as well as on broader issues. The Walpole-Tingledale Land Conservation District Committee was established in 1987 for the Walpole-Tingledale Soil Conservation District, and is comprised of 12 members:

- two of which are local government representatives each from the Shire of Denmark and Shire of Manjimup
- one representative from the Western Australian Farmers Federation
- eight community members who are actively engaged in, affected by, or associated with land use within the district boundary
- and the Department of Environment and Conservation District Manager.

Meetings are conducted on an ad hoc basis, when required. The next AGM is scheduled for Tuesday 27th July at 7:30pm at the Tingledale Hall.

A nomination form for interested candidates is attached. This form will be required to be completed by the successful candidate and returned to Gail Arnold the LCDC Project Support Officer at Department of Agriculture and Food in South Perth.

Consultation:

Councillor Kim Barrow was approached in regards re-nomination for another term, however has chosen not to re-nominate himself as representative on this Committee.

Statutory Obligations:

Land Conservation District Committees (LCDCs) are statutory bodies formed under section 23 of the *Soil and Land Conservation Act 1945* (the Act). LCDCs operate with respect to defined land conservation districts and are formed by an Order of the Governor in Council on the advice of the Minister for Agriculture, Forestry and Fisheries.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

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

Strategic Implications:

The adjacent Denmark Land Conservation District Committee was voluntarily wound up in August 2004 due to its primary duties being undertaken by the Wilson Inlet Catchment Committee (WICC). It was proposed that the Walpole-Tingledale Conservation District be expanded to include the western portion of the Denmark District incorporating Kordabup/Parry's catchment areas as this area was not covered by WICC. However this boundary change did not occur as it was only the Committee that was disbanded, and therefore the Denmark LCDC boundary is still in place.

Sustainability Implications:

➤ **Environmental:**

LCDC activities include working towards preventing, remedying or mitigating land degradation and for promoting soil conservation and reclamation. There are therefore environmental benefits to having a Shire of Denmark representative on the Walpole-Tingledale Land Conservation District Committee to act as a conduit between Council and landowners on landcare issues pertaining to the Walpole-Tingledale District area.

➤ **Economic:**

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

➤ **Social:**

LCDC activities include conducting committee and public meetings, conducting field days, seminars, workshops and tours, preparing and publishing reports, production of newsletters and related media, provision of land conservation advice, and monitoring activities relating to land degradation and soil conservation. There is therefore increased social benefits by raising awareness of land and soil conservation activities within the District area.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.3

That Council consider Councillor _____ for appointment as the Shire of Denmark Council representative on the Walpole-Tingledale Land Conservation District Committee for a term of three years.

At the meeting held on the 20 July 2010, Cr Hinds queried the use of the word 'consider' within the Officer Recommendation. The Chief Executive Officer agreed that the word 'nominate' would be more suitable and provides the following Alternate Officer Recommendation.

ALTERNATE OFFICER RECOMMENDATION

ITEM 8.1.3

That Council nominate Councillor _____ for appointment as the Shire of Denmark Council representative on the Walpole-Tingledale Land Conservation District Committee for a term of three years.

COUNCIL RESOLUTION

ITEM 8.1.3

MOVED: CR LAING

SECONDED: CR PHAIR

That with respect to the position for a term of three years on the Walpole-Tingledale Land Conservation District Committee for a Shire of Denmark representative, Council;

1. Advertise for Expressions of Interest from members of the community;
2. Upon completion of the advertising period, liaise with the Nornalup/Kent Ward Councillors regarding Expressions of Interest received; and
3. Subject to Part 2, delegate responsibility to the Director of Planning & Sustainability to nominate the preferred candidate to the Commissioner for Soil & Land Conservation.

CARRIED: 11/0

Res: 210710

REASONS FOR CHANGE

In the absence of a Councillor nomination, Council wished to call for nominations for community member representative.

8.1.4 ADDITION TO SCHEME AMENDMENT No. 123 – OMNIBUS AMENDMENT

File Ref:	TPS3/A123
Applicant / Proponent:	Not applicable
Subject Land / Locality:	McLean's Mill Special Residential Zone (Pt Lot 5 Cussons Road) and McLean Road/Kearsley Road Special Residential Zone (Lots 999 and 106).
Disclosure of Officer Interest:	Nil
Date:	9 July 2010
Author:	Duncan Ross, Senior Planning Officer
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	No

Summary:

In June 2010 Council resolved (Res 110610) to initiate an Omnibus amendment (Amendment No. 123) to the Shire's Town Planning Scheme No. 3 (the scheme) to undertake minor changes to the scheme where inconsistencies, grammatical errors and outdated or new provisions required deletion or adding.

Further to this resolution Council has been made aware that there are two Special Residential No. 12 areas created from recent amendments to the scheme, as follows:

- No. 12 – McLean Road/Kearsley Road Special Residential; and
- No. 12 – McLean's Mill Special Residential.

Council support is sought to renumber the more recent of the two (McLean's Mill) as Special Residential 13 and to incorporate this into the omnibus amendment.

