

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 20 JUNE 2017.

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Ordinary Council Meeting

20 June 2017

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

MEMBERS:

Cr David Morrell (Shire President)
Cr Ceinwen Gearon (Deputy Shire President)
Cr Mark Allen (*from 4.01pm*)
Cr Yasmin Bartlett
Cr Peter Caron
Cr Jan Lewis
Cr Janine Phillips
Cr Rob Whooley
Cr Clem Wright

STAFF:

Mr Bill Parker (Chief Executive Officer)
Mr Gilbert Arlandoo (Director of Infrastructure Services)
Mr Cary Green (Director of Finance & Administration)
Mrs Annette Harbron (Director of Planning & Sustainability)
Mr Gregg Harwood (Director of Community & Regulatory Services)
Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 19
Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Nil

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr Brian Humphries – Dams

At the meeting held on 16 May 2017 Mr Humphries asked the following questions which were taken on notice.

“Question 1:

In regards your answer to my previous Questions on Notice #1 where I queried the need for separate DA approvals for the enlargement of certain existing dams, and for which you advised that, in your opinion, such approvals were not required by virtue of compliance to the Acceptable Conditions of the Shire’s Dams Policy:

- (a) Would you agree that, irrespective of the Shire dismissing any need for any separate approvals and irrespective of the Shire having approved its Dams Policy in August 2009, the Works (circa 2010) that have previously created a larger dam by enlargement of an earlier smaller dam (pre 2003 and located adjacent to Hazelvale Rd where the watercourse first enters the subject property) required approval by (i) the Department of Water by virtue of the enlarged dam further interfering with the watercourse (contravening the Rights in Water & Irrigation Act) and (ii) the Department of Environment Regulation by virtue of the destruction of riparian vegetation surrounding the watercourse (contravention of the EP Act)?*
- (b) If you now respond to the above that issues affecting other agencies are not matters for the Shire to be concerned about, would you then agree that there is a problem with the “inter-agency consultative process” that is otherwise only triggered if the Shire initiates a DA assessment process and collates the responses from the other agencies?*
- (c) Would you also agree that the Shire’s practice - that started with the previous CEO [name removed] - of adding “Advice Notes” (which I was advised by [name removed] have no legal standing and cannot be enforced by the Shire) to its DA approvals is creating a form of self-regulation within the development process that has allowed the dam owner to easily opt out of what otherwise should be mandatory conditions of the other agencies the non-compliance by the dam owner to many of which have created the problems now evident.*

It is noted from FOI documents that the various issues now impacting on the Crossleys are derivatives of the Shire’s failure to properly administer the inter-agency consultative process and/or a failure of the process itself that relies on or promotes self-regulation. FOI documents also reveal that Fisheries themselves have failed to properly administer their process for approving the issue of a Commercial Aquaculture Licence that otherwise requires considerable detail about the subject property, the source of water, its decontamination treatment and discharge. They collected no such detail. The Shire, incredulously, likewise has no plan nor any detail whatsoever of the inter-connectedness of the many dams and yet it claims integrity in its administration of the Local Planning Scheme and application of the Dams Policy.

Question 2:

In regards the recent (June 2016) approval for the installation of yet another dam (near the dam owner’s house). You have advised the Shire has no detail of how

the Dept. of Fisheries condition for a vegetated sedimentation pond will be implemented. It is noted from FOI documents that the Fisheries condition was not ambiguous nor discretionary for the dam owner to adopt any alternative method of filtration that is otherwise inferred by your comment that a “vegetated sump or similar” would be acceptable.

- (a) Please advise how and physically where the vegetated sedimentation pond will be implemented? In my opinion, this issue is critical and demands a separate DA approval. It is noted from FOI documents that Fisheries also (belatedly) advised all the other dams on the subject property should be similarly treated.
- (b) Please advise how the Shire intended the filtered water would be “returned to the watercourse” whilst noting that the watercourse has been physically totally destroyed?
- (c) If the Shire cannot now advise how the water will be filtered and returned to the watercourse, would you then agree the DA should not have been approved (and more so also for the following reasons)?
- (d) Please advise why the Shire ignored the P&D Act (Local Planning Scheme) Regulations 2015 that under Clause (o) states the “local government is to have regard tothe likely effect of the development on the natural environment or water resources and any means that are proposed to protect or mitigate the impacts on the natural environment or the water resource.”
- (e) Is the Shire’s non-compliance to the foregoing Regulation a further example of the Shire’s negligence in its administration of the Local Planning Scheme and application of the Dams Policy?
- (f) If you are now not able to provide satisfactory explanations to the above questions, please explain why the Shire approved the DA in ignorance of the practicalities of the conditions that it has imposed?

It is also noted from FOI documents that the Fisheries Divisional Senior Policy Advisor on Aquaculture who corresponded with [name removed] on the above matters has subsequently admitted that, incredulously, she had no prior awareness of the Department of Water having any definitive policy document describing acceptable water quality criteria for Aquaculture. This matter brings into serious question the integrity of Fisheries Licencing protocols and its disregard for environmental and bio-security issues.

Question 3:

In regards your answer to my previous QoN #3, namely that “contractors who undertake unauthorised works or the land owner of the site where the works have taken place can be prosecuted”: Will the Shire now initiate prosecution against the contractor and the land owner for the installation of an unauthorised “glory hole” overflow pipe?

Question 4:

- (a) Please explain why the Shire should now not also prosecute the dam owner for non-compliance to Condition 3 of the Retrospective Approval of June 2014 that required an overflow spillway to be installed on the “subject

dam” it being noted that the maximum statutory grace period for compliance of 24 months has long expired?

(b) In giving your explanation to the above, please also explain where the Shire intended the physical installation of the spillway would be located on the subject dam and how the Shire envisaged the overflow water could then be returned to the watercourse before exiting into the downstream property?

It is assumed that in imposing Condition 3 that the Shire had an appreciation of the practicalities for installation of the spillway else it would be alleged that the condition was merely fanciful on the Shire’s part, was lacking credibility and to be exposing the Shire’s potential liability in its negligence for damages caused to third parties.

Question 5:

How does the Shire now propose to uphold the Dept of Water’s requirement that the dam owner must not take any water from the watercourse unless the flow exceeds 267 kilolitres per day? (Documents previously distributed explain this criteria).

Question 6:

Given the complex technical and legal issues involved in compliance to the Department of Water’s requirement for a bypass, would you agree that the Shire has been foolhardy in approving more dams?

Question 7:

Would now agree that the Shire needs to issue a moratorium to the dam owner that no further development on the subject property will be tolerated else be subject to prosecution until all the existing issues are satisfactorily resolved?”

The following initial written response has been provided to Mr Humphries.

“I refer to your questions taken on notice at the Ordinary Council Meeting held on Tuesday, 16 May 2017 in relation to a dam in Hazelvale.

I also refer to our subsequent telephone conversation the following day and my offer to facilitate a meeting between the Shire and other key stakeholders involved in this complex matter.

I firmly believe that I may be in a position to respond to your questions after this meeting.”

4.01pm – Cr Allen entered the room.

4.1.2 Mr Geoff Osborne – East River Road

At the meeting held on 16 May 2017 Mr Osborne made the following comments and asked some questions which were taken on notice.

