



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 19 SEPTEMBER 2017.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.01pm – 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 Mark Allen
- Cr Yasmin Bartlett
- Cr Peter Caron
- Cr Ceinwen Gearon (Deputy Shire President)
- Cr Jan Lewis
- 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)
- Mr Graham Blackmore (Acting Director of Community & Regulatory Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Mrs Annette Harbron (Director of Planning & Sustainability)
- Cr Janine Phillips

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 16
- Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Lewis	10.1	Financial	Cr Lewis' daughter is one of the applicants.
Cr Gearon	10.1	Impartiality	Some of the nominees are known to Cr Gearon.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that it would be Cr Bartlett's last Council meeting as she had resigned effective from the upcoming Local Government Elections in October. Cr Morrell thanked Cr Bartlett for the time and effort that she had put into performing her duties as an Elected Member for the community of Denmark.

The Shire President announced that Councillors had received a draft copy of the Strategic Community Plan and that it would be formally considered by Council after being advertised for community input. Cr Morrell said that whilst the draft Plan was the result of extensive community

consultation and input, he would encourage community members to review the draft document and provide further input if they wished.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Mr John Sampson – 2017/18 Annual Budget

At the meeting held on 15 August 2017, Mr Sampson referred to his comments at the last meeting with respect to a Councillor's declaration of interest noting that a recent media release on the Shire's website advised that the Chief Executive Officer was going to provide a written response to him. Mr Sampson asked why he had not received a written response. The question was taken on notice and the following response has been provided to Mr Sampson in writing.

"Response: The question was not recorded as a 'question on notice' and therefore a written response was not issued. The media statement incorrectly referenced that a response would be provided.

In response to the original question, the preliminary advice received suggests that neither an offence nor breach under the financial interest provisions occurred, as Councillor Lewis fulfilled her obligations to disclose the interest and left the meeting.

The Shire of Denmark is aware that a formal complaint has been lodged in relation to the declaration and will assist the Department with all further enquires."

4.1.2 Mr Brian Humphries – Lime Pit and Holiday Home Policy

At the meeting held on 15 August 2017, Mr Humphries asked some questions that were taken on notice. The following response has been provided to Mr Humphries in writing.

"LIME PIT

Mr Humphries referred to previous public safety concerns regarding the potential increase in truck movements along Ocean Beach road given that the Shire had increased its extraction tonnage from 10,000 to 20,000. Mr Humphries asked why the Shire was ignoring the public safety risks, particularly in relation to school children who walk and ride along Ocean Beach Road.

Response: 15,000 tonnes has been the amount of lime sold in recent years as per Ministerial Statement 521. Tonnage may increase to 20,000 tonnes depending on demand, approvals and community sentiment. The Shire is not ignoring public safety concerns as the RAV conditions will still be in place regarding transporting during school start & finish times. There will also be a close supervision on operations by shire staff.

ADMINISTRATION OF THE HOLIDAY HOME POLICY

- 1. Why the Shire had only collected 91 registration fees out of the 114 registered holiday accommodation properties.*

Response: The Shire did collect registration fees from the 97 registered holiday homes in 2016/2017; unfortunately the data provided to you only identified 91 properties as the registration fees for 6 properties was

incorrectly allocated to a different account. This incorrect allocation has now been rectified.

2. *How many Bed & Breakfasts the Shire had approved and why it did not keep a register given that the reason for registrations is to ensure that the premises' comply with health and safety standards.*

Response: The Shire of Denmark does have a Bed & Breakfast register, and there are 20 registered Bed & Breakfast establishments in the Shire of Denmark.

3. *Whilst the Shire charged a higher annual property rate for commercial holiday homes the Shire also allowed those owners to revert back to private residential property rates after the end of the peak tourist season. Mr Humphries asked why the Council were allowing this to happen.*

Response: Should an owner advise the Shire in writing that they are no longer operating a holiday home from their property, the Holiday Home registration for the property is cancelled and the owner is advised that should they wish to operate a holiday home from the premises in the future that they will need to re-apply for development approval and registration accordingly. Once the Holiday Home registration is cancelled, the rates are re-adjusted accordingly."

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 Mr Jesz Fleming – Cr Bartlett

Mr Fleming noted that it would be Cr Bartlett's last meeting and thanked her for all that she had done whilst serving the community on Council. Mr Fleming wished Cr Bartlett well for the future.

4.2.2 Dr Cyril Edwards – Cr Bartlett & Youth Services

Dr Edwards reiterated Mr Fleming's comments and thanked Cr Bartlett for the hard work that she had put in.

Dr Edwards referred to recent comments he had heard about the Youth Centre and asked if it had really been closed.

The Director of Finance & Administration advised that the Youth Centre was no longer operating as a 'drop-in' Centre and that Shire was in a transition period of changing the service delivery model for youth services. Mr Green said that the new model involved the Albany Youth Support Service and the employment of a full time Community Development Officer, whose role it

would be to reactive the Youth Advisory Council, reinvigorate the Skate Park precinct and coordinate youth camps, activities and programs.

Cr Gearon asked the Director to clarify what the role of the Albany Youth Support Service's Officer would be.

The Director of Finance & Administration advised that the role would be a partnership that also included the Denmark Senior High School. Mr Green said that the Albany Youth Support Services had an outreach program which supported and encouraged youth at risk.

Cr Whooley sought clarification that what the Shire was proposing was not to close down the facility or cease youth servicing.

Mr Green responded stating was that he believed that the new model would provide better services for youth in Denmark.

4.2.3 Mr Tony Pedro – Cr Bartlett, Bulletin Article and Item 9.1 (Fire Management Notice)

Mr Pedro expressed his thanks to Cr Bartlett for her service on Council and said that he believed that she had enabled the community to feel confident in addressing Council.

Mr Pedro referred to an article in the Denmark Bulletin where he thought it had indicated that he had been insulted by Cr Morrell at a previous meeting. Mr Pedro advised that he did not believe that he had been insulted.

4.17pm – The Director of Infrastructure Services left the room.

Mr Pedro referred to Item 9.1 and asked what authority the Shire had to require private landowners to comply with the Fire Management Notice and if they could, then why didn't the Shire consult with the landowners on its intentions. Mr Pedro said that he was concerned that the Shire was essentially asking private landowners to light fires on their property which could be potentially hazardous. Mr Pedro also stated that a previous resolution had not been included in the notice.

The Chief Executive Officer advised that under section 33 of the Bush Fire Act 1954 the Shire could prepare a notice that required owners to do certain things as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire. The Shire's Bushfire Advisory Committee had been heavily involved in preparing the revised notice. During the initial 12 months, compliance officers will work with the community from an education perspective. When owners could not comply with the Notice due to topography, risk of erosion or for other reasons, land owners can apply for a variation.

4.19pm – The Director of Infrastructure Services returned to the room.

Cr Caron advised that with respect to the previous resolution, the decision of Council was not an instruction to staff to include the statement but an example of how Council would like the Notice to be more specific. Council wanted ambiguous statements such as "to the satisfaction of the Shire's Fire Services" replaced with definitive statements such as "to a maximum fuel load of 8 tonnes per hectare by rotation every 5 years".

4.2.4 Mr Mike Nuenebel – Cr Bartlett

Mr Nuenebel thanked Cr Bartlett for her work during her time and stated that he believed that she and the other Councillors had had a rough time but had managed very well.

4.2.5 Mr Kees Koning – Wilson Inlet and the Withdrawal of Funding for Waste Water Treatment Plant Upgrade

Mr Koning, Secretary of the Wilson Inlet Restoration Group, provided extensive background on his involvement over many years to reduce the effluent disposal from the Waste Water Treatment Plant into Wilson Inlet. Mr Koning said that he had been a community member on the Denmark Environmental Risk Assessment Reference Group

Mr Koning referred to the 2013 Community Needs & Customer Satisfaction Survey noting the overwhelming support for the Council to lobby the State Government to cease the current practice of discharging effluent into the Wilson Inlet from the Water Corporation's Sewerage Plant. Mr Koning advised that following the Council's lobbying of the State Government, funds had been announced in 2015 to upgrade the facility, an announcement which had been welcomed by the community.

Mr Koning said that he was disappointed that the new State Government had withdrawn the funding and asked whether the Council could give any indication on what impact it would have on the water for the Industrial Area and what the Shire was proposing to do about it.

The Shire President said that he was aware that the Councillors shared the view of Mr Koning and that they had discussed the matter with the Hon. Dr Steven Thomas, Shadow Minister for the Environment; Water when he had met with them that afternoon. Cr Morrell said that he would encourage anyone, or any groups, that had concerns about the withdrawal of funding to write to the Ministers involved, being the Minister for Water and the Minister for Regional Development, who was responsible for the Royalties for Regions funding program, to ensure that they were aware that the community feels deeply concerned by the cessation of the upgrade project.

