

ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 20 FEBRUARY 2018, COMMENCING AT 4.00PM.

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Ordinary Council Meeting

20 February 2018

DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.02pm – The Shire President, Cr Gearon, declared the meeting open.

Cr Gearon acknowledged the land on which the meeting was being held and the traditional custodians of the land, the Bibbulman and Minang people.

Cr Gearon stated that she would also like to show her respect for elders past, present and emerging.

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

MEMBERS:

- Cr Ceinwen Gearon (Shire President)
- Cr Mark Allen
- Cr Kingsley Gibson
- Cr Jan Lewis
- Cr Ian Osborne
- Cr Janine Phillips
- Cr Roger Seeney
- Cr Rob Whooley

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Gilbert Arlandoo (Director Infrastructure and Assets)
- Mr Cary Green (Director Corporate and Community Services)
- Mrs Annette Harbron (Director Sustainable Development)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Cr Peter Caron (Deputy Shire President) (pursuant to Council Resolution No. 011217)

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 37

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	8.1.5	Impartiality	Cr Gearon’s partner is a manager of the Denmark Community Resource Centre.
Cr Phillips	10.2	Financial	Cr Phillips is a tourism operator.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President formally presented Ms Diane Harwood with the 2018 Citizen of the Year Award, as Ms Harwood had been unavailable to attend the presentation on Australia Day. Cr Gearon congratulated Ms Harwood stating that she was a very worthy recipient given her involvement in the community over many years, and particularly with the Denmark Weed Action Group. The Shire President invited Andrew Dickinson to the microphone to read out a poem that he had prepared for Ms Harwood.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Ms Pam Rumble – Wattle Way

Ms Rumble expressed hers and a number of other Wattle Way residents' dissatisfaction about the proposed widening of Wattle Way stating that she did not believe it would make it safer nor reduce vehicular speed. Ms Rumble said that they believed the current 3.5m road width, with some modification, would be suitable for the number of cars that currently use it. Ms Rumble suggested that if a widening was deemed necessary, they would prefer one raised "passing bay" on the south side where drivers could mount two wheels to allow passing. Ms Rumble said that this could then allow for more pleasant streetscape including shade trees on the verge and seating.

Ms Rumble presented the Shire President with a letter which had been signed by 10 Wattle Way residents which read as follows;

"We invite the Denmark Shire to leave Wattle Way as a small access street, and to consider using a single passing bay. We encourage the Denmark Shire to envisage a beautiful streetscape where community can happen. We dare the Denmark Shire to be bold in creating new street designs. We humbly ask the Denmark Shire to listen to its community, to get behind these innovative ideas and feel proud to showcase them in years to come. Thank you for your consideration."

4.2.2 Mr Basil Schur – Item 8.1.5 (Community Garden Proposal – Morgan Richards Community Centre)

Mr Schur stated that a community garden proposal for Denmark had been around for quite some time and whilst Council had shown some support it had been insufficient to allow Green Skills Inc. to apply for grants for the

project. Mr Schur understood that for the garden to proceed, the Community Resource Centre's lease would need to be modified and that this could take some time. Mr Schur asked if Council could provide some more formal support for the project.

Cr Lewis asked how the Council could show that support.

Mr Schur advised that Council could show its support for the project and approve an amendment to the lease in due course.

4.2.3 Mr Ben Richardson – Item 8.1.2 (Proposed Single House Additions/Alterations & Ancillary Accommodation – No. 90 (Lot 35) Strickland Street, Denmark

Mr Richardson thanked the planning department for their assistance with their application noting that the building was listed on the Municipal Heritage Inventory and that it was their intention that the alterations would assist in restoring its heritage character. Mr Richardson said that they had three objections to the officer recommendation, the first one being condition 3 which stated that the accommodation could only be used by members of the family. Mr Richardson said that they also objected to condition 1 in relation to providing an additional car parking bay, particularly given the close proximity of the premises to public parking and walking distance to shops. The third objection from Mr Richardson was with respect to the requirement for them to provide a financial contribution towards the cost of upgrading Praed Lane as they did not believe that there was any evidence that residents had requested it be sealed.

Mr Richardson stated that the property was in a prominent location and that the renovations would be a positive aesthetic improvement to the streetscape.