Background:

Refer to the summary above.

Comment:

Amendment No. 89 was gazetted in October 2009 and assigned Special Residential Zone No.12 to Lots 999 and 106 McLean Rd/Kearsley Rd.

Amendment No. 102 was gazetted in May 2010 and also assigned Special Residential Zone No.12 to McLean's Mill.

Given this duplication, it is a relatively simple process to amend the numbering of the McLean's Mill Special Residential Zone, from 12 to 13 by adding an additional clause to the Omnibus amendment.

Consultation:

Consultation of the addition to the Omnibus amendment will be undertaken in accordance with that previously resolved by Council.

Statutory Obligations:

Planning & Development Act 2005 and *Town Planning Regulations 1967* sets out the procedures to undertake an amendment to a Local Planning Scheme including referral to EPA, public notice period, referral to WAPC and Minister's decision-making powers.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are no known financial implications upon the Councils current Budget or Plan for the Future. The costs of preparation, advertising and referral of the amendment are provided for within the existing 2009/10 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:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.4
MOVED: CR HINDS	SECONDED: CR PHAIR
That Council pursuant to the <i>Planning and Development Act 2005</i> add an additional omnibus item to Amendment No. 123 to Town Planning Scheme No. 3 as follows:	
1. Amend the numbering of the McLean’s Mill Special Residential Zone, from 12 to 13 as the number 12 was previously allocated to the McLean Rd/Kearsley Rd Special Residential Zone.	
CARRIED: 11/0	Res: 220710

4.43pm - Cr Phair declared a proximity interest in Item 8.1.5 in that he owns property which adjoins the Peaceful Bay Structure Plan. Cr Phair left the room and did not participate in discussion or vote on the matter.

8.1.5 PEACEFUL BAY PRE-FEASIBILITY SERVICING REPORT

File Ref:	PLN 34
Applicant / Proponent:	Thompson McRobert Edgeloe Group
Subject Land / Locality:	Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	9 July 2010
Author:	Sam Williams, Director of Planning & Sustainability
Authorising Officer:	Sam Williams, Director of Planning & Sustainability
Attachments:	Yes – Page 37

Summary:

This report recommends Council adopt the Draft Peaceful Bay Pre-Feasibility Servicing Report (report), subject to modifications being undertaken to the satisfaction of the Director of Planning and Infrastructure. The adoption of the report, and subsequent modifications will ensure that at the time of any future Structure Planning for the Peaceful Bay locality, Council’s Planning and Engineering officer’s can assess any future plans with the knowledge servicing can be adequately provided.

Background:

The development of Peaceful Bay has been an ongoing project for Council, the community and relevant stakeholders for many years. Whilst there are a number of issues that need to be addressed, accordingly one of the most significant issues relating to the project is the provision of relevant infrastructure and servicing of the locality. The servicing report before Council is seen as the first significant step to progressing the development of Peaceful Bay effectively.

The three key stakeholders/landowners pertinent to this project are Council, P Opitz and P Rogerson/Crabb.

In recognising this background and importance for understanding servicing provision, Council at its meeting on the 22 September 2009 resolved (Res: 060909) as follows:

“That Council enter into agreement with the landowners of Lots 301 & PT1425 Ficifolia Road, Peaceful Bay to progress a Servicing Report for Peaceful Bay to be prepared by consultants TME subject to:

- a) *Council being project managers of the Plan and the consultants;*
- b) *All parties entering into a cost sharing agreement and contributing with the Councils net maximum contribution being limited to \$15,000.”*

Resultant from this resolution Council took the role in co-ordinating the preparation of the Pre-Feasibility Servicing Report for Peaceful Bay, which Council is now in receipt of.

Comment:

The report identifies the requirements for the provision of service infrastructure to enable the future development of Peaceful Bay without it being completely dependent on traditional infrastructure services and also providing a number of 'green solutions' such as 'third pipe' water infrastructure.

In recommending Council's adoption of the report, there will be further modifications/items that are required to be addressed to the satisfaction of the Director of Planning and Infrastructure. The recommended modifications/requirements to be addressed are listed below.

Section 6.0 Power

In the State Government's 2010/11 budget distribution headwork's charges have been rescinded. The report needs to be modified to reflect this and explored in more detail.

The report notes that photo voltaic cells are a solution; however, given the southern latitude they are not as efficient as areas north of Peaceful Bay. A further review for the feasible provision of localised wind energy facilities also needs to be undertaken.

Section 7.0 Water Supply

The report states a 92,000 litre tank for potable water supply may not be necessary for individual lots if there is a third pipe solution. However, given a third pipe from a waste water treatment plant (WWTP) could be some time off given the high cost, the report needs to mention the stages for provision of the WWTP and advise if there is an interim solution, other than the 92,000 litre tank for potable water.

Section 8.0 Sewer

The third pipe and WWTP are sound solutions to sewer and water provision. However, given the high cost associated with the infrastructure (WWTP etc) an interim solution should be examined to allow for a staged development until there are sufficient lots to make it economically viable to construct a WWTP, i.e. a localised Alternative Treatment Unit. The report needs to be reviewed to explore this.