Cr Caron noted that The West Australian had recently published an article noting that the Shire of Denmark was calling on the State Government to reinstate the project.

4.2.6 Mr Brian Humphries – Cr Bartlett, Response to Questions Taken on Notice and Fire Management Notice

Mr Humphries commended Cr Bartlett on her work as an Elected Member noting that he believed it was a tough job. Mr Humphries thanked Cr Bartlett for her commitment to Council and the community.

Mr Humphries referred to the response to his previous questions taken on notice stating that he believed that his question regarding properties being reverted back to residential property rates had been misconstrued. Mr Humphries stated that his question was why did the Council allow flip flopping by enabling property owners to be charged a differential rate for holiday homes for a three month period and then allow them to revert back to residential property rates when the house wasn't been let out. Mr Humphries stated that he believed the intention of the policy was that the property

couldn't be booked by one person for longer than three months but this didn't mean that the property couldn't be booked all year round by different people.

The Shire President stated that he believed that the "flip flopping" that Mr Humphries was referring to was actually in circumstances where an absentee property owner had previously had their home available for home holiday accommodation but had since moved to Denmark and were now residing at the property permanently, hence the Shire had then allowed them to revert back to a standard residential property rating.

Mr Humphries raised a number of concerns with the draft Fire Management Notice and stated that he believed that there should have been a period of public consultation prior to the draft being presented to Council.

The Shire President stated that the Councillors had received Mr Humphries concerns via email and had discussed them at the Strategic Briefing meeting earlier in the day.

Mr Humphries referred to the references to unlocked gates.

The Shire President advised that Rangers had power of entry and that this was not an issue.

Cr Whooley advised that the clearing referred to was to reduce fuel loads.

Mr Humphries referred to properties that were unable to clear due to planning conditions and he had previously taken up the matter with the Department of Fire and Emergency Services and the WA Planning Commission.

The Chief Executive Officer thanked Mr Humphries for his comments and stated that the intention of the fire notice was not to clear bush as the Shire understood that that wasn't what the community wanted. Mr Parker stated that the purpose was to reduce fuel loads within the Shire which was also the State Government's position. Mr Parker advised that the Shire was being provided with a Fire Mitigation Officer through the Department of Fire and Emergency Services who would be assessing fuel loads within the Shire.

4.2.7 Mr John Ricketts – Cr Bartlett

Mr Ricketts thanked Cr Bartlett for her efforts during her time as an Elected Member for the Shire of Denmark and stated that he believed she was very well respected within the community.

4.2.8 Ms Katy Rutter

Ms Rutter provided an update on the Denmark Gymnastics membership and activities including a recent competition which they had held and one that they had attended in Katanning. Ms Rutter said that they had also recently had two local people trained as judges. Ms Rutter said that there was a possibility that they could use a portion of the Denmark Hire's shed in the Business Park as a home for their club however there was some work that would be required. Ms Rutter said that they had been made aware of a funding opportunity which, if successful, would provide the club with funds to undertake any works required. Ms Rutter asked whether Council could approve the works.

The Shire President advised that Ms Rutter would need to get advice from the Council's building and planning officers on the matter.

The Chief Executive Officer advised that Council could not provide approval without information and it would be best to speak with Council Officers. Mr Parker said that he would be happy to provide a letter of support for any funding applications submitted by Denmark Gymnastics for the project.

Cr Allen commended Ms Rutter on her motivation and positive attitude stating that he was sure that Councillors would assist the Club wherever possible.

Cr Wright stated that he had observed the Denmark Gymnastics on an occasion and was impressed with Ms Rutter's energy and enthusiasm.

4.50pm – The Acting Director of Community & Regulatory Services left the room.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

4.3.1 Cr Lewis – Local Government Risk Register

The following Questions on Notice were received by the Chief Executive Officer in writing on the 7 September 2017 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.10.

Cr Lewis' comments and questions;

It first came to my attention that the Shire of Denmark was on the Local Government watch list when it was revealed to Councillors as a major concern of Cliff Frewing during his interview for the position of temporary CEO on 18th December 2015.

Can the CEO please confirm: -

- 1) What are the determinants for us being included on this list?*
- 2) What action has and is this current Council and administration taking to ensure we are removed from this list as soon as possible and is he satisfied that we are doing all we can?*

The CEO tabled the following responses at the meeting.

- 1) What are the determinants for us being included on this list?*

The Department of Local Government, Sport and Cultural Industries (DLGSC) adopts a risk based approach to compliance which targets resources towards local governments viewed as presenting the highest risk.

The annual Risk Profile identifies those local governments that have ongoing compliance issues, audit issues and poor financial health as measured through statutory key performance ratios.

In 2017, the criteria used to assess local governments with a high level of risk includes:

- A reported Financial Health Indicator of 30 or less; and*
- Did not achieve five of the seven financial/asset sustainability ratios; and/or*
- Compliance and probity issues identified through the Compliance Audit Return or DLGSC monitoring of complaints; and/or*
- Systemic governance issues demonstrating dysfunction within council; and/or*

- *Local governments with a qualified audit report or did not submit their Annual Financial Report.*

The Shire of Denmark's issues relate to not achieving five of the seven financial/asset sustainability ratios.

On 5th July 2017, the Shire President received a letter from the Department of Local Government and Communities identifying concerns in relation to ratio performance. More specifically, the Department was concerned in relation to two financial management ratios and one asset management ratio that were below standard for the year ending 30 June 2016. Additionally, the Department identified that the Shire has been unable to report on two asset management ratios.

Given this performance, the Shire of Denmark has been assessed as 'high risk'.

2) *What action has and is this current Council and administration taking to ensure we are removed from this list as soon as possible and is he satisfied that we are doing all we can?*

The Department's letter stated that the Shire was required to endorse strategies to ensure that it has action plans in place to deliver continual improvement in financial and asset ratios currently below standard. Additionally, the Shire is required to implement a timetable to enable the ratios currently not being reported to be reported annually.

Council's Audit Committee has endorsed a plan addressing the Department's concerns. The Department has acknowledged that they are satisfied with the Shire's actions in this regard.

Of significance, the development of a 10 year financial plan and the completion of Asset Management Planning are key components to satisfying the Department's concerns. The 10 year financial plan will clearly map the Shire's ratio performance and hopefully demonstrate continual improvement over a 10 year time horizon.

The completion of comprehensive asset management planning will allow the Shire to report on the ratios currently not being reported on. Council has committed \$100,000 in the 2017/18 budget to ensure that the 10 year financial plan and asset management planning is completed.

The Shire President added that asset management planning was a big task and had been required for approximately five years. Cr Morrell stated that the Council administration had been working hard to ensure all compliance issues are resolved.

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.

Nil.

4.55pm – The Acting Director of Community & Regulatory Services returned to the room.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR WRIGHT	SECONDED: CR BARTLETT
That the minutes of the Ordinary Meeting of Council held on the 15 August 2017 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 8/0	Res: 010917

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR LEWIS	SECONDED: CR CARON
That the Notes from the Strategic Briefing held on 15 August 2017 be received.	
CARRIED UNANIMOUSLY: 8/0	Res: 020917

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

The following Notice of Motion was received by the Chief Executive Officer in writing on the 23 August 2017 and therefore complies with the Shire of Denmark Standing Orders Local Law clause 3.9.

7.1 REQUEST FOR INVESTIGATION INTO IMPROVED TRAFFIC MANAGEMENT

File Ref:	GOV.21
Applicant / Proponent:	Cr Whooley
Subject Land / Locality:	South Coast Highway
Disclosure of Officer Interest:	Nil
Date:	23 August 2017
Author:	Cr Whooley
Attachments:	No

Summary

Transport planning is fundamental to the functioning of any town. There are many considerations and the lead times involved in arriving at a suitable outcome are very long.

This item recommends Council seek the preliminary thoughts of Mainroads WA about the:

- current status of the highway,
- potential future structure of the highway

- options available in terms of a future highway which takes into consideration both the purpose of the highway and the implications for the community.

Background

The compatibility, safety and performance of the highway through town has for many years been topical.

Past concerns included:

- heavy vehicles – particularly seasonal logging trucks
- distances pedestrians needed to traverse
- median island widths and the protection they provided
- ability for vehicles to use intersections such as Strickland Street
- kerb heights

Physical changes which were implemented (2006-2009) to assist were:

- Voluntary speed reductions negotiated with haulage companies
- Replacement of kerbs
- Reduction of lane widths
- Nibs and widening of central median islands to provide extended refuge for vehicles and pedestrians.