“Mr Osborne stated that he was one of the Sheoak Drive residents who had signed the recent petition regarding the works on East River Road (east). Mr Osborne queried the last paragraph of the Chief Executive Officer’s written response which stated, “I am not sure in terms of previous investigations into Kernutts Road, however your statements in relation to East River Road being ‘perfectly good’ are subjective. The Shire has had concerns in relation to the

alignment of East River Road and more specifically the intersection with Sheoak Drive. The road is narrow and the intersection is considered dangerous. The upgrade of this road provides an opportunity to improve the intersection and the Shire's road network. From an asset management perspective, the Shire is not in a position to continue adding to our sealed road network. As you can appreciate, adding to the network increases maintenance and renewal costs and the Shire needs to be very careful when incurring these additional costs.

Mr Osborne said that he had been using East River Road for over 20 years and believed that it had been in good condition and not in need of repair. Mr Osborne asked whether an upgrade to Kernutts Road had been considered as an alternative access to the Light Industrial Area and if it had, why it had not been selected. Mr Osborne asked whether it really did cost more to maintain a sealed road as opposed to a gravel road and when East River Road (east) was expected to be completed."

The following written response has been provided to Mr Osborne.

"...Although being in a reasonably good condition, the road width, the horizontal alignment, the longitudinal grade of East River Road needed to be rectified to comply with RAV4 network.

Current Officers were not involved in the original road access selection but do not consider Kernutts Road would have been a good option as it would have effectively increased the length of the road access. Moreover, much civil works and costs would have been involved in upgrading the Kernutts – Denmark Mt Barker roads intersection and the unformed section of McIntosh Road between Kernutts Road and Jarrah Close.

The maintenance and renewal costs for the sealed road network is generally higher than for the gravel road network. However, this is dependent a number of factors such as usage, traffic volume, extent of failures, location and short term v/s long term.

It is expected that the first section of the East River Road (east) will be completed by the end of June 2017 and the Shire is intending to resume construction works in the new financial year around September, weather permitting."

4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the wall near the entrance to the Council Chambers or can be downloaded from our website at <http://www.denmark.wa.gov.au/council-meetings>.

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

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, at approximately 6.00pm.

Questions from the Public

4.2.1 Ms Kelli Gillies – Legal Claim, Cr Whooley

Ms Gillies requested that her comments and questions be recorded in the Minutes and a response be provided in writing.

Ms Gillies asked Cr Whooley whether he was in the process of lodging an appeal against the decision handed down by the Commissioner that awarded him somewhere in the vicinity of \$44,000?

Cr Whooley responded that he was appealing the decision but had only decided to do so after the Shire had lodged their appeal first.

Ms Gillies asked Cr Whooley whether, if the Shire was successful in their separate Appeal, he would promptly return the funds without incurring further expense for the ratepayers.

Cr Whooley advised that in the event that the Shire's appeal was upheld and he was ordered to return the money then he would do so as required.

Ms Gillies asked whether Cr Whooley would stand down as a councillor for the duration of the concurrent Appeals?

Cr Whooley advised that he has not considered standing down at this stage.

4.2.2 Ms Kelli Gillies – McNess Road Bridge

Ms Gillies requested that her comments and questions be recorded in the Minutes and a response be provided in writing.

Ms Gillies directed the following questions to the Director of Infrastructure Services which were as follows.

1. \$450,000 was allocated from state funds into the Shire budget for the replacement of McNess Road Bridge; can you provide the final completion cost and confirm the final amount is inclusive of the entry statement and river fencing?
2. Can you confirm that McNess Road Bridge is located outside the Shire of Denmark road reserve and that Main Roads have been questioned by the Shire regarding this anomaly in the project?
3. Does this bridge service a through road or is it at the end of McNess Road and at the entrance of a private property?
4. Does the bridge serve as a crossover into that private property?
5. Has the landowner financially contributed to the bridge and associated entry statement and fencing project?
6. Can you provide any examples where this scale of infrastructure has been provided to a service a single private property within the Shire of Denmark?
7. Could the funding have been used to upgrade Churchill Bridge or Hollings Road Bridge?
8. Can you confirm that there is a strategic firebreak to the north of the property in question and that the firebreak is accessed from Mt Lindesay Road?

Cr Whooley stated that he was concerned that there was some insinuation that the landowner had some say or should have contributed to the bridge upgrade. Cr Whooley advised that it had been part of a Main Roads WA program to upgrade bridges and that they determined how they were prioritised.

Ms Gillies stated that she was asking questions of the Director which she was entitled to do during public question time.

The Shire President advised that he was confident that Council Officers would take Cr Whooley's comments into consideration when they provided Ms Gillies a written response.

4.2.3 Mr Craig Chappelle – 2015/16 Annual Report – Water Consumption

Mr Chappelle referred to the 2015/16 Annual Report and sought some clarification on water performance costs, savings and consumption. Mr Chappelle asked the following questions.

1. It's good to see that consumption fell since the previous year. Why did it? through what strategies / changes in usage patterns?
2. Why is differential pricing applied and how many categories are there? What are the highest and lowest rates?
3. By three examples shown total 5,232kL, which is 29% of the shire total of 17,836kL – not 39% as suggested by adding the percentages noted in each example.
4. By whom and for what was the remaining 71% consumed?
5. In relation to the Zimmerman St standpipe:
 - (a) What percentage of total use was by private contractors?
 - (b) What price do they pay?
 - (c) Is their use of the standpipe and are the amounts logged?
6. How much of the annual total was used by the Shire and how much by other users?

The Chief Executive Officer stated that he would take Mr Chappelle's questions on notice and respond to them in writing.

4.2.4 Mr Craig Chappelle – Line Marking Mt Shadforth Road

Mr Chappelle requested Council to consider extending the linemarking up Mt Shadforth Road as he believed it to be somewhat dangerous in some areas when driving at night.

4.2.5 Mr Geoff Osborne – East River Road Works

Mr Osborne thanked the Chief Executive Officer for the response to his previous questions taken on notice and asked when the next stage of works was due to commence. Mr Osborne asked whether the program for the works could be planned in such a way that travel time on gravel roads for residents was kept to a minimum.

The Director of Infrastructure Services advised that the next stage of works would commence around September and that, whilst inevitable, they would consider the least amount of travel time on gravel roads for residents. Shire's preference would be to resume work where it has been left off, but there is a possibility to start from the McIntosh end depending on the final plan and timing.

4.2.6 Mr Tony Pedro – Prescribed Burning

Mr Pedro referred to previous conversations with Councillors regarding prescribed burning at the Valley of the Giants. Mr Pedro stated that the Department of Parks and Wildlife had informed him that they would organise a site visit sometime after winter and that he would contact interested Councillors so that they could attend if they so wished. Mr Pedro expressed

concerns with the burning of coastal reserves that were managed by the Department of Parks of Wildlife and referred to a section between Boat Harbour and Parry Beach which had been incinerated to sand dunes which were now blowing sand over the road.

4.2.7 Mr Brian Humphries – Grenfell Tower Fire, London and Hazelvale Road Dams

Mr Humphries referred to the recent Grenfell Tower fire and handed around some samples of the type of building material which had been used on the tower and had caused the fire to spread like it had. Mr Humphries advised that the material was extremely flammable and was becoming more popular in Australia.