Climate Change

Whilst it is acknowledged the report is for infrastructure servicing, mention needs to be made of climate change and sea level rise/storm surge that could impact on infrastructure /future dwellings. Specific detail is not required; however, the report should make reference that additional studies must be undertaken at the structure plan (review or revised) stage to understand what the impacts of sea level rise/storm surge could be.

Consultation:

No formal public/community consultation has been undertaken. The only consultation that has been entered into with respect to this matter is discussions between key stakeholders, which have included the Peaceful Bay Progress Association and the Opitz's.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications associated with the adoption of the report.

Budget / Financial Implications:

Funds for the work undertaken in this report have been identified in the 2010/11 budget.

Strategic Implications:

The adoption of the report, with the subject modifications, will help inform and progress the revision of the Peaceful Bay Structure Plan, which in turn will enable the detailed planning of individual freehold or Council’s reserved land.

The report demonstrates viable solutions for the provision of infrastructure such as wastewater, reticulated potable water and power and has benefits for not just the current two major land holders identified in the Structure Plan, but also the Council as a major “land owner”.

Sustainability Implications:

➤ **Environmental:**

The report provides environmental solutions from a sustainability perspective with the use of a ‘third pipe’ and water tanks for water treatment and provision. It also provides environmentally sensitive drainage principles and goes some way to providing sustainable power provision (use of Photo voltaic cells and purchase of green power)

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.5

That with respect to the Draft Peaceful Bay Pre-Feasibility Servicing Report (report) Council adopt the report and subject to modifications being undertaken to the satisfaction of the Director of Planning and Sustainability the report being finalised.

COUNCIL RESOLUTION

ITEM 8.1.5

MOVED: CR BARROW

SECONDED: CR RICHARDSON-NEWTON

That Council with respect to the Draft Peaceful Bay Pre-Feasibility Servicing Report (report), which does not prescribe population growth or restrictions within the Shire of Denmark, adopt the report and subject to modifications being undertaken to the satisfaction of the Director of Planning and Sustainability the report being finalised.

CARRIED: 10/0

Res: 230710

4.48pm – Cr Phair returned to the meeting.

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 JUNE 2010**

File Ref:	FIN.1
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	13 July 2010
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	Yes – Page 87

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 and Council staff welcome enquiries in regards 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 Ledger.
- Reconciliation of the Sundry 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:

Councillors will note from Page 1 of the attached Financial statement (Statement of Financial Activity) that a large amount of capital works has been completed by works staff in the month of June 2010.

No municipal investments have been placed for this month, with these funds required to meet cashflow needs for the last month of the financial year.

The Financial Statement for the month ending 30 June 2010 will be subject to revision as there are still outstanding transactions and adjustments to be made for the end of the financial year, prior to submitting to the appointed Auditor, Lincolns Chartered Accountants.

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;

P040222 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.

ADDED by Res: 020808 / 19 August 2008

Upon completion of the above reconciliations and procedures, various matters have been identified as requiring the attention of Council, in accordance with the following Resolution of Council, adopted at the Special Meeting held 28 July 2009. These matters are addressed in the Budget vs Actual Variance Report included within the Statement of Financial Activity.

Budget / Financial Implications:

Other than the matters identified in the Budget vs Actual Variance Report, income and expenditure is proceeding as per budget forecasts and the end of year position should be as per that projected in the 2009/10 Municipal Budget, assuming all projects proceed and are completed in this timeframe.

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 WAKKA
That with respect to Financial Statements for the month ending 30 June 2010 Council;	
1. Receive the financial report, incorporating the Statement of Financial Activity and Budget vs Actual Variance Report.	
2. Endorse the Accounts for Payment as listed.	
CARRIED: 11/0	Res: 240710

8.5 Chief Executive Officer

9.5.1 REVIEW OF DELEGATIONS

File Ref:	Delegations Register
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	9 July 2010
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – Page 109

Summary:

Pursuant to section 5.18 of the Local Government Act 1995, Delegations of Authority granted by Council are to be reviewed every financial year.

This report recommends continuation of the current delegations with amendments as listed below and detailed in the attachment.

Background:

To assist in the effective administration of the Shire, Council has granted various delegations. Delegations made under the Local Government Act 1995 (as opposed to some other Acts) can generally only be made to the Chief Executive Officer (CEO) or Council Committees. Where appropriate, the CEO can on delegate to other Council employees, with conditions as specified, unless the delegation to the CEO specifically removes this right of on-delegation.

Delegations under other legislation are often made direct to the Officer or position concerned.

Council’s last review of its delegations was on 28 July 2009, resolution 150709.

Comment:

A copy of the existing Delegations Register with the proposed amendments is attached. Items being deleted have been marked through with a line and additions are shown as underlined.