4.2.4 Mrs Gail Guthrie – Item 8.4.1 (Appointment of Community Member on Council Committees and Working Groups and the South Coast Management Group)

Mrs Guthrie referred to the four nominations that Council had received for the two vacancies on the Paths and Trails Development Plan Working Group. Mrs Guthrie noted that two of the nominations were from residents in the west end of the Shire and the other two residents resided closer to town. Mrs Guthrie requested that if Council did not appoint all four members then could they appoint at least one member from the west end of the Shire.

4.2.5 Mr Graeme Robertson – Item 8.1.4 (Scheme Amendment 145 – Removal of Condition XXIV) from the “Tourist (T1)” Zone Provisions – No. 429 (Lot 2) Mount Shadforth Road, Shadforth

Mr Robertson gave his compliments to Mr Sam Williams and Council Officer, Ms Jasmine Tohill and asked for Council's support for the officer recommendation.

The Shire President thanked Mr Robertson for his commendations.

4.2.6 Mr Graeme Robertson – Wilson Inlet Permanent Opening

Mr Robertson advised that he had taken out a half page advertisement in the last Denmark Bulletin urging the public to get behind a permanent opening for Wilson Inlet. Mr Robertson urged Councillors to keep a permanent opening front of mind.

The Shire President advised that the Council were considering and listening to others with respect to the best options for the Wilson Inlet as they understood its importance. Cr Gearon stated that the latest data indicated that the Inlet was healthy due to recent successful openings.

4.2.7 Mr Tony Pedro – Denmark East Development

Mr Pedro apologised for comments he had made at the Special Electors Meeting.

Mr Pedro referred to the proposal to build a bridge at East River Road noting that it would require substantial clearing of vegetation. Mr Pedro stated that in his opinion it would be better for the Council to ensure it had adequate facilities in the town in case of an emergency as evacuation may not always be the best option.

The Shire President thanked Mr Pedro for his apology and assured him that there was a lot of work going on with respect to identifying the most suitable option for a river crossing, including a comprehensive traffic management study.

The Chief Executive Officer referred to Mr Pedro's comments regarding evacuation and said that in any situation an incident controller would determine the best course of action and this could include a combination of both scenarios.

4.2.8 Mr Tony Pedro – Prescribed Burning

Mr Pedro thanked the people who had assisted allowing him to liaise with the Department of Biodiversity, Conservation and Attractions in relation to prescribed burning in the Shire. Mr Pedro said that the outcome had been that the Department had agreed to establish reference points in relation to the ages of some forest areas.

4.2.9 Mr Brian Humphries – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 116 (Lot 210) Peace Street, Shadforth

Mr Humphries commended the author of the report and provided some statistics regarding the number of people in the Shire directly affected by holiday homes. Mr Humphries said that he believed most issues arose because this type of accommodation was un-hosted. Mr Humphries suggested that the process for holiday home approval was too easy and that holiday homes were essentially a commercial operation. Mr Humphries suggested that Council should consider requiring applicants to have an Australian Business Number (ABN) and commercial public liability insurance however this did not overcome the void of them being un-hosted properties. Mr Humphries stated that he believed that some domestic insurance policies may not cover a commercial operation such as a holiday home. Mr Humphries referred to the Code of Conduct which had been submitted by the applicant and suggested that Council could consider adopting it as a policy.

The Director Sustainable Development responded that as part of any application a code of conduct was required to be provided; noting that the application referenced used the Shire provided standard code of conduct information.

Cr Phillips asked the Director for her comments with respect to ABNs and insurance.

The Director Sustainable Development said that she was not convinced that it was a Shire responsibility. Mrs Harbron advised that the Shire could consider providing applicants with some educational information in this regard should Council consider the need to get involved in these aspects.

4.2.10 Mr Adrian Baer – Denmark East Development

Mr Baer referred to the two Financial Assistance Agreements had now been signed for the split project and asked the Chief Executive Officer what the expiry date was on the agreements.

The Chief Executive Officer responded stating that the expiry dates were 2019 for the eastern side and 2022 for the western side.

Mr Baer asked what would happen if the projects were not completed by then.

The Chief Executive Officer advised that if the projects were substantially progressed then he believed the State Government would generally be lenient, however if Council could not make a decision on a location for a river crossing by the proposed deadline then it may cause some issues.