Comment

The physical changes provided a short to medium term relief.

The long term question of highway compatibility with the functionality of the town remains.

The implications of both good and poor decisions will be felt for many decades into the future.

The timeframes between beginning a planning process for highways, community consultation and funding realisation can be decades.

It makes sense to seek advice and input well ahead of the time when options have been exhausted, through development processes, which have not included strategic transport infrastructure.

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

Public Safety: ...work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.

Development: ...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.

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.

Planning: ...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.

Structure: ...ensures that it has a structure that is transparent, trustworthy, flexible, consultative and collaborative, and is able to attract and retain a high standard of Councillors and Senior Management.

Funding: ...be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding, which will benefit the community and assist in meeting its aims and obligations.

Co-operation & Community Input: ...acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community.

COUNCIL RESOLUTION & COUNCILLOR NOTICE OF MOTION	ITEM 7.1
MOVED: CR WHOOLEY	SECONDED: CR WRIGHT
That Council request Mainroads WA provide preliminary advice on:	
1. The current status and capacity of the South Coast Highway in relation to the section from Denmark River to Ocean Beach Road.	
2. Any proposed works within that section.	
3. Steps Mainroads WA may have to reasonably take in relation to that section as traffic volumes increase.	
4. The prospect of Mainroads WA undertaking a multi-criteria highway alignment selection study to provide options for improved traffic management, safety and lifestyle through the townsite.	
5. Information on what a multi-criteria highway alignment selection study would include.	
CARRIED UNANIMOUSLY: 8/0	Res: 030917

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1	PROPOSED CHANGE OF USE: ‘SINGLE HOUSE’ TO ‘HOLIDAY ACCOMMODATION (CHALET)’ – NO. 107 (LOT 14) WENTWORTH ROAD, OCEAN BEACH
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File Ref:	A784 (2017/89)
Applicant / Proponent:	Williams Consulting
Subject Land / Locality:	No. 107 (Lot 14) Wentworth Road, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	31 August 2017
Author:	Marieke de Vries, Town Planner
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Development Application Documentation 8.1.1b – Schedule of Submissions 8.1.1c – Site Photograph of Wentworth Road

Summary:

The applicant is seeking Development Approval for a Change of Use from an existing Single House to Holiday Accommodation (Chalet) on No. 107 (Lot 14) Wentworth Road, Ocean Beach.

The development is not wholly consistent with Town Planning Scheme Policy No.7: *Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots* (Policy 7) thus as per the Shire of Denmark's Delegation D100601: Implementation of Town Planning Scheme, 'SA' land uses that do not comply with relevant Scheme Policies require Council approval.

Having regard to 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 15 May 2017 to convert an existing residence to a chalet – refer Attachment 8.1.1a.

Town Planning Scheme Policy No. 7

Town Planning Scheme Policy No. 7: *Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots* provides criteria for consideration of chalets on 'Rural' zoned lots and in this instance the following criteria is relevant:

- One Residential Dwelling and Three or Four Chalets – Specific Approval
- Council Specific Approval Conditions (C):
 - 1) In rural areas, Council will only approve chalets that have frontage to a sealed road of a minimum width of 3.7 metres. If the road is not sealed, upgrading will be required as a condition of approval.
In the event that the chalets are approved for land fronting a gravel road, Council will impose a condition that the developer seal this road to Council's satisfaction to a minimum width of 4.0 metres between the existing bitumen road and the access point of the development site.

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3 (refer 'Consultation' section of the report), with three submissions received in support, noting that one of the submissions raised concerns relating to operational matters.

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 8.1.1b.

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) specifies 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:

Policy 7 – *Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots* provides criteria for consideration of chalets on 'Rural' zoned lots.

Schedule 2, Part 2, Clause 3(5) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:

In making a determination under this Scheme the local government must have due regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

In considering this development application, Planning Services have identified that Policy 7 is difficult for the public and officers to understand the applicable requirements that relate to each component that the policy deals with and provides for some dated provisions that are appropriate for review. As a result there is an additional officer recommendation to seek Council's acknowledgement for a review of this policy sooner rather than later – noting that at this stage Planning Services were seeking to do planning policy reviews as part of Local Planning Scheme No. 4 considerations.

Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the process for amending a local planning policy.

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.

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.

Economic Goal: Tourism – that the Shire of Denmark acknowledge the importance of tourism to the region, and by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

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, however it is noted that Planning Consent and registration of the premises as Holiday Accommodation with Health Services is a statutory requirement.

➤ **Environmental:**

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

➤ **Economic:**

Holiday Accommodation, when managed to a high standard, makes a positive contribution to Denmark’s tourism industry.

➤ **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 is zoned “Rural”. As per Table 1 – Zoning Table of TPS No.3, the use class of ‘Holiday Accommodation’ is an ‘SA’ use in a Rural Zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application in accordance with Clause 6.4 of the TPS No. 3.

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No. 3 (refer ‘Consultation’ section of the report), with three (3) submissions received in support (although concerns regarding operational matters were raised in one of the submissions). Attached as Attachment 8.1.1b is the Schedule of Submissions – with the submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submission.

A tourism related business currently operates from the property consisting of a winery (Monkey Rock Winery) and two chalets in addition to the proposed, as well as a main dwelling and associated outbuildings. The building in question is sited with the two existing chalets on site, and lends itself to use for holiday accommodation. It is noted that the proponent has indicated that the

building in question has and is already being used for commercial holiday let due to a confusion regarding the classification of the building. From a file review, whilst apparent that the owner had intentions to use the building for holiday accommodation it was clearly approved as a dwelling, not to be used as holiday accommodation. This change of use will ensure that the development is legally operated and that the building meets current day standards via the registration of the premises with the Shire (Health Services) as Holiday Accommodation (for instance the installation of hardwired smoke alarms in all bedrooms).

In considering this proposal, a variation to Policy 7 is proposed, in that the subject site is accessed via Wentworth Road which is currently gravel construction; noting that as per Policy 7 frontage to a sealed road, or if fronting a gravel road upgrading to a sealed standard by the developer, is required.

Planning and Infrastructure Services have had regard to the policy objectives, the current condition of Wentworth Road and the proposal and consider that the current road surface and width is adequate for the small increase in vehicle numbers that the chalet development would generate. It should be noted that a standard Road Maintenance Contribution for Chalets is applied as a condition of development approval as per Council’s Fees and Charges Schedule – noting that this specific contribution money would be allocated to general maintenance of Wentworth Road (in addition to any other maintenance dollars in the Shire’s municipal budget).

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1a
MOVED: CR CARON	SECONDED: CR MORRELL
That with respect to the development application for a Change of Use: ‘Single House’ to ‘Holiday Accommodation (Chalet)’ at No. 107 (Lot 14) Wentworth, Ocean Beach, Council:	
<ol style="list-style-type: none"> 1. Notes the submissions received. 2. Grants Development Approval subject to the following: <ul style="list-style-type: none"> <u>Conditions</u> <ol style="list-style-type: none"> a) The development shall be carried out and fully implemented in accordance with the attached stamped approved plans dated 15 May 2017. b) Prior to the chalet being utilised for accommodation purposes, the Holiday Accommodation premises must be registered with the Shire of Denmark (Health Services) as holiday accommodation premises, with fees payable as per Council’s operative Fees & Charges Schedule at the initial ‘premises’ application stage and annually thereafter (refer Advice Note i). c) Prior to the registration of the premises as ‘Holiday Accommodation’, the developer to pay a Road Maintenance Contribution as per the Shire of Denmark’s Operative Fees and Charges Schedule - refer Advice Note ii. d) A minimum of one (1) car bay for each bedroom used for accommodation purposes shall be provided on-site in addition to the two (2) car parking bays required for the dwelling – with the car parking bays and associated driveway access being suitably constructed and maintained to a minimum all-weather standard (e.g. gravel or crushed rock). e) Prior to the commencement of activities, hardwired smoke alarms to be provided in the bedrooms and emergency lighting to exit the building to the satisfaction of the Shire of Denmark (Building Services) - refer Advice Note iii. f) A maximum of six (6) persons may be accommodated at any one time within each Holiday Accommodation (Chalet) building. 	