Mr Humphries referred to the Chief Executive Officer's response to his previous questions taken on notice and advised that whilst the proposed stakeholder meeting may assist with planning processes moving forward, it would not address the issues relating to the dams at Hazelvale Road. Mr Humphries advised that he had previously forwarded information to Councillors on the matter.

Mr Humphries referred to the Grenfell Tower fire stating that the material that had been used to clad the exterior of the tower was banned in the UK under building regulations and that it appeared that the regulations may not have been complied with. Mr Humphries stated that he believed that this situation was similar to the current issues relating to dams.

Mr Humphries advised that he would like to address Council at a future briefing on the matter.

The Shire President advised that he had heard on the radio that the cladding on the outside of the tower had caused the fire to spread more quickly. Cr Morrell referred to the material sample that Mr Humphries had provided and advised that he was aware that the Building Code of Australia did allow some use of the material but it was done so very strictly.

The Director of Planning & Sustainability advised that the Shire President was correct however she believed that the Building Code of Australia would be looking into the material more closely.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

5.1 Cr Phillips

COUNCIL RESOLUTION	ITEM 5.1
MOVED: CR ALLEN	SECONDED: CR LEWIS
That Cr Phillips be granted leave of absence for the meeting to be held on 18 July 2017.	
CARRIED UNANIMOUSLY: 9/0	Res: 010617

5.2 Cr Allen

COUNCIL RESOLUTION	ITEM 5.2
MOVED: CR GEARON	SECONDED: CR PHILLIPS
That Cr Allen be granted leave of absence for the meeting to be held on 18 July 2017.	
CARRIED UNANIMOUSLY: 9/0	Res: 020617

4.32pm – The Director of Community & Regulatory Services left the room.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR CARON	SECONDED: CR WRIGHT
That the minutes of the Ordinary Meeting of Council held on the 16 May 2017 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 9/0	Res: 030617

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR ALLEN	SECONDED: CR GEARON
That the Notes from the Strategic Briefing held on 16 May 2017 be received.	
CARRIED UNANIMOUSLY: 9/0	Res: 040617

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 PROPOSED USE NOT LISTED (FAMILY CARE CENTRE) – NO. 49A (STRATA LOT 2/LOT 899) PATERSON STREET, DENMARK

File Ref:	A5529 (2016/214)
Applicant / Proponent:	K Henwood
Subject Land / Locality:	No. 49A (Strata Lot 2/Lot 899) Paterson Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	2 June 2017
Author:	Jon Creedon, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Development Application Documentation 8.1.1b – Site Photographs

Summary:

The applicant is seeking Development Approval to operate a Family Care Centre (commonly referred to as Family Day Care) at No. 49A (Strata Lot 2/Lot 899) Paterson Street, Denmark.

Having regard to the proposal, the relevant provisions of *Town Planning Scheme No. 3* (TPS No. 3), the *Planning and Development (Local Planning Schemes) Regulations 2015* and requirements of the Department of Local Government and Communities pertaining to family day care services, it is recommended that Development Approval be granted subject to appropriate conditions.

Background:

Current Application

An application for Development Approval was lodged with Planning Services in December 2016 for a Family Care Centre to operate from No. 49A (Strata Lot 2/Lot 899) Paterson Street, Denmark (refer Attachment 8.1.1a).

In summary, the applicant is seeking approval to provide family day care services from the existing dwelling on the property initially for a period of 2 days a week, noting that as per the *Education and Care Services National Law (WA) Act 2012* and the associated Regulations a family day care service can only cater for a maximum of seven (7) children at any one time. The applicant intends to operate the service through Wanslea (a third party regulator and provider of child care services) while they complete a Certificate III in Early Childhood Education. Following completion of their studies, the applicant hopes to increase the service to operate 4 days a week.

Consultation:

'Family Care Centre' is a 'Use Class Not Listed' under TPS No. 3, thus the Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal, considered Council's Community Engagement Policy P040123 and the associated Framework, TPS No. 3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation:

External Consultation:

- An advertisement was placed in the Denmark Bulletin newspaper on 2 March 2017 inviting public comment; and
- Referral to four (4) adjoining landowners inviting comment.

At the close of the advertising period, no submissions were received.

In addition to the above, the proposal was also referred to the Department of Fire and Emergency Services (DFES) for comment given a family day care is referenced as being a 'vulnerable land use' in accordance with State Planning Policy 3.7: Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.

After due consideration of the proposal, DFES advised that in their view given the family day care land use is a form of development reflecting the type of activity and behaviours that would be expected from a typical dwelling where a family reside, the proposal moreso is deemed to be a 'minor development' and therefore not requiring full compliance with State Planning Policy 3.7: Planning in Bushfire Prone Areas.

Internal Consultation

- Development Co-ordination Unit

Statutory Obligations:

Licensing of family day care services is administered by the nominated Family Day Care service and/or Department of Local Government and Communities having regard to the *Education and Care Services National Law (WA) Act 2012* and the *Education and Care Services National Regulations 2012*.

Should Council refuse this Development Application or impose conditions on a Development Approval that the applicant is aggrieved by, as per Part 14 of the *Planning and Development Act 2005*, the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Due regard has been given to State Planning Policy 3.7: Planning in Bushfire Prone Areas.

As per *Delegation D100601: Implementation of Town Planning Scheme*, the Chief Executive Officer and the Director of Planning & Sustainability have the delegation to initiate public advertisement of 'Use Not Listed' development applications only, thus the development application is being referred to Council for determination.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Strategic Community Plan

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

If granted approval by the Shire of Denmark and the Department of Local Government and Communities, the family care centre will provide an additional child care facility for families within the Denmark community and surrounds.

➤ **Risk:**

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

Comment/Conclusion:

In accordance with TPS No.3, the subject site is zoned “Residential R10/20”. ‘Family Care Centre’ is a defined use under TPS No. 3 (being “*land and buildings used for the purpose of a Family Care Centre as defined in the Child Welfare (Care Centres) Regulations, 1968 (as amended)*”, however is not listed in Table 1 – Zoning Table of TPS No. 3. As a result, it is classified as a “Use Not Listed”.

Clause 3.2.5 of TPS No. 3 applies to a ‘Use Not Listed’, and states:

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- a) *Determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted; or*
- b) *Determine by absolute majority that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.*

Noting that family day cares primarily operate from residential dwellings and having regard to Clause 3 of *Delegation D100601: Implementation of Planning Scheme*, the development

application was advertised for public comment as per Clause 6.4 of TPS No. 3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (refer 'Consultation' section of the report) – with no submissions received from the advertising period.