Amendments to the Delegations Register

Delegation Number	Amendment
D030201	Added the words “and Council Policy P040229” at the end of the first paragraph and added the words “and inclusion in monthly Financial

	Report to Council” under Recording Requirements.
D040101	Increased the maximum donation sum from \$2,000 to \$2,400 and added the words “and included in Council’s monthly Information Bulletin” under Recording Requirements.
D040103	Included reference to Council Policy P040209.
D040106	Corrected file reference from CON2 to CR2.
D040204	Added the words “ subject to compliance with Council Policy P040201.
D040208	Added an on-delegation to the relevant Director. Included Organisation Wide Procedure number under Recording Requirements.
D040209	Included Organisation Wide Procedure number under Recording Requirements.
D040210	Minor grammatical corrections.
D040212	Included cross reference to Council Delegation D040205.
D040213	Included organisation responsible for the ‘Making Local Laws – Procedure Checklist’.
D040214	Minor grammatical correction to part 5.
D040216	Minor grammatical corrections and reference to Organisation Wide Procedure number under Recording Requirements.
D040217	Minor grammatical corrections.
D040218	Minor grammatical corrections.
D040221	Included Organisation Wide Procedure number under Recording Requirements.
D040222	Included Organisation Wide Procedure number under Recording Requirements.
D040225	Minor spelling corrections.
D050201	Changes to wording of parts a) & b).
D050302	CEO changed to Chief Executive Officer.
D100201	Minor grammatical corrections.
D100202	Amend year from 2009/2010 to 2010/2011.
D100501	Change to Bibbulmun Track Foundation email contact (as per their advice) and minor grammatical corrections.
D100601	Removal of reference to the Senior Management Group (SMG). Removal of part (18) causes renumbering of some parts. Correction of “Town Planning Appeal Tribunal” to “State Administrative Tribunal”.
D110102	Deleted – no longer required as fees and charges for tables & chairs are now included in the Fees & Charges Schedule.
D120106	Include the words “Reference to Council’s adopted Fees & Charges Schedule for the relevant fees” included under the Recording Requirements.
D120109	Minor spelling correction.
D130201	CEO changed to Chief Executive Officer.
D130203	CEO changed to Chief Executive Officer.
D130308	Added the words “in accordance with Council Policy P100606”. Minor grammatical corrections, addition of the words “included in Council’s monthly Information Bulletin” and included Organisation Wide Procedure number under Recording Requirements.
D130310	Minor spelling correction.

Consultation:

Nil

Statutory Obligations:

- Local Government Act 1995

Sections 5.16 to 5.18 relate to Council delegations to Committees.

Sections 5.42 to 5.46 relate to Council delegations to the CEO.

- Local Government (Miscellaneous Provisions) Act 1960
Section 374AAB relates to a Local Government may delegate authority to a person to approve plans of buildings or unauthorised building work.

Section 5.16 states;

5.16. Delegation of some powers and duties to certain committees

- (1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.
* Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
 - b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate —*
 - a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) *any other power or duty that is prescribed;*
 - b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
Absolute majority required.
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation."*

5.43. Limits on delegations to CEO's

- A local government cannot delegate to a CEO any of the following powers or duties –*
- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
 - (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
 - (c) *appointing an auditor;*

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.99 or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (h) *any power or duty that requires the approval of the Minister or the Governor; or*
- (i) *such other powers or duties as may be prescribed."*

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*

are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
 - a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

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

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.

OFFICER RECOMMENDATION

ITEM 8.5.1

That Council adopt the Delegations Register 2010/2011 with additions, deletions and amendments as per the appendix.

**Absolute majority required.*

DEFERRAL MOTION	ITEM 8.5.1
MOVED: CR HINDS	SECONDED: CR SYME
That the item be deferred until the August 2010 round of meetings.	
CARRIED: 6/5	Res: 250710

REASONS FOR CHANGE

Council felt that they needed more time to peruse the document.

Prior to any consideration of Item 8.5.2 Cr Phair made the following declaration:

"I am a member of the Peaceful Bay Progress Association & the Peaceful Bay Volunteer Bush Fire Brigade and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

8.5.2 PEACEFUL BAY FIVE STAGE PLAN

File Ref:	A3104 & ORG17
Applicant / Proponent:	Peaceful Bay Progress Association
Subject Land / Locality:	'A' Class Reserve 24510 Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	12 May 2010
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – Page 239

Summary:

The Peaceful Bay Progress Association has forwarded a conceptual (at this point) Five Stage Plan for Peaceful Bay for initial Council consideration and advice as to how to proceed.

This report recommends that Council authorise the CEO to;

- a) liaise with the Peaceful Bay Progress Association to review the document;
- b) recommend the reviewed document to Council to adopt the draft and commence public advertising; and
- c) present the final draft to Council together with submissions for consideration and final adoption as a strategic document of the Council and Progress Association with respect to future development of Peaceful Bay.

Background:

Council initially received the Conceptual 5 Stage Plan for Peaceful Bay at its Meeting of 28 May 2010 where it resolved;

"That Council receive the Peaceful Bay Progress Association Five Stage Plan 2010 (Concept) and request the CEO to provide detailed officer comment on the document in June 2010 and to prepare a draft implementation strategy for overall planning for the Peaceful Bay community in conjunction with consideration of the Infrastructure Servicing Study to be received in June 2010."