- g) The chalets can only be rented for a maximum period of 3 months to any one person in any one calendar year.
- h) Owner/operators must provide and maintain a register of all people who utilise the Holiday Accommodation (Chalet) buildings during the year to Council’s satisfaction. A receipt book must be kept.
- i) Prior to the registration of the premises as ‘Holiday Accommodation’, the following fire safety measures are to be implemented to the satisfaction of the Shire of Denmark (Community Emergency Services Manager/Building Services):
 - Provision of fire extinguishers, fire blankets and internal hardwired smoke alarms;
 - Implementation and maintenance of a Building Protection Zone around the building including the parkland clearing of 15m of the forest vegetation to the south east of the building such that the building would be classified BAL- 29 under AS3959;
 - Implementation and display of a Building/Locality Evacuation Plan; and
 - The development is to annually comply with the requirements of the Shire’s Annual Fire Management Notice (as amended).
- j) The Holiday Accommodation (Chalet) building shall provide a potable water supply with a capacity of not less than 92,000 litres each, with the required water tanks needing to provide an adequate permanent water supply of not less than 10,000 litres for bush fire fighting purposes, accessible by a DFES approved coupling for emergency purposes only.

Advice Notes

- i. Please contact the Shire’s Principal Environmental Health Officer on 9848 0312 regarding the requirements for registration of the premises as a ‘Holiday Accommodation’.
 - ii. In relation to Condition c), as per Council’s 2017/2018 Fees and Charges Schedule the applicable contribution is \$3300 (GST exempt) per chalet.
 - iii. In relation to Condition i) there is a need to provide emergency lighting on exit paths and hardwired smoke alarms are required in all bedrooms.
3. Advise the submitters of Council’s decision.

CARRIED UNANIMOUSLY: 8/0

Res: 040917

OFFICER RECOMMENDATION
 MOVED: CR BARTLETT

ITEM 8.1.1b
 SECONDED: CR WRIGHT

That with respect to Town Planning Scheme Policy No. 7: *Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned Lots*, Council notes that Planning Services intend to review the current policy provisions to ensure it is appropriate, applicable and provides clarity to applicants, the community and Planning Services staff accordingly.

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8.2 Director of Community & Regulatory Services

8.2.1 PEACEFUL BAY FULLTIME OCCUPANCY APPROVALS

File Ref:	A3104, A1970, A1897, A1836, A1854, A1851, A1858, A1844, A1823, A1888, A1957, A1931, A2439, A2441, A2442, A2446, A2399, A2456, A2436, A2433, A2447, A2428, A1875
Applicant / Proponent:	Various
Subject Land / Locality:	Reserve No. 24510, Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	11 September 2017
Author:	Robert Ohle, Principal Environmental Health Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	No

Summary:

This report requests that Council consider renewal of the fulltime non transferable occupancy approvals at Peaceful Bay for a further 5 year term to June 2022 and recommends that Council approve a new application for full time occupancy.

Background:

Council holds the management order for Reserve 24510, for the purposes of “Recreation, Camping, Caravan Park and Holiday Cottages”, with power to lease for a period of up to 21 years, and currently administers 203 leasehold lots in the Peaceful Bay leasehold area. These lots have been leased for holiday accommodation purposes and these leases stipulate that specific Council approval is required for these properties to be used for full time occupancy.

At its meeting held on 22 May 2012, Council adopted Policy P100609 and granted a five year approval to the full time occupants (Resolution No. 320512). Part 3 of the resolution was for Council to consider in the 2012/13 Budget an inspection and report fee for assessing a Peaceful Bay Permanency Application of \$200 plus GST. This appears to have not been considered during the 2012/13 Budget process.

Pursuant to Policy P100609, Council delegated authority to the CEO to approve full time occupancy at Peaceful Bay. One of the conditions of the delegation was that all approvals would expire 30 June 2017 and part f) of the delegation conditions that these approvals must go back to Council to seek further approval.

Consultation:

The Officer has discussed the proposed renewals with the President of the Peaceful Bay Progress Association who advised that he welcomed the proposal for Council to renew the further term given the benefits of having permanent residents at Peaceful Bay, particular with respect to fire mitigation, general public safety and community participation.

Statutory Obligations:

Inspections or evidence is collected with due consideration of the Building Code of Australia, the Public Health Act 2016 and the AS/NZS: 3000 Electrical Installations.

The Peaceful Bay Heritage Precinct Conservation Plan includes the following reference:

“Policy 50 The use of the place should remain as holiday or residential use. Home occupations should be permitted in accordance with the Shire of Denmark Town Planning Scheme.

At the present time the precinct is used for holiday accommodation. There appear to be a number of permanent residents. The number of permanent residents is likely to increase. This is a

compatible use although care has to be taken that it does not change those elements of the precinct that are significant. There also appear to be a number of home occupations in the precinct. Home occupations are also considered to be a compatible use as they are required to be in accordance with the Shire of Denmark Town Planning Scheme.”

Item in the Peaceful Bay holiday accommodation leases reads;

Permitted Use

Holiday cottage which shall not be occupied for any single consecutive period of THREE (3) months or combined period or several short term periods which in total are greater than SIX (6) months in any one Rental Year, without the prior written consent of the Lessor.

Policy Implications:

POLICY P100609 - PEACEFUL BAY HOLIDAY COTTAGE FULL TIME OCCUPANCY APPROVALS reads as follows;

Objective

To ensure that full time occupancy of Peaceful Bay Leasehold Holiday Lots does not:

- a) Detract from the areas amenity or function as a family holiday home area.*
- b) Place the full time occupants at risk through the usage of substandard dwellings.*
- c) Lead to environmental or public health risks through overuse of the non potable scheme water and or septic tank systems.*
- d) Jeopardise the long term renewal of Peaceful Bay Leasehold Holiday Lot Leases.*

Policy

The Chief Executive Officer is delegated authority to approve full time occupancy on a case by case basis subject to the following conditions being imposed on each approval:

- i. Advice to the applicant that Peaceful Bay leasehold area is first and foremost a holiday community and that the collective amenity expectations of the holiday leaseholders should take precedence over those of full time occupancy approval holders.*
- ii. Advice to the applicant that full time occupancy recipients have an obligation to make a positive contribution to the Peaceful Bay Community.*
- iii. That Peaceful Bay leasehold area fulltime occupancy approvals are to:*
 - Be limited to a 5 year period and considered on a case by case basis taking into account the suitability of the property for fulltime occupancy and the social, environmental and public health factors that will be associated with that approval when considered in context with the other approvals that have already been issued;*
 - All have a common expiry date of the 30 June 2017 so that they can be renewed as a block which will allow consideration of their social, environmental and public health impacts on the Peaceful Bay community.*
 - Be issued to the parties that apply rather than to a premises;*
 - Be made by the lessee(s) or endorsed in writing by them;*
 - Be non transferable and expire on the cessation of the lease or the sale of the property and;*
 - Be able to be renewed for a further term at Council’s discretion.*
- iv. Payment of the scheduled fee that applies from time to time.*
- v. Landgate be advised of any approvals in order that the valuation is reviewed.*

All proposed premises be inspected, prior to approval, to ensure that they are in a fit state of repair and suitable for full time habitation for the number of persons proposed and are fitted with compliant hard wired smoke alarms, dual earth leakage circuit breakers (RCDs) and their septic tanks systems are functional.

Responsibility for implementation

The Director of Community and Regulatory Services has responsibility for ensuring that the premises are inspected and a register of persons that have been granted full time occupancy approvals under this policy is maintained.

DELEGATION D100605 – PEACEFUL BAY HOLIDAY COTTAGE FULL TIME OCCUPANCY APPROVALS reads as follows;

The Chief Executive Officer is delegated authority to approve full time occupancy on a case by case basis subject to the following conditions being imposed on each approval;

CONDITIONS

- (1) *Advice to the applicant that Peaceful Bay leasehold area is first and foremost a holiday community and that the collective amenity expectations of the holiday leaseholders should take precedence over those of full time occupancy approval holders.*
- (2) *Advice to the applicant that full time occupancy recipients have an obligation to make a positive contribution to the Peaceful Bay Community.*
- (3) *That Peaceful Bay leasehold area fulltime occupancy approvals are to:*
 - a) *Be limited to a maximum 5 year period (noting the common expiry in part 3b) and considered on a case by case basis taking into account the suitability of the property for fulltime occupancy and the social, environmental and public health factors that will be associated with that approval when considered in context with the other approvals that have already been issued;*
 - b) *All have a common expiry date of the 30 June 2017 so that they can be renewed as a block which will allow consideration of their social, environmental and public health impacts on the Peaceful Bay community.*
 - c) *Be issued to the parties that apply rather than to a premises;*
 - d) *Be made by the lessee(s) or endorsed in writing by them;*
 - e) *Be non transferable and expire on the cessation of the lease or the sale of the property and;*
 - f) *Be able to be renewed for a further term at Council's discretion.*
- (4) *Payment of the scheduled fee that applies from time to time.*

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

SOCIAL OBJECTIVE - Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.