From a Planning Services perspective the proposal as presented is appropriate and is considered to have minimal impact on the amenity of the locality having regard to the following:

- Limitations on the number of children that can be accommodated (a maximum of seven [7] children) – which is limited by the *Education and Care Services National Law (WA) Act 2012* and associated Regulations that relate;
- The existing gravel parking area within the strata lot has the potential to accommodate four (4) vehicles in a double tandem arrangement – noting that TPS No. 3 does not provide parking requirements for family day care services thus is at the discretion of Council. In terms of what parking requirements may be appropriate over and above the parking requirements for the dwelling on-site (being two (2) car parking bays), it is considered that the provision for two (2) vehicles on-site associated with the family care centre operations is sufficient given:
 - drop-off/pick-up times are likely to be staggered/offset as will be dependent on individual clientele requirements;
 - in the event there is an overlap of clients coming to the premises, there is the ability for parking to occur along the common property driveway or in the street; and
 - there are no staff over and above the resident of the dwelling and this parking requirement is met.
- Minimal noise impacts associated with family day care services from previous experiences of such services operating in the Residential zone; noting that any noise from a family day care centre has the potential to be managed more effectively than that of noise emanating from children at a standard residential property.

It should be noted that final approval is required to be granted by the nominated Family Day Care service/Department of Local Government and Communities, and as part of that approval regime the dwelling and surrounding yard will be the subject of detailed inspections to ensure compliance with the relevant requirements of the *Education and Care Services National Law (WA) Act 2012* and the associated Regulations.

In relation to applicable conditions, the majority of requirements will be stipulated from the nominated Family Day Care service/Department of Local Government and Communities approval for the family day care to operate, with the main issue for the Shire's consideration pertaining to vehicular access. In this regard the common property crossover and driveway are sealed with a bitumen tack coat – refer Attachment 8.1.1b. The vehicle parking and manoeuvring areas within the property are unsealed gravel, however from a review of Shire records in relation to development proposals for the site and the subdivision approval that also relates, there were no requirements for these areas within the property boundary to be sealed.

This proposal for a family day care service is a commercial business and thus should technically comply with the Shire's current standards for internal driveways – that is vehicle accessways and designated parking areas should be constructed, drained and sealed (concrete, asphalt or brick paving). This standard is applied to all new development proposals, development proposals that require vehicular access (i.e. outbuildings) and holiday home proposals that may have not required such construction requirement when the original dwelling was built.

Notwithstanding the above, it is considered that a condition requiring sealing of parking areas within the strata lot would be onerous for a proposal of this nature and scale, and not necessary given the battleaxe common property driveway and crossover are sealed. It should also be noted that for a previous family day care proposal approved by Council in October 2013, the applicant was only 'strongly encouraged' to seal the driveway.

It should be noted that the property currently has a gate on the rear boundary providing vehicular access/egress of Pomery Lane. Access to Pomery Lane is not permitted for any property adjoining the laneway without payment of a financial contribution to upgrade the laneway to an urban standard. It is therefore recommended the applicant be advised that the gates should be modified for use by pedestrians only, removed completely, or the applicable financial contribution for upgrading of Pomery Lane be made to the Shire of Denmark accordingly.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1
MOVED: CR PHILLIPS	SECONDED: CR LEWIS
<p>That with respect to the development application for the Proposed Use Not Listed (Family Care Centre) at No. 49A (Strata Lot 2/Lot 899) Paterson Street, Denmark, Council resolves to grant Development Approval subject to the following:</p>	
<p><u>Conditions</u></p> <ol style="list-style-type: none"> 1. The development shall be carried out and fully implemented in accordance with the stamped approved plan(s) and details dated 7 December 2016 and 26 April 2017. 2. The approved Bushfire Emergency Evacuation Plan dated 26 April 2017 is to be fully implemented and clearly displayed within the premises at all times to the satisfaction of the Shire of Denmark (Planning Services/Community Emergency Services). 3. Prior to commencement of the use, approval being granted by the nominated Family Day Care service or alternatively the Department of Local Government and Communities as per the provisions of the <i>Education and Care Services National Law (WA) Act 2012</i>, with a copy of such approval to be provided to the Shire of Denmark (Planning Services) for its records. 4. Prior to commencement of the use, the premises are to be inspected and registered as per the <i>Food Act 2008</i> – refer Advice Note 1. 5. The existing vehicle crossover and battleaxe leg driveway shall be maintained to the satisfaction of the Shire of Denmark (Infrastructure Services). 6. Vehicular access to the site shall be via Paterson Street only; thus the current gates providing vehicle access/egress to Pomery Lane are to be modified for pedestrian access purposes only and/or removed completely and the fencing reinstated. Should direct vehicular access to Pomery Lane be retained, a financial contribution to upgrade Pomery Lane to a sealed standard is required to be paid to the Shire of Denmark - refer Advice Note 2. 7. Any on-site signage associated with the Family Day Care shall not exceed 0.2 square metres in area and must be located within the boundaries of the subject lot. 	
<p><u>Advice Notes</u></p> <ol style="list-style-type: none"> 1. In relation to Condition 4, an inspection of the premises is required to be undertaken by the Shire’s Principal Environmental Health Officer (PEHO) – please contact the PEHO on 9848 0312 to arrange an appointment accordingly. 2. In relation to Condition 6, please contact Infrastructure Services on 9848 0322 to discuss the financial contribution for Pomery Lane. 3. It is strongly recommended that the internal driveway and vehicle parking areas be constructed and sealed (concrete, asphalt or brick pavers). 4. It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply. 	
CARRIED UNANIMOUSLY: 9/0	Res: 050617

8.1.2 PROPOSED USE NOT LISTED (WORKFORCE ACCOMMODATION) – NO. 79 (LOT 1) HAMILTON ROAD, SCOTSDALE
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File Ref:	A480 (2017/53)
Applicant / Proponent:	Z & K Rezic, M & S Mestric
Subject Land / Locality:	No. 79 (Lot 1) Hamilton Road, Scotsdale
Disclosure of Officer Interest:	Nil
Date:	6 June 2017
Author:	Jon Creedon, Senior Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2a – Development Application Documentation 8.1.2b – Site Photographs

Summary:

The applicant is seeking Development Approval for Workforce Accommodation at No. 79 (Lot 1) Hamilton Road, Scotsdale.

Having regard to the proposal, the relevant provisions of *Town Planning Scheme No. 3* (TPS No. 3) and the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is recommended that Development Approval be granted subject to appropriate conditions.

Background:Current Application

An application for Development Approval was lodged with Planning Services in March 2017 for Workforce Accommodation at No. 79 (Lot 1) Hamilton Road, Scotsdale (refer Attachment 8.1.1a).

In summary, the applicants seek to locate two transportable buildings (formerly used as minesite workforce accommodation) on the property for use as workforce accommodation for a property manager and temporary/seasonal workers in conjunction with the existing commercial vineyard and other agricultural operations being undertaken on the property.

Consultation:

'Workforce Accommodation' is a 'Use Class Not Listed' under TPS No. 3, thus the Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal, considered Council's Community Engagement Policy P040123 and the associated Framework, TPS No. 3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation:

External Consultation:

- An advertisement was placed in the Denmark Bulletin newspaper on 13 April 2017 inviting public comment.

Internal Consultation

- Development Co-ordination Unit

At the close of the advertising period, no submissions were received.

Statutory Obligations:

Should Council refuse this Development Application or impose conditions on a Development Approval that the applicant is aggrieved by, as per Part 14 of the *Planning and Development Act 2005*, the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

There are no policy implications.