As has been pointed out by the Progress Association, the plan is a conceptual document developed by a working party representing the Peaceful Bay Progress Association, Peaceful Bay R&SL and the Peaceful Bay Sea Rescue Group.

From the Association;

"Attached is the revised Five Stage Plan that emerged from that review and which we formally request be submitted to the Shire of Denmark for consideration and approval."

There is a solid community consensus supporting the broad thrust of the Five Stage Plan, and now also supports the specific details of the plan.

At this point, the plan we are submitting is conceptual, and we realise the first step requires the Shire's involvement to develop the specifics of a technical plan for implementation".

Comment:

The officers view is that the Concept Plan has tended to deal with larger infrastructure items that the community believes may be required into the future but in doing so it has not 'brought forward' or bridged some of the smaller, operational

and to some extent, guiding principles, that were evident in the former draft planning document entitled 'Vision & Planning April 2007' (also attached).

Actions and outcomes such as walk trails and footpaths and their connectivity, the desire for no street lighting, appropriate signage and the cultural and historic nature of the leasehold area have not been carried forward into the new 5 Stage Plan. The officer believes some of these elements should be used to not just inform the 5 current 5 stage plan, but be incorporated into the Visioning document for Peaceful bay which will also help guide the Structure Plan and a Developer Contribution Plan that should be implemented as part of the structure plan.

The Specific Outcomes of the Five Stage Plan (Concept) are extracted as follows:

Stage One: Objective: to effectively separate boat launching from general recreation and address damage to the beach environment.

Issues:

There are a number of safety concerns related to ineffective separation between boat launching, swimming, picnicking and general beach recreation. There is also an increase in the number of Quad Bikes and 4WDs driving into the swimming area. These issues are exacerbated by the increasing size and number of boats that are currently using Peaceful Bay, and the continued increase that is likely to occur as various residential developments come on-line in the next 10 – 15 years. With the expected population expansion towards 2035 we need to protect the beach environment and address the emerging needs for an expanded swimming area and more effective boat launching facilities.

Proposals:

Action	Timeframe
1. Install bollards across the beach to create a barrier between the boat launching and swimming areas, with signs on the bollards identifying the designated areas. Chains hung between the bollards to block vehicle access to the swimming beach.	Immediate – by Easter if possible.
2. Lock on one of the chains to enable full access for emergency vehicles if required.	Immediate – by Easter if possible.
3. Install sign at entry to boat launching area stating vehicles only involved in boat launching/retrieval.	Immediate – by Easter if possible.
4. Sign at top of beach access road modified to indicate boat launching area to west, and dogs on leash and picnicking to the east towards the inlet.	Immediate – by Easter if possible.
5. To enable boat launching and retrieving vehicles to turn and reverse, install a small section of bollards at the foot of the sand dune designating “no parking” area.	Immediate – by Easter if possible.
6. Significantly extend and bituminize the existing boat-trailer park situated next to the Sea Rescue shed at the corner of the beach access road and the Ring Road, leaving an area of bushland as a visual buffer between the trailer park and the roads, with provision for separate entry to and exit from the boat-trailer park. Longer term this can become general parking if a marina is developed and the swimming beach is then extended.	Short-term – at least by Christmas 2010.
7. Investigate the possibility of widening the beach access road to allow separated pedestrian access	Short-term – at least by Christmas 2010. Long-term – 10 – 15 years.

<p><i>and dune stabilization.</i></p> <p>8. <i>Investigate possibility for developing a marina off Soft Beach below the multi-purpose community facility.</i></p>	
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Notes:

Action items 1 – 7: *We have started to investigate the possibility of funding through SCNRM.*

CEO Comment

Parts 1-5 can be easily achieved and or have been achieved by the Progress Association already.

Parts 6, 7 and 8 are supported in principle but will require some consultation with relevant agencies (potentially a clearing permit) and community groups. It is recommended that Council staff liaise with the Association in submitting appropriate referrals / approvals and design assistance and also seeking a grant from the Department of Transport for Recreational Boating Facilities for implementation / feasibility study (marina) in 2011/12.

There is also opportunity to assist with future funding of the potential marina or breakwater from a Peaceful Bay Community Infrastructure Contribution Development Plan.

Stage Two: Objective: to increase general parking for beach goers.

Issue:

In recent years there has been a significant increase in day visitors to Peaceful Bay. General public parking space at the top of the swimming beach access steps, next to the toilet and shower block, is no longer adequate to service demand. This is creating a safety hazard on the Ring Road as cars are parking on the verges at the bend in the road which reduces visibility at a section of the road with high pedestrian traffic. We can only expect that this demand will increase as we move towards 2035.

Proposal:

Action	Timeframe
<p>1. <i>Extend the existing general public parking by developing a car park on the north side of the Ring Road.</i></p>	<p><i>Reasonably urgent – within the next 1 – 2 years.</i></p>

CEO Comment

Part 1 is supported in principle but will require consultation with relevant agencies (potential a clearing permit). It is recommended that Council staff liaise with the Association in designing the intended car park expansion for consideration in the 2011/12 Council Budget.