Mr Baer said that he had heard that the decision needed to be made by July 2018 and was that correct.

The Chief Executive Officer confirmed that it was and that the timing converged with consideration of the traffic management study, Corporate Business Plan, Asset Management Plan and Long Term Financial Plan.

Mr Baer thanked Mr Parker for his responses stating that he had confidence in the Council's decision making.

4.2.11 Mr Adrian Baer – Refuse Bins

Mr Baer referred to the refuse bins which were situated at a lookout on South Coast Highway overlooking William Bay noting that they were frequently overflowing, particularly during peak tourist times. Mr Baer asked whether the Council could make arrangements for them to be removed or emptied more regularly.

The Shire President advised that the refuse bins referred to were the responsibility of Main Roads WA.

Mr Baer asked whether the Shire could request that the bins be removed because he believed that they just attracted rubbish.

The Chief Executive Officer stated that the Shire could liaise with Main Roads WA regarding the issues raised to see what could be done.

Cr Osborne noted that a number of years ago the Shire had paid for a skip bin to be placed at the lookout during peak tourist times however this had backfired by attracting more and bigger items of rubbish.

4.2.12 Mr Adrian Baer – Item 10.1 (Lower Great Southern Economic Alliance – Establishment of Destination Marketing Organisation)

Mr Baer stated that he had difficulty finding any home holiday documentation on the Shire of Denmark's website and asked when the new website would be launched.

The Chief Executive Officer said that it was about a month away.

Mr Baer said that he was aware of the Amazing South Coast campaign but wondered how Denmark was being promoted under the proposed new Destination Marketing Organisation. Mr Baer asked whether there would be a local tourism committee.

The Chief Executive Officer noted that the item would be considered behind closed door because it dealt with matters of commercial sensitivity. Mr Parker said that the local tourism group had been suggested in collaboration with the Destination Marketing Organisation as a form of sub-committee to ensure that Denmark didn't lose its voice.

4.2.13 Mr Mike Travers – Management of Public Question Time

Mr Travers referred to public question time as being an opportunity for ratepayers to participate in and express view to Council however he had recently had an experience which he believed could deter people from participating.

Mr Travers stated that he had been accused by another member of the public that he had behaved in a manner which had then resulted in him receiving a Misconduct Restraining Order. Mr Travers said that he and his family had endured five months of legal action and costs defending the matter and on trial day the applicant withdrew the order.

Mr Travers noted that throughout the process he had received a lot of community support which had given him strength to carry the action to the end and for this he was thankful.

Mr Travers said that he believed public participation was essential open and accountable government and asked what measures the Council could take to ensure that public participation was managed in a safe, intimidation free environment.

Mr Travers asked the following questions;

1. Should question time be electronically recorded?
2. Should the presiding officer take a strict interpretation of public question time policy?
3. Should the CEO preside over public question time?
4. Should individuals behaving in an unacceptable manner be named?
5. Do we just accept the risk that some participants will take any opposing view as personal criticism?

The Shire President advised that the questions would be taken on notice and responded to in writing.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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

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

Nil.

5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE

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

Nil.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR SEENEY	SECONDED: CR GIBSON
That the minutes of the Ordinary Meeting of Council held on the 19 December 2017 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 8/0	Res: 010218

6.2 STRATEGIC BRIEFING NOTES

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.2
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
That the Notes from the Strategic Briefing held on 19 December 2017 be received.	
CARRIED UNANIMOUSLY: 8/0	Res: 020218

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

Nil

8. REPORTS OF OFFICERS

8.1 Director Sustainable Development

8.1.1 PROPOSED HOLIDAY HOME (STANDARD) – NO. 116 (LOT 210) PEACE STREET, SHADFORTH

File Ref:	A3524
Applicant / Proponent:	Judith Tan
Subject Land / Locality:	No. 116 (Lot 210) Peace Street, Shadforth
Disclosure of Officer Interest:	Both the author and authorising officer are former students of one of the submitters
Date:	5 February 2018
Author:	Jasmine Tothill, Senior Town Planner
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.1a – Development Application Documentation 8.1.1b – Schedule of Submissions 8.1.1c - Site Photographs

Summary:

The applicant is seeking Development Approval for a Holiday Home (Standard) at No. 116 (Lot 210) Peace Street, Shadforth.