SOCIAL GOAL

Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.

Housing: ...monitor the availability of low-cost and rental housing in its region, and, if appropriate, encourages and works with relevant authorities, organisations and developers to provide a diverse range of accommodation that caters for the various sectors of the community.

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

- 1.1.4 *Monitor Shire population and demographic statistics.*
- 1.5.3 *Investigate, promote and support affordable housing development through collaboration with both public and private housing providers to ensure appropriate housing is available in the district, whilst encouraging variety in land use and housing options to promote a diverse population and stronger community.*
- 4.1.2 *Ensure that a system of processes through which the Shire conducts its decision making and directs, controls, and monitors the operation of the organisation, is implemented and maintained.*

Sustainability Implications:

➤ **Governance:**

Council’s Policy and Delegation ensures that the permanent occupancies at Peaceful Bay are managed and monitored.

➤ **Environmental:**

The Shire’s Principal Environmental Health Officer regularly monitors water quality at Peaceful Bay and the Officer Recommendation suggest that Council include reference to an upper limit on full time occupancy approvals under the CEO’s delegation and Council’s Policy.

➤ **Economic:**

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

➤ **Social:**

Permanent occupants at Peaceful Bay help to create a sense of community and “neighbourhood” watch.

➤ **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 renew the full time occupancies at Peaceful Bay.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Currently there are twenty-one (21) non transferable full time occupancy approvals. One additional occupant is seeking approval which will then make a total of twenty-two (22) full time occupancies which results in 11% of the total occupancy of the 203 leasehold lots at Peaceful Bay.

All proposed premises, except for No. 32 (Lot 173) Fifth Avenue as the owners are currently away and can’t be contacted, have been inspected or evidence has been received by the Principal Environmental Health Officer (PEHO) to ensure that they are in a fit state of repair and suitable for full time habitation for the number of persons proposed namely, are fitted with compliant hard wired smoke alarms, dual earth leakage circuit breakers (RCDs) and their septic tanks systems are functional. The Officer has recommended that Council approve this renewal subject to the PEHO being satisfied that the property is compliant.

An application for permanent occupancy by Roxanne Hawks was lodged on 7 September 2017 at No. 5 (Lot 68) Second Avenue. The property has been previously inspected and the PEHO is satisfied that it complies with the standards.

The Author believes that in 2012 the level of permanent occupancy was discussed by Council Officers and the Peaceful Bay Progress Association and, at that time, it was considered that 10 - 20% of the leasehold area or 20 - 40 lots would be a reasonable upper limit for full time occupancy from a social, environmental and public health perspective but that this figure may vary depending on the future scale of occupation (numbers and duration of people) in both the full time occupancy and conventional holiday home usage lots.

Currently neither the Policy nor Delegation stipulates an upper limit on approvals, thus Officer's recommend that Council consider including an upper limit to provide guidance to Shire Officers and the Chief Executive Officer Whilst the Shire's PEHO regularly monitors water quality in the water ways, dam and bore holes at Peaceful Bay, an upper limit stated within the delegation would ensure that the number of approvals do not exceed the number that is currently considered manageable at Peaceful Bay, from an environmental perspective.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR WRIGHT	SECONDED: CR MORRELL
That with respect to the fulltime occupancy at Peaceful Bay, Council;	
<ol style="list-style-type: none"> 1. Grants renewal to the following Peaceful Bay Leaseholders for full time occupancy for a further period of five years; <ol style="list-style-type: none"> 1. Jim and Lorraine McNamara, No.16 (Lot 163) East Avenue 2. Frank & Helen James, No. 25 (Lot 90) East Avenue 3. Lyle and Audrey Clark, No. 29 (Lot 23) First Avenue 4. Elwyne Lee Edwards, No. 12 (Lot 47) First Avenue 5. Alcie McKenny, No. 18 (Lot 44) First Avenue 6. Alan and Daphnie Reeves, No. 39 (Lot 51) Second Avenue 7. John and Gail, Myers, No. 14 (Lot 37) Second Avenue 8. Muff Parker, No. 32 (Lot 16) Second Avenue 9. Leila Adams, No. 22 (Lot 81) Third Avenue 10. Bob and Kate Eddington, No. 47 (Lot 150) Fourth Avenue 11. Gregg Hale, No. 42 (Lot 124) Fourth Avenue 12. Darelle Herkner, No. 11 (Lot 184) Fifth Avenue 13. Tony Duckett and Jo Rowe, No.15 (Lot 186) Fifth Avenue 14. Ray and Jo Walker, No. 17 (Lot 187) Fifth Avenue 15. Janine Phillips, No. 25 (Lot 191) Fifth Avenue 16. George and Maureen Vick, No. 44 (Lot 167) Fifth Avenue 17. Tony Armstrong, No. 45 (Lot 201) Fifth Avenue 18. Tristan Farmer, No. 12 (Lot 181) Fifth Avenue 19. Michelle Burkett & Fonni Rickard, No. 18 (Lot 178) Fifth Avenue 20. Graeme & Jodie Coote, No. 27 (Lot 192) Fifth Avenue 2. Grant renewal to Robert Addison at No. 32 (Lot 173) Fifth Avenue subject to the Shire's Principal Environmental Health Officer being satisfied that the property is compliant. 3. Grant approval to Roxanne Hawks at No. 5 (Lot 68) Second Avenue. 4. Amend Council Policy P100609 and Council Delegation D100605 as follows; <ol style="list-style-type: none"> a) Amend to reflect the new expiry date of 30 June 2022; and b) Include reference to a maximum of 40 (20%) of the 203 leasehold lots. 	
AMENDMENT	
MOVED: CR WHOOLEY	
Remove Part 4 b)	
LAPSED FOR WANT OF A SECONDER	
THE ORIGINAL MOTION WAS THEN PUT & CARRIED UNANIMOUSLY: 8/0 Res: 050917	

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 JULY 2017
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File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	30 August 2017
Author:	Steve Broad, Accountant
Authorising Officer:	Cary Green, Director of Finance & Administration
Attachments:	8.4.1 – July 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:

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.

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
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Comment/Conclusion:

As at 31 July 2017 total cash funds held total \$11,822,110 (Note 4).

Shire Trust Funds total \$194,927.

- \$179,025 of this is invested for 6 months with the National Bank, maturing 21 December 2017 at the quoted rate of 2.40%.

Reserve Funds (restricted) total \$10,656,024

- \$7,056,668 of this has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$3,010,991 has been invested with the National Bank, maturing 25 September 2017 at the quoted rate of 2.40% and
- \$588,365 has been invested with the National Bank, maturing 4 September 2017 at the quoted rate of 2.40%.

Municipal Funds (unrestricted) total \$971,158

- \$832,606 of this is invested with the National Bank, maturing on various dates up to the 23 September 2017 at an average rate of 2.40% (refer note 4 for detail).

Key Financial Indicators at a Glance

As the 2017/18 Municipal Budget was only adopted on 18 July 2017 there is very little activity available for comparison purposes.

Depreciation of non-current assets has not been calculated for the reporting period as the Annual Financial Audit for the year ended 30 June 2017 has not been concluded at the time of producing this report.

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 ALLEN	SECONDED: CR BARTLETT
That with respect to Financial Statements for the month ending July 2017, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for July 2017 as listed.	
CARRIED UNANIMOUSLY: 8/0	Res: 060917

8.5 Chief Executive Officer

8.5.1 PROPOSED LEASES FOR INDUSTRIAL AREA AT NO. 99 (LOT 556) MCINTOSH ROAD, HAY

File Ref:	A5604
Applicant / Proponent:	Aspect Modular & Denmark Concrete
Subject Land / Locality:	No. 99 (Lot 556) McIntosh Road, Hay
Disclosure of Officer Interest:	Nil
Date:	8 September 2017
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	No

Summary:

The Shire of Denmark has been progressing towards a new industrial area for many years. The rezoning of the site is nearing completion, with construction to commence in January 2018 and practical completion forecast for April/May 2018.

The Shire has received two applications for early entry into the industrial area. This item seeks Council approval to commence the disposal process in accordance with the Local Government Act 1995 and associated Regulations.

Background:

Within the Great Southern Regional Blueprint (GSDC, 2015), the need for 'general industry' lots within the Shire of Denmark was listed as a high regional priority. The Shire of Denmark has been working towards a new industrial area for many years, with funding announced to progress the project in 2016 as part of the Denmark East Development Precinct Project (DEDPP).

The DEDPP is a major component of the Shire's long term plan to revitalise Denmark's Central Business District. Building a new industrial hub for business outside of the CBD will help free up land in the town centre as well as reduce the number of truck movements in the main street.