As per *Delegation D100601: Implementation of Town Planning Scheme*, the Chief Executive Officer and the Director of Planning & Sustainability have the delegation to initiate public advertisement of ‘Use Not Listed’ development applications only, thus the development application is being referred to Council for determination.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Strategic Community Plan

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

The provision of Workforce Accommodation would result in greater provision of essential housing options for temporary workers employed by primary producers within the Shire of Denmark.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The proponent may lodge an application for review to the State Administrative	Possible (3)	Minor (2)	Moderate (5-9)	Failure to meet Statutory, Regulatory or	Accept Officer Recommendation as the decision is based on sound planning

Tribunal if the Council's decision was to refuse the proposal.				Compliance Requirements	grounds. If a decision is made to refuse the application, Council is to provide sound reasoning to support solid defence at the State Administrative Tribunal should the applicant wish to pursue a Right of Review.
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Comment/Conclusion:

In accordance with TPS No.3, the subject site is zoned Rural. 'Workforce Accommodation' is not defined as a use under TPS No. 3, and is not listed in Table 1 – Zoning Table of TPS No. 3. As a result, it is classified as a "Use Not Listed".

Notwithstanding this, Workforce Accommodation is a defined use under the model provisions for local planning schemes under the *Planning and Development (Local Planning Schemes) Regulations 2015*, being as follows:

Workforce Accommodation means premises, which may include modular or relocatable buildings, used -

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.*

Preliminary discussions between the applicant and Planning Services staff prior to formal lodgement of a development application resulted in Workforce Accommodation being determined as the most appropriate definition for the proposal given the structures are relocatable buildings intended for use by seasonal workers.

Clause 3.2.5 of TPS No. 3 applies to a 'Use Not Listed', and states:

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- c) Determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted; or*
- d) Determine by absolute majority that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.*

Having regard to Clause 3 of *Delegation D100601: Implementation of Planning Scheme*, the development application was advertised for public comment as per Clause 6.4 of TPS No. 3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (refer 'Consultation' section of the report) – with no submissions received from the advertising period.

The development is generally in accordance with the provisions of TPS No. 3 with the exception that a minimum 31 metre setback to Hamilton Road is proposed; a variation to the 50 metre setback required by TPS No. 3 (noting this provision can be varied). The applicant has given justification for this variation as follows:

- Takes advantage of existing mature trees along this portion of the northern boundary to provide a visual barrier to the neighbouring property and ensures there is no direct line of sight to the development from the adjoining dwelling (noting this dwelling is approximately 450 metres away).
- The structures would be located in closer proximity to the Water Corporation scheme water access which runs along Hamilton Road.
- Existing large trees along the fenceline adjoining Hamilton Road are utilised as a visual barrier.
- The natural contours of the land are maximised in the proposed location, resulting in a lesser amount of earthworks/fill. The development would also be sited away from more waterlogged areas to the west.

Overall from a Planning Services perspective the proposal as presented is appropriate and is considered to have minimal impact on the amenity of the locality and adjoining landowners having regard to the following:

- Accommodation for seasonal and temporary workers is a legitimate need on rural properties (particularly those involving viticulture/fruit picking) throughout the year, and an essential component of several industries (tourism, resources, construction, agriculture) in order to attract and accommodate a workforce.
- Workforce Accommodation is not a residential dwelling house and given the transportable/relocatable nature of the proposed development, it is inappropriate to consider the structures as comparable to a dwelling or attempt to approve them as such. Approving the proposed development is not considered to set a precedent for relocatable buildings with an 'industrial' appearance being used for residential accommodation within the Shire of Denmark.
- Given the Workforce Accommodation under the Local Planning Schemes Regulations specifically references "*modular or relocatable buildings*", and noting that Workforce Accommodation is not the same as a residential dwelling house, the requirement to improve the appearance of the structures to a residential standard (i.e. via painting, cladding etc.) is not considered absolutely necessary. Notwithstanding this, the applicant intends clad the walls and roof of the structures with Colorbond sheeting in colours which, in the opinion of the applicant, blend in with the surrounding environment. A deck and a patio structure are also proposed to be constructed on both buildings. It is likely that following these improvements, the development will resemble chalets/cottages and not have an overtly industrial appearance.
- There is a large amount of existing screening vegetation (primarily mature trees) within the road reserve adjoining the development site which substantially screens the site from view of the street.
- While the development complies with side and rear lot boundary setbacks, and the dwelling on the adjoining property to the north is over 450 metres away from the development site, the applicant has advised they intend to plant screening vegetation to ameliorate any potential impact of the development on this adjoining landowner.
- Given the intended use of the buildings is for accommodation of seasonal workers and not a tourist development/holiday chalets, no impact on adjoining landowners (i.e. noise) above that of a standard residential dwelling is anticipated.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.2

MOVED: CR CARON

SECONDED: CR PHILLIPS

That with respect to the development application for the proposed Use Not Listed (Workforce Accommodation) at No. 79 (Lot 1) Hamilton Road, Scotsdale, Council resolves to grant Development Approval subject to the following:

Conditions

1. The development shall be carried out and fully implemented in accordance with the stamped approved plan(s) and details dated 11 April 2017, including the modifications marked in red.
2. The development to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-19 for the building marked ‘east’ and BAL-29 for the building marked ‘west’ on the approved site plan).
3. The approved Workforce Accommodation shall be used for the accommodation of workers engaged in viticultural, agricultural or other approved industries undertaken on the subject land on a temporary basis only, and for no other purpose without prior approval from the Shire of Denmark (Planning Services).
4. The approved development shall be connected to a reticulated water supply provided by a licensed water provider.
5. The approved development shall be connected to an approved effluent disposal system to the satisfaction of the Shire of Denmark (Environmental Health Services).
6. The existing vehicle crossover shall be maintained to the satisfaction of the Shire of Denmark (Infrastructure Services).
7. A second vehicle crossover shall be constructed in the north-east corner of the property (as marked in red on the approved site plan) for some access purposes, noting this will require a sign being erected indicating it is for this purpose on both sides of the gate. The vehicle crossover shall be suitably constructed and drained to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained – refer enclosed vehicle crossover application form.
8. Vehicle accessways and designated parking areas shall be constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles, and be constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the *Guidelines for Planning in Bushfire Prone Areas* – refer Advice Note 1.
9. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).

Advice Notes

1. For the driveway/accessway to meet Acceptable Solution A3.5 of Element 3: Vehicular Access of the Western Australian Planning Commission’s *Guidelines for Planning in Bushfire Prone Areas*:
 - All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres; and
 - All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.
2. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
3. It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

CARRIED UNANIMOUSLY: 9/0

Res: 060617

8.1.3 PROPOSED SINGLE HOUSE – NO. 43 (LOT 209) HEATHER ROAD, OCEAN BEACH

File Ref:	A5345 (2016/196)
Applicant / Proponent:	Concept Building Design
Subject Land / Locality:	No. 43 (Lot 209) Heather Road, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	6 June 2017
Author:	Jon Creedon, Senior Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.3a – Development Application Documentation (November/December 2016) 8.1.3b – Amended Development Application Plans dated 29 March 2017 8.1.3c – Schedule of Submissions 8.1.3d – Site Photographs 8.1.3e – R-Codes Explanatory Guidelines information relating to Visual Privacy.