Having regard to the issues raised in submissions and the objectives and provisions of Town Planning Scheme Policy No.19.5: Holiday Homes (Policy 19.5), 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 20 November 2017 for a Holiday Home (Standard) – refer Attachment 8.1.1a.

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 as well as the requirements of Town Planning Scheme No.3, Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015* and Policy 19.5, and undertook the following level of consultation:

External Consultation:

- Applicant.
- Seven (7) adjoining landowners inviting comment on the proposal.

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, or impose conditions on a development Approval that the applicant is aggrieved by, 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:

Planning Policy No.19.5: Holiday Homes provides details on minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

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.

As per current Delegation D100601: Implementation of Town Planning Scheme, the Chief Executive Officer, Director Sustainable Development and/or the Senior Town Planner only have the delegation to determine proposals for 'SA' land uses (such as holiday homes) where the application is compliant with relevant TPS No. 3 provisions, TPS Policies and no valid objections are received.

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 Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

E1.0 Our Economy:

We are an attractive location to live, invest, study, visit and work

- E1.2 *To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.*

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

- B3.3 *To have a planning framework that is visionary, supports connectivity and enables participation.*
- B3.5 *To have diverse and affordable housing, building and accommodation options.*

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation, however it is noted that Development Approval and registration of the premises as a Holiday Home with Health Services is a statutory requirement for Holiday Homes.

➤ **Environmental:**

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

➤ **Economic:**

Holiday Homes when managed to a high standard make a positive contribution to Denmark’s tourism industry.

➤ **Social:**

The key objectives of Policy 19.5 are:

- To support a diverse accommodation base within the Shire of Denmark.
- To minimise negative impacts of holiday homes on the amenity of adjoining residents through appropriate planning approval conditions and associated regulations that apply.
- To encourage the provision of good quality, well managed holiday homes.
- To ensure that holiday homes are managed and maintained to a high standard.

➤ **Risk:**

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

Comment/Conclusion:

In accordance with TPS No. 3 the subject land, with a lot size of 6975m², is zoned “Special Residential (S/Res 2)”. As per Clause 5.38 of TPS No. 3, ‘Holiday Home (Standard) is an ‘SA’ use in the Special Residential zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application.

Public advertising of the proposal was undertaken in accordance with TPS No.3 and Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, TPS No.3 and Policy 19.5, with three (3) objections received. Attached at Attachment 8.1.1b is the Schedule of Submissions – with the submissions received entered into the schedule as verbatim.

The primary concerns raised in submissions relate to:

- Amenity impacts (visual, privacy & noise) associated with an existing outdoor entertaining area.
- Amenity impacts associated with lighting at the property.
- Amenity impacts associated with carparking at the property.

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

- The Single House located at No.116 (Lot 210) Peace Street, Shadforth was granted development approval under delegated authority on 31 August 2016 (DA 2016/104).
- The house and approved building envelope exceed the minimum side setback (10 metres), and front/rear setbacks (20 metres) specified in the Special Provisions for the Special Residential (2) zone.
- The outdoor entertaining area is setback at least 24 metres from the nearest side (eastern) boundary (with no neighbour submission received) and 60 metres from the rear property boundary. The outdoor entertaining area is not readily visible from the Peace Street frontage due to its location at the rear of the carport.
- A minimum of 2 carparking bays are required under Policy 19.5 to support a Holiday Home (Standard) application. The single house incorporates a double carport and constructed hardstand driveway which is sufficient for the anticipated parking demand, given a maximum permissible occupancy of 6 persons/ 3 bedrooms.
- A requirement to screen the 'carpark' and driveway cannot be substantiated given the residential scale of parking anticipated. Existing trees within the front building setback offer some natural relief, whilst the applicant has indicated they will consider implementing additional landscaping in due course which would further assist in softening the development over time.
- External lighting installed within the property is of a domestic scale and includes eave downlights, wall sconce lights and solar garden bollards – noting the number of lights may be considered excessive however this is subjective as such. The lighting has been viewed at night time and although it is readily visible from neighbouring properties it does not generate significant light spill outside the property boundaries.

That said, it is acknowledged that when all of the external lights are on at the property that it does 'stand out' and seem quite lit up - particularly due to the fact that there are minimal other light sources in the Peace Street area (i.e. no street lighting etc.) – refer Attachment 8.1.3c. The potential for all external lights being on at any one time, and how often, is a difficult one to ascertain potential 'nuisance' impact on adjoining properties.