In responding to the need for industrial land, the Shire purchased No. 99 (Lot 556) McIntosh Road, Hay in November 2014. The subject property comprises 11.9834 hectares of rural land that was identified in the Local Planning Strategy (LPS) as suitable for general industry purposes.

When accepting the DEDPP funding proposal from the Department of Regional Development, Landcorp was appointed as project manager. In addition to delivering project management services across the entire project, Landcorp's main function was to establish the new industrial area.

Since 2016, Landcorp has worked with the Shire to rezone No. 99 (Lot 556) to 'general industry' and complete the detailed design to create approximately 9 lots. The original proposal was to create a higher density product, comprising 2,000sqm lots. Upon completing extensive market research, the original lot size was far too small. The proposed subdivision now reflects the requirements of the market and offers lots from 4,000sqm to 1.9 hectares.

A recent meeting with the Department for Planning and Landcorp has indicated that the rezoning is nearing completion with construction to commence in late 2017 or early 2018. Construction is forecast to be complete in May 2018 with titles released at this time.

Given these timeframes, the Shire has received two applications for early entry into the industrial area. To consider such a proposal, the Shire is required to undertake a statutory process. Section 3.58 of the Local Government Act 1995 applies to the disposal of property.

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. In applying the statutory framework, the Shire is required to undertake a consultation process.

The Shire is also aiming to meet with all individuals that have registered interest in the industrial area to explain the progress made to date, when lots will become available and explain the early entry process.

Statutory Obligations:

Section 3.58 of the Local Government Act 1995 applies to the disposal of property.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The process to undertake the valuation and prepare the lease document will cost approximately \$4,800. The applicants have agreed to pay this amount. Advertising costs will be approximately \$300 and can be accommodated under Council’s existing advertising budget.

If the disposal is enacted by Council, the Shire will receive rental income for a period of up to five years.

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

ECONOMIC GOAL

Development: 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

3.2.1 Finalise the Demark East Development Precinct industrial land subdivision works.

Sustainability Implications:

➤ **Governance:**

The Shire of Denmark will be required to comply with section 3.58 of the Local Government Act 1995.

➤ **Environmental:**

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

➤ **Economic:**

The early entry of businesses into the industrial area will secure local businesses in town, therefore creating employment opportunities.

➤ **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 decides not to lease the property and a business leaves town	Possible (3)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation
That Council is criticised for leasing the property	Possible (3)	Major (4)	High (10-16)	Inadequate Engagement	Control through keeping the

<p>prior to the subdivision being concluded and therefore not being in a position to provide any more lots at this time to other businesses.</p>				<p>- Community / Stakeholders / Crs</p>	<p>community informed and conducting a transparent disposal process</p>
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Comment/Conclusion:

As highlighted previously, the Shire has received two applications to move into the new industrial area prior to the subdivision occurring and the release of titles.

Applicant one (Aspect Modular) owns and runs a modular building company in Perth. The applicant has moved to Denmark and had originally planned to construct a premises on rural land. The Shire was unwilling to entertain this proposal given that the zoning did not support an industrial land use. The applicant needs to secure a site as soon as possible and is currently investigating other options in surrounding local government areas.

Applicant two (Denmark Concrete) is an existing Denmark business that is looking to expand. The business currently sub leases a site and recent growth requires the business to invest in infrastructure upgrades. The business owners are unwilling to invest further unless they can secure land in the new industrial area as soon as possible.

The two applications received are considered to be exceptional circumstances. For the Shire of Denmark to facilitate early entry into the industrial area, a comprehensive disposal process is required. This includes advertising, consultation and reconsideration by Council.

Section 3.58 of the Local Government Act 1995 relates to the disposal of property. This section requires a local government to either dispose of property to the highest bidder at a public auction, or via a tender process. Alternatively, a local government can dispose of property if it gives local public notice of the proposed disposal.

Under the Act, the proposed disposal is required to be advertised for a period of two (2) weeks, with Council to consider any submissions made before the closing date specified in the notice.

It is important to note that the proposed disposal is for a leasehold interest in a portion of No. 99 (Lot 556) McIntosh Road, Denmark. Once the subdivision has occurred lots 1,2,4,5,6,7 and 8 will be fully serviced and sold by Landcorp. Lots 3 and 9 will not be serviced and will be retained by the Shire of Denmark.

Lot 3 has been identified as the Shire’s future Depot. It is proposed that lot 9 is split into two equal components and leased to the two applicants for a period of up to five years. During this period, the Shire of Denmark will subdivide the lot, connect the required services with the lessees provided with an option to purchase the lots at the conclusion of the lease. All of this detail will be provided for in the lease documentation.

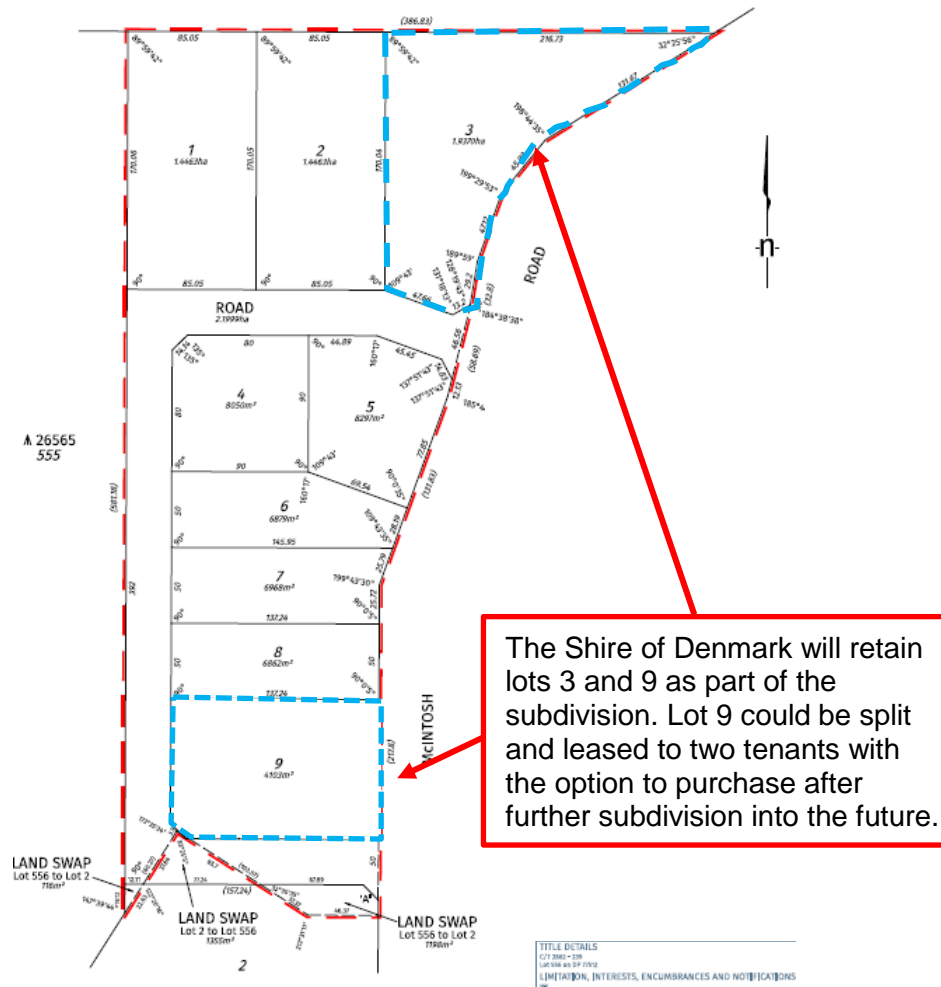


Figure 1: Proposed lot layout indicating the leased lot

The Shire has been recently criticised for not supporting local business and being inflexible and non-responsive. This disposal process demonstrates the Shire’s support for local business and the application of an innovative approach to support our local economy that will result in job creation.

The proposed sites will initially not have services, with the proponents required to provide water and power to the site.

The subdivision would occur around the proponents with interruptions expected whilst roads, drains and other infrastructure is constructed.

The Shire understands that prospective purchasers may be disappointed that the Shire is considering early entry to the industrial area and that the proposal may be seen as providing an uneven playing field or even preferential treatment. Typically, the Shire would not entertain early entry into a subdivision, however on this occasion there appears to be unique circumstances. Discussions with Aspect Modular clearly demonstrate the urgency for early entry into the industrial area. The Denmark Concrete proposal is less critical. Although restricted, they currently have a sublease over a property on South Coast Highway.