Summary:

The applicant is seeking Development Approval for a Single House on No. 43 (Lot 209) Heather Road, Ocean Beach.

Having regard to the issues raised from the submissions received and the objectives and provisions of *Town Planning Scheme No. 3* (TPS No. 3), it is recommended that Development Approval be granted subject to appropriate conditions.

Background:Current Application

An application for Development Approval was lodged with Planning Services on 2 November 2016 for a single house – refer Attachment 8.1.3a. These plans were advertised for public comment to adjoining landowners (refer ‘Consultation’ section of the report).

Following the public comment period and review of the submissions by the applicant, amended plans were lodged for consideration by Planning Services in March 2017 – refer Attachment 8.1.3b.

In summary the revised plans incorporated the following amendments:

- Reduction of lower level Finished Floor Level (FFL);
- Reduction of upper level ceiling heights;
- Extension of the roof over Alfresco 2 to reduce the bulk of the building when viewed from the rear;
- Flipping/repositioning of the skillion roof over the Master Bedroom to face in towards the dwelling and reduce building bulk;
- Removal of the 1.5 metre concrete retaining wall below the lower level garage, and replacement with landscaped earth banking; and
- Reduction in size of the rainwater tank from 45,000L to 30,000L.

These amendments ultimately reduced the overall building height by 0.774 metres and resulted in a maximum external wall height of 7.403 metres at the highest point.

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework, Town Planning Scheme Policy No.

3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and undertook the following level of consultation:

External Consultation:

- Referral to five (5) adjoining landowners inviting comment.
- The applicant.

Internal Consultation

- Development Co-ordination Unit

At the end of the advertising period, three (3) submissions were received – refer Attachment 8.1.3c.

It should be noted that following submission of the amended plans, the plans were provided to all submitters again for their comments accordingly – noting that only (1) of the original submitters provided an additional submission to their original submission (which has been included as an addendum in the Schedule of Submissions table under Submission S3). Submissions S1 and S2 have been provided in the Schedule of Submissions table as although they acknowledged receipt of the amended plans no advice that their submission was to be withdrawn was received.

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) and the Residential Design Codes specify the pertinent planning provisions for the proposed use.

Should Council refuse this Development Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

Policy Implications:

Town Planning Scheme Policy No. 40: Rainwater Tanks and Grey Water Re-use Systems is applicable to the proposed rainwater tank; noting the proposal complies with the policy provisions.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

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

Strategic Community Plan

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Governance Goal: Planning - That the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site has a lot size of 2015m² and is zoned "Residential R5".

The original plans submitted in November 2016 were generally compliant with the Deemed-to-Comply criteria of the Residential Design Codes (R-Codes) with the exception of the maximum external wall height in certain locations being 8.176 metres; noting the Deemed-to-Comply criteria provides for a maximum wall height of 6 metres.

As referenced above, amended plans were lodged by the applicant in response to submissions received. The amended plans comply with the Deemed-to-Comply criteria of the R-Codes with the exception of the maximum external wall height in certain locations being 7.403 metres (a reduction of 0.774 metres from the original plans that were referred out for public comment).

As per the R-Codes, where proposals do not meet the Deemed-to-Comply criteria, the proposal is assessed having regard to the relevant Design Principles criteria – which in this instance is as follows:

P6: Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

- *adequate access to direct sun into buildings and appurtenant open spaces;*
- *adequate daylight to major openings into habitable rooms; and*
- *access to views of significance.*

From a Planning Services perspective, the following comments are relevant to the proposal:

- The development complies with deemed-to-comply provisions of the R-Codes relating to solar access. Overall, given the large lot sizes and generous lot boundary setbacks (all of which are compliant with lot boundary setback provisions), it is not considered that adequate access to direct sunlight, and daylight to major openings into habitable rooms on all adjoining properties will be affected by the proposed dwelling.
- The design of the proposed dwelling is considered an appropriate response to the sloping nature of the site, noting that the site levels vary by 8 metres from north to south. The development respects the natural ground levels at the street and largely appears single storey when viewed from Heather Road. Furthermore, the dwelling utilises a very low pitch skillion roof and is comprised of multiple narrow 'pavilions', resulting in a lower level of building bulk than a more traditional dwelling design with a compact floor plan and higher, pitched roof.
- Due to the large variation in site levels on both the subject site and adjoining properties – it is considered that some form of overlooking, and the appearance of the dwelling as being "over height" when viewed from adjoining properties to the rear, would be difficult to avoid.
- The applicant has made numerous changes which substantially improve the appearance of the dwelling and perception of bulk, height and scale when viewed from the adjoining properties to the rear. While it should be acknowledged that further attempts could be made to reduce the overall height of the building i.e. through excavation, it is the view of Planning Services that the applicant has undertaken reasonable steps to reduce the bulk of the dwelling through minor reductions in height and improvements to the design.
- In particular, a 1.5 metre concrete retaining wall at the rear of the dwelling has been removed and replaced with natural earth banking, substantially reducing the bulk of the building and the appearance of its height in relation to ground level. Paired with the 0.774 metre combined FFL and upper level wall height reductions, and existing screening vegetation which the applicant has stated they intend to retain; no unreasonable significant adverse impact on the amenity of adjoining residences is anticipated.
- In terms of access to views, it is clear that the intention of the Heather Road subdivision was to take advantage of views south-east towards Wilson Inlet and Ocean Beach. This is supported by the fact that properties on the streets south-east of the subject site have restrictive covenants registered against their respective Certificate(s) of Title limiting building height to 5 metres, to ensure dwellings on the lots above fronting Heather Road maintain their inlet/ocean views. The proposed dwelling is not considered to impact the inlet/ocean views enjoyed by any of the adjoining properties, noting that three (3) of the adjoining properties are vacant and it is likely that future dwellings on these lots will be oriented towards the views to the south-east, as demonstrated by the existing adjoining dwellings.
- In relation to visual privacy concerns raised in detail in one of the submissions, attached as Attachment 8.1.3e are the R-Codes Explanatory Guidelines pertaining to Visual Privacy. From the guidelines it is clear that the Deemed-to-Comply 'cone of vision' setbacks are conservative, providing a high level of protection from overlooking but not absolute, protection (which is not realistically achievable). Given the substantial setback between the development and the lot boundary, Planning Services does not consider

there to be an unreasonable significant adverse impact on visual privacy as a result of the proposed wall height, and instead considers there to be an effective and appropriate privacy separation distance to the adjoining property.