Stages Three to Five: Objective: develop a Multi-Purpose community complex.

This proposed Western Development is to be implemented as a staged development over the next 2 to 5 years. Stage Three is planning the recreational precinct; Stage Four is building the multi-purpose complex; Stage Five is developing the recreational facilities surrounding the complex as requirements emerge.

Issues:

In recent years there has been an increase in the number and type of functions at the Bay, the number of people attending these functions, and the infrastructure required to successfully conduct these functions. Existing infrastructure does not adequately service these needs. There is also an increasing demand for non-beach associated recreational activities. At the same time, there has been a significant increase in the formal requirements of the regulatory and compliance environment, which requires the

various groups operating in Peaceful Bay to keep formal records and conduct their business in a space outside volunteers' homes. In addition, the R&SL has been able to successfully operate a community bus and trailer both of which need more effective garaging. With the significant expenditure required for this development, it is important that it either be equipped now, or able to be expanded, to meet the demands of the increased population and changed demographic expected towards 2035.

Proposal:

Action	Timeframe
<p>1. Sited in the Shire's designated Recreational Zone extending from the corner of Rame Head Road and the Ring Road through to the ocean, develop a multi-purpose Community Complex on the hill between the existing Loppings Dump and Soft Beach Track. This facility would house a community hall & entertainment area for at least 300 people; equipped for use as a training room; commercial kitchen; separate office spaces for the Progress Association, R&SL, Sea Rescue and Fire Service; garage for community bus and trailer; doctor's surgery; toilet and shower facilities; and storage areas for equipment, tables and chairs. Towards 2035 this facility would become a local Country Club.</p> <p>2. On completion of the multi-purpose complex, develop appropriate spaces for recreational activities as the need emerges (e.g. BMX track, Skateboard Park, tennis courts, lawn bowls etc.)</p>	<p>Medium to longer term – 3 to 6 years. We believe it is important to engage an architect this year to start developing the concept and plans, and that implementation would commence in the next 2 to 3 years.</p>

Notes:

- We envisage that this stage would be jointly funded through various grants accessed by a joint community approach, supported by the Shire and community fundraising.
- When this development was first mooted in 2007, it was agreed with the Shire that it may be possible to raise some of the required funding by sub-dividing and creating four or five new leasehold properties on land where the existing Community Hall, old Sea Rescue shed and parkland are currently situated.

CEO Comment

Parts 1 and 2 are supported in principle. The opportunity of leveraging funds to meet the cost of developing a long term Recreational and Hall Facility (Country Club) through the careful identification of suitable locations for additional leasehold lots is supported but requires further investigations to ensure that the character of the Conservation Area of the settlement is not compromised. It may also need to inform the detail precinct planning associated with implementation of the Structure Plan. For example the location of the proposed recreational precinct in the existing structure plan may need to be reviewed. Consideration of placing public infrastructure at this site suggested (closer to the dunal system and coast) may require an appropriate coastal erosion and inundation study determining that the site is not susceptible to rising sea levels in the life of the proposed new assets.

It is recommended that staff liaise with the Association regarding opportunities to progress planning for parts 1 and 2 specifically addressing the following matters;

- The suggested location in the context of the existing structure plan as well as the threat of sea level rise associated with the impacts of climate change.
- Opportunities to invite architectural students to commence conceptual design work.
- Development of a staged funding plan to consider potential sources, application and timing of funds including;
 - CSRFF (Department of Sport Recreation)
 - Potential for rationalisation of the existing inadequate community hall and former sea rescue shed to create additional leasehold lot sales to leverage government and Council funds.
 - Collocation opportunities of communal assets to maximise the sustainability and use of those assets and to maximise opportunities for partnering and funding.
 - Development of a Community Infrastructure Developer Contribution Plan.

In summary it is the view of the officer that the concept plan provides a sound framework for progressing the aims of the Association and that the outcomes and aims are not inconsistent with the views of the Council for Peaceful Bay. Additional studies and research work is required in relation to the proposed longer term larger infrastructure items of the recreation node and marina but all of the other proposals are realistic, relatively minor in nature and, if appropriate design and environmental concerns are addressed (clearing, dune stabilisation and control etc), able to be considered in forthcoming budgets as matters competing for Councils available (but limited) discretionary funding.

The Plan does not touch on opportunities or possibilities associated with long term tenure of the leasehold lots and with a further 21 years of lease approved, there is an opportunity for Council to enter into discussions with the Progress Association about whether some or all of the leaseholders might consider the opportunity of being able to strata purchase or, potentially, free hold purchase their lots in exchange for the concept of Council and the State Government agreeing to invest any 'windfall' income into permanently resolving infrastructure issues such as sewerage and a more reliable and larger potable water source as well as community infrastructure such as the identified marina and recreation node.

Whilst possibly not something that needs to manifest itself in the current 5 Year Plan, nonetheless the officer believes that the matter should be canvassed with the Association in the first instance (as opposed to the leaseholders direct thereafter).