The advertising period provides a good opportunity for the Council to assess community sentiment for both proposals. Council could decide to proceed with either;

1. None of the proposals
2. One of the proposals; or
3. Both of the proposals.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR ALLEN	SECONDED: CR BARTLETT

That in relation to disposing of a portion of No. 99 (Lot 556) McIntosh Road Hay, Council;

1. In accordance with section 3.58 (3) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the proposed disposal to Aspect Modular and Denmark Concrete for a portion of the subject property.
2. Endorses the terms of the proposed disposal to include;
 - i) a period of up to 5 years;
 - ii) consideration received to be based on a market valuation;
 - iii) annual rent reviews based on the Perth (All Groups) Consumer Price Index; and
 - iv) an option to purchase the interest at the conclusion of the lease, subject to all legislative disposal requirements being met.
3. Considers any submissions made and the proposed lease document at the October Council Meeting.

CARRIED: 7/1	Res: 070917
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Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Lewis, Cr Gearon, Cr Wright, Cr Whooley, Cr Bartlett, Cr Allen & Cr Caron.

AGAINST: Cr Morrell.

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 BUSH FIRE ADVISORY COMMITTEE - SHIRE OF DENMARK FIRE MANAGEMENT NOTICE 2017/18

File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	All Privately held land within the Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	30 August 2017
Author:	Marcus Owen, Community Emergency Services Manager
Authorising Officer:	Graham Blackmore, A/Director of Community & Regulatory Services
Attachments:	9.1a – Draft 2017/18 Fire Management notice 9.1b – Guidelines for Plantation Fire Protection

Summary:

This report recommends that Council adopt the 2017/18 Annual Fire Management Notice which incorporates several changes endorsed by the Bush Fire Advisory Committee (BFAC).

Background:

Following concerns that were raised about irregularities in the 2015/2016 Fire Regulation Notice in a Public Question Time session, the following motion was moved at the Ordinary Meeting of Council on 3 May 2016 (Resolution No. 050516);

“That the Administration prepare a report on the following proposal for consideration at the first Council meeting in August 2016:

As the start of a process to ensure our fire regulations better address our problem areas I request that with regard to page 9 of the current fire regulation notice, section 6c that the words

“may be requiredthe satisfaction of the Shire’s Fire Services”, be removed and replaced with a definitive statement such as

"are now required to perform a mosaic fuel reduction process to achieve a maximum fuel load of 8 tonnes per hectare by rotation every 5 years."

The Chief Bushfire Control Officer (CBFCO), Deputy Chief Bushfire Control Officer (DCBFCO) and Community Emergency Services Manager (CESM) had also identified the need for a review of the notice due to the complex nature of some of the content in the document.

At the BFAC meeting held on 2 June 2016 the need for a review of the notice was discussed and the following decision was made;

“1. That BFAC form a Fire Regulation Notice (FRN) review committee to assist the CESM in that process.

Committee members;

- CESM*
- Chief*
- Senior Ranger*
- Joe Baker*
- Mike Hills*

2. That BFAC support the presentation of an initial step by step plan to Council explaining the processes/procedures being undertaken in the review.”

The aim of the committee was to produce a document that would meet several criteria;

- Review the currency of the content;*
- Address the issues/concerns already raised;*
- Simplify;*
- User friendly;*
- Be in a format that could be easily printed and distributed with the rates notice; and*
- Be readily available on the Shire website and easily downloaded/printed.*

At the BFAC meeting held on 8 June 2017, the Committee considered the proposed amendments and made the following recommendation to Council;

“That the Committee recommends to Council that they;

- 1. Endorse the new format/layout of the Fire Regulation Notice;*
 - Page 1, 2 & 3 are the pages that will be printed and distributed with the rates notice.*
 - Pages 3, 4, 5 & 6 will be on the website. The whole document will be available on the website and can be printed by individuals or on request.*
 - Pages 7, 8 & 9 (variation request form) will also be on the website to print/download.*
- 2. Endorse the fundamental changes of the Fire Regulation Notice;*
 - Introduction of Low Fuel Boundary Access in a staged approach,*

- *Introduction of Permits to Burn Standing Bush between 1st September to 30th April, except the prohibited season.*
- *Variation forms being potentially accepted for 40 hectare compartmentalisation under Regulation 4.*
- *Removal of bare earth breaks in regulation 5 and its substitution with a requirement for a low fuel zone that is maintained throughout the fire season.”*

Consultation:

During the review process the following were consulted;

- Bush Fire Advisory Committee
- McLeods – Barristers & Solicitors
- Office of Bushfire Risk Management
- Forestry Industry representatives
- Relevant Shire staff

Once adopted and printed, an accompanying letter outlining and explaining the major adjustments will be mailed out with the notice.

During the month of October (Bushfire Awareness month) information sessions will be scheduled for the public to attend where question can be asked and further information given.

Statutory Obligations:

Section 33 (1) of the *Bush Fires Act 1954* says a local government “*may give notice to an owner or occupier situate within the district of the local government or shall give notice to all owners or occupiers of land in its district...*”.

Policy Implications:

Council has several policies relevant to the Fire Management Notice. The Fire Management Notice will align with these policies which are;

- | | |
|----------------|--------------------------|
| Policy P050101 | Burning of Garden Refuse |
| Policy P050102 | Camping & Cooking Fires |

Budget / Financial Implications:

The Fire Management Notice will be published in the Government Gazette, providing notice to all owners and occupiers in the district at a cost of approximately \$400, this can be accommodated under Council’s advertising budget.

Printed copies of the Notice will be posted to all Ratepayers at a cost of approximately \$3,000, this can be accommodated under the Council’s allocated budget (GL1510522).

Additional copies can be printed at the Shire Office upon request and an electronic version will be available on the Shire’s website.

Strategic 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

SOCIAL GOALS

Public Safety: ...work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.

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.

Fire Management: ...work collaboratively with relevant agencies to maintain a high level of planning, communication and infrastructure for effective fire and emergency management.

Corporate Business Plan

1.7.5 *Maximise community safety through the management of the risks associated with fire, natural events and large scale emergencies, whilst supporting initiatives to improve community safety.*

2.3.2 *Maximise community safety through the management of the risks associated with fire.*

2.3.6 *Review the Fire Regulation Notice and ensure compliance.*

Sustainability Implications:

➤ **Governance:**

In the Officer’s opinion, it is in the best interests of a local government to publish and distribute a Fire Management Notice to assist with preventing the spread or extension of bushfire within the district.

➤ **Environmental:**

Management of potential risks associated with bushfire plays a role in protection of the natural environment.

➤ **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)
The Shire of Denmark not having a Fire Management Notice in place to manage property preparedness which could potentially cause the spread of wildfire, the resulting damage could be seriously exacerbated and there could be risks to public safety.	Likely (4)	Catastrophic (5)	Extreme (20-25)	Damage to physical assets and failure to meet Statutory, Regulatory or Compliance Requirements.	Accept Officer Recommendation

Comment/Conclusion:

In summary the main modifications to the 2016/17 Fire Regulation Notice are as follows;

- Change of name from Fire Regulation Notice to Fire Management Notice. This was done on advice received from the Office of Bushfire Risk Management (OBRM) to avoid confusion with the *Bush Fires Regulations 1954*. As a result the 'regulations' have been renamed as 'Requirements'.
- Introduction of an extended period of time, one month, in the spring where permits will be required to burn standing bush. This came as a result of past incidents where fires have escaped as a result of insufficient preparedness.
- Introduction of Low Fuel Access (LFA) on or close to property boundaries. Following rigorous discussion by the Bush Fire Advisory Committee it was decided that a slashed 'Low Fuel Access' was more acceptable and less likely to erode than a ploughed or graded firebreak. The Low Fuel Access is expected to be installed as close as practically possible to the boundary fence with the freedom of following the path of least resistance therefore eliminating the need to remove large established trees. The aim of the LFA is to break up the areas of contiguous bush, over 40ha, which span over multiple properties. The LFA would also provide a clean line from which to conduct fuel reduction burns whilst allowing safer access for fire appliances.
Please note; it would be an unreal expectation of landowners to fully implement and comply with this requirement for the coming fire season. The expectation would be that landowners would commit to a staged approach over a set number of years; this could be managed through a Variation to Fire Management Notice Application Form Variation.
- Reintroduction of the *Variation to Fire Management Notice Application Form*. This form allows property owners the option to provide alternative fire protection measures if those stipulated in the Fire Management Notice cannot be met.
- Following consultation with representatives from the Forestry Industry, they are willing to and currently are, working to the Guidelines for Plantation Fire Protection as developed by the Department of Fire & Emergency Services. Requirement 6 - *Plantations, any area in which trees have been planted for commercial purposes* replaces Regulations 7 & 8 in the old notice. A copy of the guidelines is attached.
- The main change to the document is the format; the Fire Management Notice will comprise of three A4 pages;
 Page 1 – *First & Final Notice and Dates to Remember*
 Page 2 – *Requirements*
 Page 3 – *Fire Control Officers*

The Notice will be printed and mailed out and it will also be available to view on the Shire's website. The remaining pages – Explanatory Notes, Definitions and Variation to Fire Management Notice Application Form will be posted on the Shire website to view and also download.