Having regard to the issues raised from the submissions, and assessment of the proposal in line with the intent and objectives of TPS No.3 and the R-Codes, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

4.38pm – The Director of Community & Regulatory Services returned to the room.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION MOVED: CR CARON</p>	<p>ITEM 8.1.3 SECONDED: CR WRIGHT</p>
<p>That with respect to the development application for a Single House at No. 43 (Lot 209) Heather Road, Ocean Beach, Council:</p>	
<ol style="list-style-type: none"> 1. Notes the submissions received. 2. Grants Development Approval subject to the following: 	
<p><u>Conditions</u></p>	
<ol style="list-style-type: none"> a) The development shall be carried out and fully implemented in accordance with the stamped approved plan(s) dated 29 March 2017. b) The development to be constructed to Australian Standard 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i> (BAL-19). c) Clearing of vegetation to meet the BAL-19 classification under AS3959 to have regard to retention of significant trees (as marked in red on the approved site plan), noting blanket clearing is not permitted. d) The approved development shall be connected to a reticulated water supply provided by a licensed water provider. e) The approved development shall be connected to an approved high capacity nutrient retention system (i.e. ATU system) to the satisfaction of the Shire of Denmark (Environmental Health Services) – refer Advice Note 2. f) The vehicle crossover(s) shall be suitably constructed, drained and sealed (asphalt, concrete or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained – refer enclosed vehicle crossover application form. g) Vehicle accessways and designated parking areas shall be suitably constructed, drained, sealed (e.g. asphalt, concrete or brick pavers) and thereafter maintained. h) All stormwater and drainage run off from all roofed and impervious areas (including overflow from rainwater tanks) is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services). i) The rainwater tank (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the proposed single house. j) This approval supersedes Development Approval 2015/88 issued on 2 December 2015 for a Single House. 	
<p><u>Advice Notes</u></p>	
<ol style="list-style-type: none"> i. From a preliminary review of the information provided, the Shire’s Principal Building Surveyor advises that in addition to the standard Building Permit application documentation engineering certification of the entire structure is required. ii. In relation to condition e), the requirement for a high capacity nutrient retaining system is due to the environmental factors associated with the development of the residential 	

<p>estate (noting prospective purchasers of lots were required to be advised of such development provisions relating to the property). For more information in this regard please contact the Shire’s Principal Environmental Health Officer on 9848 0312.</p> <p>iii. Noting that there was a submission to the proposed development by an adjoining landowner that raised concerns regarding potential overlooking issues, notwithstanding the Shire of Denmark has not imposed any screening requirements, the applicant/landowner may wish to give consideration to installing visual privacy screening to the north-eastern ends of Alfresco 2 and the balcony/decking adjoining the Master Bedroom.</p> <p>iv. Rainwater tanks intended for use as a potable water supply should be installed in accordance with the Department of Health’s standard on water tanks. This includes but is not limited to a “First Flush Water Diverter’ (for detailed information see ‘Water’ link at http://www.public.health.wa.gov.au).</p> <p>v. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.</p> <p>vi. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.</p> <p>3. Advise the submitters of Council’s decision.</p>	<p>CARRIED UNANIMOUSLY: 9/0</p> <p>Res: 070617</p>
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8.1.4 SCHEME AMENDMENT 139 – REMOVING “AGRICULTURAL RESEARCH STATION” DENOTION ON LOT 7648 KERNUTTS ROAD, HAY

File Ref:	TPS3/SA139 (A3807; A3246); TPS3/SA84
Applicant / Proponent:	Veris on behalf of Landcorp on behalf of State of Western Australia)
Subject Land / Locality:	Lot 7648 Kernutts Road, Hay
Disclosure of Officer Interest:	Nil
Date:	7 June 2017
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.4 – Item 8.1.1 from 16 August 2016 Council Meeting (including attachments)

Summary:
 Planning Services have received a modified request to initiate a Scheme Amendment to Town Planning Scheme No. 3 (TPS No. 3) to remove the “Agricultural Research Station (AR)” denotion that is associated with the “Public Use” local scheme reservation over Lot 7648 Kernutts Road, Hay. This modification to the local scheme reservation will then facilitate the subject land parcel, and the adjoining Lot 7576 Kernutts Road, being included into the adjoining Denmark Catchment State Forest for conservation purposes (noting this land currently has a “Public Use” local scheme reservation in place).

Having due regard to the relevant provisions of TPS No .3, the Shire’s adopted Local Planning Strategy (2011) and Council’s intentions for the land for some time, it is recommended that Scheme Amendment No. 139 be initiated.

Background:
 At the Ordinary Meeting of Council held on 16 August 2016, Council considered a request to initiate a Scheme Amendment to TPS No. 3 to reclassify Lot 7576 Kernutts Road, Hay from “Public Use” local scheme reserve to “Parks and Recreation” local scheme reserve and Lot 7648

Kernutts Road, Hay from “Public Use – Agricultural Research Station’ local scheme reserve to “Rural” with an “Additional Use (A24)” zone to apply, and resolved as follows (Res No: 060816):

That with respect to the request to initiate a Scheme Amendment to reclassify Lot 7576 Kernutts Road, Hay from “Public Use” to “Parks & Recreation” and Lot 7648 Kernutts Road, Hay from “Public Use – Agricultural Research Station” to “Rural”, Council:

1. *Not initiate Scheme Amendment 139 at this point in time;*
2. *Seek to undertake discussions with the Department of Lands and the Minister for Lands regarding the disposal of this land to the adjoining State Forest landholding; noting Council has concerns over the current State Government requirement for government departments to purchase land from government departments; and*
3. *Re-consider the matter at the earliest available Council meeting following discussions with the Department of Lands and the Minister for Lands.*

Attached as Attachment 8.1.4 is the relevant Council minutes and associated attachments pertaining to the above Council resolution.

Following the Council resolution, the applicant’s revisited their proposal, including undertaking discussions with the Department of Lands and the Department of Parks and Wildlife, and have subsequently modified the Scheme Amendment proposal such that the proposal entails the removal of the “Agricultural Research Station (AR)” denotation over the subject land – with the Department of Lands agreeing to facilitate transfer of the subject land, and the adjoining Lot 7576 Kernutts Road, for inclusion into the adjoining Denmark Catchment State Forest for conservation purposes.

Consultation:

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, a ‘basic amendment’ (refer explanation under ‘Statutory Obligations’) is not required to be the subject of public advertising; referral to the Environmental Protection Authority for consideration is still required.

External Consultation

- Veris (applicant)

Internal Consultation

- Development Co-ordination Unit

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- Town Planning Scheme No. 3 – Lot 7648 Kernutts Road is currently reserved as “Public Use – Agricultural Research Station”; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* – The Regulations set the procedure for amending a town planning scheme.

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide for complex, standard and basic amendments. In relation to Scheme Amendment No. 139, it is considered to be a basic amendment having regard to Regulation 34 which is defined as:

- (a) *an amendment to correct an administrative error;*
- (b) *an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;*
- (c) *an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;*

- (d) *an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;*
- (e) *an amendment to the scheme so that it is consistent with a State planning policy;*
- (f) *an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;*
- (g) *an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;*
- (h) *an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;*
- (i) *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area.*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Fees associated with the amendment have been paid as per Council's operative Fees and Charges Schedule.

Strategic & Corporate Plan Implications:

The subject land is designated in the adopted Local Planning Strategy as 'Public Use' – a designation that reflects the current scheme reservation in Town Planning Scheme No. 3. Due regard has been given to the relevant Local Planning Strategy provisions within Scheme Amendment No. 139, namely Part 1 Section 4.7 Natural Resource Management

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

Strategic Community Plan

Environment Objective: Denmark's natural environment is regionally significant, wild and beautiful, yet so inviting and fragile that its protection and enhancement is carefully balanced in meeting the needs of current and future generations' lifestyle, development and tourism needs.