Consultation:

The Progress Association has consulted with the Sea Rescue, RSL and Fire Brigade and its members.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no current policy implications, although the review of the document with Council and Council staff might lead to recommendations in this regard, particularly in the area of risk management associated with Council and Private infrastructure that might be affected into the future by coastal erosion and inundation associated with the threat of rising sea levels associated with climate change.

The following existing Planning and Policies documents also specifically relate and should be cross referenced in the next iteration of the 5 Stage Plan such that the document can be easily 'reviewed' into the future;

- Peaceful Bay Infrastructure Servicing Study (this agenda);
- Peaceful Bay Structure Plan (adopted);

- Local Planning Policy No. 35 Peaceful Bay Conservation Plan Development Guidelines.

Budget / Financial Implications:

There are potential both small (operational) and significant (capital) financial implications upon the Council's current Budget or Plan for the Future.

Opportunities should be explored to leverage or assist Council funding for implementation of the communities aspirations for Peaceful Bay development, and which should be included in the next iteration of the 5 Stage Plan including;

- Requiring the development of a Community Infrastructure Developer Contributions Plan prior to Council supporting a subdivision relating to the Structure Plan;
- Community Sporting Recreational and Facilities Funding (CSRFF)(up to 50% funding for sporting & recreational facilities);
- Exploring the rationalisation of underperforming or less utilised community assets prior to developing new or replacement facilities. For example, as mentioned in the concept Plan, there is opportunity to explore the creation of several new leasehold lots on the site of the existing hall and park that might help fund a CSRFF grant to construct a modern, well positioned and functioning facility, without undue draw upon the ratepayers purse.

Strategic Implications:

The plan will significantly guide development of Reserve 'A' 24510 and the community of Peaceful Bay.

With signing of the leases for the 203 leasehold lots having been achieved (leases have been signed and are due for delivery to Denmark the week commencing 19 July 2010) the focus for the Progress Association, Leasehold Community and Freehold Community of Peaceful Bay should move to addressing solutions to longer term issues for the community.

As confirmed in the 5 Stage Plan, the Lower Great Southern Regional Planning Strategy and also the adopted Strategic Plan, Peaceful Bay is expected to need to cater for the following in the next 20 years or so;

- Present Leasehold Lots 203
- Present Caravan Park 130 sites
- Present freehold lots 54
- Potential new lots per Structure Plan 435.

With say 2.40 persons average per lot / development site, the likely population of Peaceful Bay is expected to be around 2000 people (if predominately permanent residents).

As seen in the Denmark Townsite however, the services and facilities in an attractive coastal lifestyle destination often need to cater for 'peak' or seasonal variations much greater than this with demand for tourism and tourist accommodation facilities.

Sustainability Implications:

➤ **Environmental:**

There are potentially environmental considerations relating to implementation of some of the specific projects within the plan. For example some clearing of dunal vegetation is proposed for car parks and the like. The issues associated with these projects will be identified as part of the proposed working group process. Major infrastructure projects may also need to demonstrate that they take into account coastal erosion and inundation issues associated with the threat of rising sea levels associated with climate change. For community owned projects on Council land, this may require Council to develop an appropriate risk management or development

control policy until such time as the risk can be quantified through an appropriate process.

➤ **Economic:**

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

➤ **Social:**

There are significant social considerations relating to the orderly development of infrastructure and land use that needs to be carefully managed through consultation and opportunity for community input.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2
MOVED: CR PHAIR	SECONDED: CR LAING
That Council receive the Peaceful Bay Progress Association Five Stage Plan 2010 (Concept) and request that the CEO form a Working Group in conjunction with Councillors Phair and Laing and the Association in reviewing the document to address opportunities and pathways suggested within the officer’s report to incorporate elements of the 2007 Visioning Document with the intent that the Association resubmit the Plan for further consideration and joint adoption by both parties by March 2011.	
CARRIED: 11/0	Res: 260710

9. COMMITTEE REPORTS & RECOMENDATIONS

9.1 CBD STREETSCAPE WORKING GROUP MEMBERSHIP
File Ref: PBR 14A
Applicant / Proponent: CBD Streetscape Working Group
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 5 July 2010
Author: Rob Whooley, Director of Infrastructure Services
Authorising Officer: Rob Whooley, Director of Infrastructure Services
Attachments: No

Summary:

This report recommends increasing the membership of the CBD Streetscape Working Group to include representation from the Denmark Arts Council. As this is a Working Group and not a Committee of Council no quorum exists. The Terms of Reference are attached.

Background:

At the meeting of the CBD Streetscape Working Group held on 23 June 2010, Ms Vivienne Robertson representing Denmark Arts Council requested that the Arts Council be represented on the Working Group Committee in order to have input into the street furniture and town square design and construction.

Comment:

The Arts Council has a current membership of 380 and believes that their members can make a valuable contribution to the Streetscape re-development in the context of local artisans designing and constructing street furniture such as seats, bin surrounds, drinking fountains, bike racks etc. Denmark Arts have been requested to bring their proposals to the next Working Group Meeting on the 4 August 2010.