The Officer fully supports the changes of the content and format of the notice and recommends that Council support the Officer Recommendation.

In recent years Western Australia has experienced some devastating fires resulting in the loss of lives and properties; each of these incidents have been reviewed with a number of recommendations coming forth which resulted in the adoption of State Planning Policy 3.7 – Planning in Bushfire Prone Areas and the update of the Guidelines for Planning in Bushfire Prone

Areas. The review of the Shire of Denmark’s Notice has taken into consideration the updated guidelines.

Through the use of a Fire Management Notice the Shire of Denmark and the Community can better manage the risks associated with fire.

The Fire Management Notice presented is for the 2017/18 Bushfire season with the compliance date being 1st December 2017. In order for the notice to be printed and distributed to property occupiers and owners and to enable them to comply, it is necessary for the notice to be adopted at this Council meeting.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.1

That the Committee recommends to Council that they;

1. Endorse the new format/layout of the Fire Regulation Notice;
 - Page 1, 2 & 3 are the pages that will be printed and distributed with the rates notice.
 - Pages 3, 4, 5 & 6 will be on the website. The whole document will be available on the website and can be printed by individuals or on request.
 - Pages 7, 8 & 9 (variation request form) will also be on the website to print/download.
2. Endorse the fundamental changes of the Fire Regulation Notice;
 - Introduction of Low Fuel Boundary Access in a staged approach,
 - Introduction of Permits to Burn Standing Bush between 1st September to 30th April, except the prohibited season.
 - Variation forms being potentially accepted for 40 hectare compartmentalisation under Regulation 4.
 - Removal of bare earth breaks in regulation 5 and its substitution with a requirement for a low fuel zone that is maintained throughout the fire season.”

The Officer has incorporated the recommended changes from the Bush Fire Advisory Committee into the draft Fire Management Notice and has included reference to the document being Gazetted, to satisfy the statutory requirement under the Bush Fires Act 1954, given the timeframe with the impending 2017/18 Fire Season and the need for property owners to start preparing.

COUNCIL	RESOLUTION	&	COMMITTEE	&	OFFICER	ITEM 9.1
RECOMMENDATION						
MOVED: CR CARON			SECONDED: CR ALLEN			
That Council adopt the 2017/18 Fire Management Notice and it be published in the Government Gazette, pursuant to Section 33 (1) of the Bush Fires Act 1954.						
CARRIED UNANIMOUSLY: 8/0						Res: 080917

10. MATTERS BEHIND CLOSED DOORS

Prior to consideration of Item 10.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Lewis declares a financial interest on the basis that her daughter is one of the applicants.

5.39pm - Cr Lewis left the room and did not participate in discussion or vote on the matter.

Cr Gearon declares that some of the nominees are known to her and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declares that she will consider this matter on its merits and vote accordingly.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR GEARON	SECONDED: CR BARTLETT
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 allow the successful applicant's name to remain confidential to Council until the official announcement at the Denmark Senior High School Graduation Ceremony.	
CARRIED UNANIMOUSLY: 7/0	Res: 090917

The Director of Finance & Administration, the Director of Infrastructure Services, the Acting Director of Community & Regulatory Services and all members of the public and press left the room.

COUNCIL RESOLUTION	
MOVED: CR GEARON	SECONDED: CR ALLEN
That Standing Orders be suspended to allow open discussion of the applications.	
CARRIED UNANIMOUSLY: 7/0	Res: 100917

10.1 2017 LEADERSHIP AWARD

File Ref:	PBR.1
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	23 August 2017
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	10.2a – List of Previous Recipients 10.2b – Applications (confidential to Councillors)

Summary:

Council is requested to peruse the attached applications for the Shire of Denmark's 2017 Leadership Award and determine the successful applicant for 2017.

Background:

The Shire of Denmark Leadership Award was established in March 2011.

A list of previous recipients is attached as Attachment 10.1a.

Consultation:

This Award was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly;
- General Advertisement on Council's Notice Boards;
- General Advertisement for display at Tha House, Recreation Centre and Library;
- General Advertisement on Council's website & Facebook Page;
- 2 x emails to Councillors & employees advising that applications were being called and requesting for assistance with promotion;
- Specific Email to Council's Manager of Recreation & Youth Services and the Senior Librarian requesting their assistance in promoting the Award through their networks and patronage;
- Verbal liaison with the Denmark Senior High School Year 12 Coordinator;
- CEO addressed the Year 12 students and handed out application forms;
- 2 x emails to Denmark Senior High School with link to application forms on Council's website.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Policy P080202 relates as reads as follows;

SHIRE OF DENMARK LEADERSHIP AWARD

Objective

To provide an annual sponsorship for a Year 12 student, currently attending the Denmark High School, to assist with the cost of participating in an activity or program which focuses on;

- Skill development;
- Leadership;
- Self growth and development (self discovery);
- Problem solving;
- Confidence building;
- Strengthening personal motivation;
- Initiative; and/or
- Team work & communication.

The selected activity or program could include;

- A registered leadership program;
- A personal endeavour.

Guidelines

- a) The applicant must be a Year 12 student currently attending the Denmark High School;
- b) The Sponsorship will be awarded based on citizenship, community involvement and leadership;
- c) The successful applicant will be required to complete the selected program or activity within 12 months of being awarded this Sponsorship.
- d) The Sponsorship amount will be \$1,000 and will be paid to the successful applicant;
- e) The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the award and the principles of leadership;
- f) The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;
- g) The successful applicant will be required to acquit the Sponsorship, within a reasonable timeframe of completion, by providing a written report to Council on their activity or program and presenting that report to Council;
- h) A Sponsorship will not be awarded if there are no suitable applicants;

- i) *The decision of Council and/or the delegated Committee shall be final.*
- j) *The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council at presentation at the relevant school's graduation ceremony.*

Budget / Financial Implications:

Council's 2017/18 Budget includes an amount of \$1,000 for the 2017 Leadership Award (GL1610822).

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

Education: ...work with relevant authorities and organisations that encourage the growth and diversity of educational opportunities and facilities for all age groups both in the town of Denmark and in its outlying communities.

Youth: ...encourage opportunities, employment and facilities for young people, and aims to involve them in decisions made within the community.

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:**

Council's Leadership Award is an important method for Council to encourage and assist a local young person to participate in a program or activity relating to the development of leadership qualities & skills and/or their own personal and professional growth.

➤ **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 no application is suitable and therefore the 2017 Leadership Award is not awarded.	Rare (1)	Insignificant (1)	Low (1-4)	Not Meeting Community expectations	Accept Risk

Comment/Conclusion:

Nine applications have been received and have been forwarded to Councillors under separate confidential cover.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION	
MOVED: CR GEARON	SECONDED: CR BARTLETT
That Standing Orders be resumed.	
CARRIED UNANIMOUSLY: 7/0	Res: 110917

COUNCIL RESOLUTION & OFFICER RECOMMENDATION		ITEM 10.1
MOVED: CR GEARON	SECONDED: CR WHOOLEY	
That with respect to the 2017 Shire of Denmark Leadership Award, Council;		
<ol style="list-style-type: none"> 1. Announce EMBARGOED as the successful applicant at the Denmark Senior High School's graduation ceremony in 2017; 2. Authorise the Chief Executive Officer to schedule a meeting with the successful applicant to discuss their selected program or activity and make the necessary arrangements with respect to the payment of the award; and 3. Keep the name of the recipient of the award and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement. 		
CARRIED UNANIMOUSLY: 9/0		Res: 120917

COUNCIL RESOLUTION	
MOVED: CR GEARON	SECONDED: CR BARTLETT
That come out from behind closed doors and proceed in public.	
CARRIED UNANIMOUSLY: 7/0	Res: 130917

5.56pm – Cr Lewis and some members of the public returned to the room.

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

12. CLOSURE OF MEETING

5.58pm - Public Question Time

The Shire President stated that prior to the meeting concluding and as it was close to 6.00pm he would allow a second public question. Cr Morrell called for questions from members of the public.

Mrs Pauline McHenry – Local Government Election

Mrs McHenry congratulated the Council for its work over the past two years and wished candidates well in the upcoming election.

5.59pm – 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.)