Environment Goal: Natural Environment – that the Shire of Denmark acknowledge the importance of the natural environment to the residents of Denmark and the region, and works with residents and all relevant agencies to maintain a high standard of environmental protection and its integration with community life.

Economic Objective: Denmark's economy is diverse and vibrant – its primary industries of tourism and agriculture rely on and enjoy natural and other assets that are sensibly managed and promoted.

Economic Goal: Development – that the Shire of Denmark closely monitor development and associated infrastructure needs in the region, and acts in conjunction with other authorities and agencies to plan development which is sensitive, timely and appropriate to the community's needs.

Corporate Business Plan

3.2.2 Work with other Government bodies on Local and State regional planning and development issues.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

Reservation of the land in the Scheme, and subsequent transfer of the land parcels to the adjoining Denmark Catchment State Forest, is an appropriate environmental outcome for the subject land.

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not initiate Scheme Amendment No. 139	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Scheme Amendment No. 139 proposes to remove the “Agricultural Research Station (AR)” denotation that is associated with the “Public Use” local scheme reservation over Lot 7648 Kernutts Road, Hay on the basis that the land is no longer required by the Department of Agriculture for this purpose and is proposed to be included, along with adjoining Lot 7576, into the adjoining Denmark Catchment State Forest for conservation purposes (noting this land currently has a “Public Use” local scheme reservation in place).

It is therefore recommended that Council initiate Scheme Amendment No. 139 to TPS No. 3 accordingly.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.4
MOVED: CR BARTLETT	SECONDED: CR LEWIS
That with respect to the request to initiate a Scheme Amendment to remove the “Agricultural Research Station” denotation on Lot 7648 Kernutts Road, Hay, Council:	
<ol style="list-style-type: none"> Pursuant to Section 75 of the <i>Planning and Development Act 2005</i> initiate Town Planning Scheme No. 3 Amendment No. 139 by: <i>Amending the Scheme Map to remove the “Agricultural Research Station (AR)” denotation over Lot 7648 Kernutts Road, Hay.</i> Determine that Town Planning Scheme No. 3 Scheme Amendment No. 139 is a ‘Basic Amendment’ as per the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> as it is an amendment that will ensure the reservation over the 	

land is consistent with other reservations in the scheme for land that forms part of the Denmark Catchment State Forest.

3. Refer Town Planning Scheme No. 3 Scheme Amendment No. 139 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.
4. Authorises the Shire President and Chief Executive Officer to execute the documentation for forwarding to the Western Australian Planning Commission in accordance with Regulation 58 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015* seeking final approval by the Minister for Planning.
5. Determines to not proceed with Scheme Amendment 84 to rezone Lot 7648 Kernutts Road, Hay from “Public Use” to “Rural” and advise the Environmental Protection Authority and the Western Australian Planning Commission accordingly.

CARRIED UNANIMOUSLY: 9/0 Res: 080617

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 APRIL 2017	
File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	31 May 2017
Author:	Steve Broad, Accountant
Authorising Officer:	Cary Green, Director of Finance & Administration
Attachments:	8.4.1 – April Monthly Financial Report

Summary:

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

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

Background:

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

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.

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

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

Policy P040222 - Material Variances in Budget and Actual Expenditure, relates

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

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

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

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

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic & Corporate Plan Implications:

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

Strategic Community Plan

Governance Objective: The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.

Corporate Business Plan

- 4.4.12 *Provide statutory and other relevant information to internal and external stakeholders on a timely basis.*

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

Comment/Conclusion:

As at 30 April 2017 total cash funds held total \$13,255,614 (Note 4).

Shire Trust Funds total \$192,636 with the amount of \$176,734 invested for 180 days with the National Bank, maturing 16 June 2017 at the quoted rate of 2.60%.

Reserve Funds (restricted) total \$10,329,454 and \$7,039,599 has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.45% and \$2,919,111 has been invested with the National Bank, maturing 28 May 2017 at the quoted rate of 2.50%.

Municipal Funds (unrestricted) total \$2,733,524 with the amount of \$2,676,265 invested with the National Bank, maturing on various dates up to the 25 June 2017 at an average rate of 2.15% (refer note 4 for detail).

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent mid- year budget review amendments identified (Note 5), the 30 June 2017 end of year position is estimated to be \$0 as per budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is in line with that predicted for 30 April 2017 (Statement of Financial Activity).
- Rates Collection percentage of 94.51% is in keeping with historical collection rates (Note 6).
- The 2016/17 Capital Works Program is 50.58% complete utilising actual year to date figures and total committed cost is 53.67% at 30 April 2017 (Note 12).
- Various transfers to and from Reserve Funds have been made for 2016/17 with the exception of the Parry Beach Camp Ground Reserve as the final transfer amount will not be available until June 2017, depending on specific projects to which these transfers relate.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR BARTLETT	SECONDED: CR CARON
That with respect to Financial Statements for the month ending April 2017, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for April 2017 as listed.	
CARRIED UNANIMOUSLY: 9/0	Res: 090617

8.5 Chief Executive Officer
Nil

9. COMMITTEE REPORTS & RECOMMENDATIONS
Nil

Prior to moving behind closed doors, the Shire President referred to a recent radio interview regarding the Denmark East Development Precinct Project and stated that he could fairly safely say that the project would be able to be split, given that the Minister for Regional Development had announced that it would be a seriously considered option. Cr Morrell advised that this would mean that the Council could proceed with the Industrial Area which would be accessed off Denmark-Mount Barker Road.

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR GEARON	SECONDED: CR WRIGHT
That pursuant to Section 5.23 (2) (b) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors for the consideration of Item 10.1 to consider a matter relating to the employment of a Designated Senior Officer.	
CARRIED UNANIMOUSLY: 9/0	Res: 100617

4.48pm – All Directors and members of the public left the room.

10.1 DIRECTOR OF COMMUNITY & REGULATORY SERVICES	
File Ref:	Personnel File
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 June 2017
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	Nil

This item was confidential to Councillors and was provided under separate cover.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1
MOVED: CR GEARON	SECONDED: CR BARTLETT
That Council;	
<ol style="list-style-type: none"> 1. Endorse the proposed new structure reducing the number of Directors from four (4) to three (3). 2. Resolves not to offer the Director of Community and Regulatory Services a new contract of employment. 3. Formally acknowledges the service of Mr Gregg Harwood in his capacity as the Director of Community and Regulatory Services during his tenure at the Shire of Denmark. 4. Instructs the Chief Executive Officer to; <ol style="list-style-type: none"> a) Amend Policy P040106 to reflect the removal of this position from the Shire's organisational structure; and b) Amend the Delegations Register to remove reference to the Director of Community & Regulatory Services, noting that there are no delegations which are exclusive to this position. 	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0	Res: 110617

COUNCIL RESOLUTION	SECONDED: CR ALLEN
MOVED: CR CARON	
That Council come out from behind closed doors and proceed in public.	
CARRIED UNANIMOUSLY: 9/0	Res: 120617

There were no members of the public or Directors that returned to the room and therefore the Shire President did not read out the resolution.

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

12. CLOSURE OF MEETING

4.59pm – *There being no further business to discuss the Shire President, Cr Morrell, declared the meeting closed.*

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

Signed: _____

Bill Parker – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

Signed: _____

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