Should these proposals be accepted by the Working Group they will then be referred to Council for approval.

Consultation:

Consultation has occurred with the Working Group who resolved the following at the meeting held on the 23 June 2010.

“That the Committee proposes to increase the membership of the Working Group to include Denmark Arts Representation.”

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

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

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:

An absolute majority is required pursuant to section 5.10 of the Local Government Act 1995.

COUNCIL RESOLUTION & COMMITTEE & OFFICER	ITEM 9.1
RECOMMENDATION	
MOVED: CR BARNES	SECONDED: CR HINDS
That Council approve increasing the membership of the CBD Streetscape Working Group to include 1 x representative from the Denmark Arts Council and write to Denmark Arts Council requesting them to nominate their preferred representative.	
LOST: 4/7	Res: 270710

9.2	WASTE MANAGEMENT COMMITTEE – NEW LANDFILL SITE
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File Ref:	WST10
Applicant / Proponent:	Waste Management Advisory Committee
Subject Land / Locality:	652 & 872 South Coast Highway, Denmark
Disclosure of Officer Interest:	Nil
Date:	6 July 2010
Author:	Rob Whooley, Director of Infrastructure Services
Authorising Officer:	Rob Whooley, Director of Infrastructure Services
Attachments:	No

Summary:

This item recommends allocation of funds in the 2010/11 Budget to pursue the following recommendation as per the minutes of the Waste Management Committee Meeting held on 22 June 2010.

“The Committee recommends that the Director of Infrastructure Services:

1. *Research the viability of the proposed industrial site at McIntosh Road including soil suitability, depth of the water table, buffer requirements and;*
2. *Seek the current requirements of Government Authorities regarding a landfill site in this area.”*

Background:

A Special Meeting of the Waste Management Committee was held on the 9 June 2010. Councillors and Directors were invited to attend to discuss new landfill site options with the pending closure of the City of Albany’s Hanrahan Road Site in 2015. The Special Meeting resolved to support a regional facility but to pursue options for a local landfill site as well.

Comment:

Two options have been identified for potential landfill sites, the proposed new industrial site on McIntosh Road (Pt of 872 and 652 South Coast Highway) and the Water Corporation land at Loc 7346 Kernutts Road. The Water Corporation have advised they would not commit to disposal of part of that site or co-location at this time and due to this view the Waste Management Committee see the priority site as being the proposed industrial area site with which to pursue investigations.

Consultation:

Waste Management Advisory Committee.
Water Corporation.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

\$40,000 will be required to pursue site investigations in the 2010/11 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:

Simple majority.

COMMITTEE & OFFICER RECOMMENDATION

ITEM 9.2

That Council recommends that the Director of Infrastructure Services:

1. Research the viability of the proposed industrial site at McIntosh Road including soil suitability, depth of the water table, buffer requirements and;
2. Seek the current requirements of Government Authorities regarding a landfill site in this area.

At the meeting held on the 20 July 2010, Cr Richardson-Newton stated that he believed that part 1 should be subject to part 2 and therefore parts 1 & 2 should be reversed within the Recommendation.

The Chief Executive Officer agreed and provides the following Alternate Officer Recommendation.

ALTERNATE OFFICER RECOMMENDATION

ITEM 9.2

That with respect to a new landfill site at McIntosh Road (Pt of 872 and 652 South Coast Highway), Council requests the Director of Infrastructure Services to:

1. Seek the current requirements of Government Authorities regarding a landfill site in this area; and
2. Upon receipt of the information required in part 1, research the viability of the proposed industrial site at McIntosh Road including soil suitability, depth of the water table, buffer requirements.

5.07pm – The Director of Finance & Administration left the meeting.

COUNCIL RESOLUTION

ITEM 9.2

MOVED: CR SAMPSON

SECONDED: CR RICHARDSON-NEWTON

That with respect to a new putrescible landfill site at McIntosh Road (Pt of 872 and 652 South Coast Highway), Council requests the Director of Infrastructure Services to:

1. Seek the current requirements of Government Authorities regarding a landfill site in this area; and
2. Upon receipt of the information required in part 1, research the viability of the proposed industrial site at McIntosh Road including soil suitability, depth of the water table, buffer requirements.

AMENDMENT

MOVED: CR HINDS

SECONDED: CR THORNTON

That in part 2, that all of the words after “McIntosh Road” be removed.

LOST: 2/9

Res: 280710

5.15pm – Cr Barrow left the meeting.

5.16pm – Cr Barrow returned to the meeting.

AMENDMENT

MOVED: CR HINDS

SECONDED: CR EBBETT

Delete all of the words after the word “area” in part 1.

5.19pm – The Director of Finance & Administration returned to the meeting.

LOST: 4/7

Res: 290710

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 10/1

Res: 300710

REASONS FOR CHANGE

Councillors added the word ‘putrescible’.

9. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

5.26pm – 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: 28 July 2010

These minutes were confirmed at the meeting of the _____

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