The Shire has no policies or local laws to control the extent or guide acceptability of domestic lighting within private residential properties. The *Local Government Act 1995* may provide an ability to take action where artificial light being emitted causes a nuisance (e.g. where light is shining/spilling directly into neighbouring properties), however this should be something that is considered if it does become an issue. As referenced above until such time as information pertaining to how often, extent of lights on etc. are taken into account it is difficult to assess/analyse the extent of the 'nuisance'. This position is further reinforced by the following statement provided for in Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting:

"With any outdoor lighting it will rarely be possible to contain all light within the boundaries of the property on which the lighting system is installed. Some light will inevitably be spilled outside the property boundaries, either directly or by reflection. The determination of when the spill light becomes obtrusive to others is difficult since both physiological and psychological effects are involved".

- The Shire has no ability to control or mandate the use of window treatments for the purpose of remediating impacts of internal domestic lighting.

Planning Services does not consider there would be an unreasonable significant adverse impact on amenity arising from the holiday home application. Whilst issues surrounding screening and lighting are acknowledged, the holiday home would not necessarily generate any greater impact than that which may otherwise arise through permanent occupation/ rental of the single house as it currently exists. All activities on-site are otherwise required to comply with the *Environmental Protection (Noise) Regulations 1997* and the Property Management requirements linked to approval of the Holiday Home will also provide a method of recourse should any problems arise.

The issues with the lighting at the property being a potential ‘nuisance’ can also be dealt with via the relevant provisions of the *Local Government Act 1995* should the adjoining property owners experience concerns. At this stage it is considered that it is difficult to put restrictions and/or conditions on until it is known if there will be an issue (i.e. speculator impact vs actual impact). Should the adjoining landowners experience there are issues, then they will be encouraged to liaise with the Shire’s Planning and Health Services staff to work through and attempt to resolve a satisfactory outcome.

As Development Approval is granted initially for a 12 month period from the date of registration of the premises as a holiday home, in circumstances where valid complaints regarding the holiday home operations are received, the Shire retains the right to not renew the approval to operate.

Having regard to the issues raised in the submissions, and assessment of the proposal in line with the intent and objectives of TPS No. 3 and Policy 19.5, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1
MOVED: CR GIBSON	SECONDED: CR LEWIS
That with respect to the development application for the Proposed Holiday Home (Standard) at No. 116 (Lot 210) Peace Street, Shadforth, 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> a) The Holiday Home shall be in accordance with the attached stamped approved details/plans dated 20 November 2017 and 15 January 2018. b) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of registration with the Shire of Denmark (refer Condition c), after which it may be renewed for a three year period (refer Advice Note i). c) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Council’s operative Fees and Charges Schedule at the initial ‘premises’ application stage and annually thereafter (refer Advice Note ii). d) A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home. e) The holiday home can only be rented for a maximum period of three (3) months to any one person in any one twelve (12) month period. f) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council’s satisfaction. A receipt book must be kept. 	

- g) Prior to the commencement of activities, the applicant shall provide a copy of the approved Property management Plan to adjoining land owners/occupiers (see Advice Note iii) for list of properties that this document is to be provided to). Copies of such correspondence shall be provided to the Shire of Denmark for its records.
- h) Prior to the commencement of activities hardwired smoke alarms in the bedrooms and kitchen and emergency lighting to exit the building are to be provided, to the satisfaction of the Shire of Denmark (Building Services).
- i) Provision of two (2) car parking bays associated with the development, with the car parking bays, manoeuvring and circulation areas to be suitably constructed, sealed (concrete, asphalt or brick pavers) and thereafter maintained.
- j) The following information shall be provided to all tenants at the commencement of an agreement to occupy the premises:
 - Annual Registration Certificate;
 - Caretaker/manager or management company and its contact details;
 - Emergency contact details;
 - Code of Conduct; and
 - Fire and Emergency Plan.
- k) The provision of the following fire safety measures to the satisfaction of the Shire's Community Emergency Services Manager:
 - A fire blanket in the kitchen area;
 - Fire extinguishers;
 - Maintenance of a Building Protection Zone around the dwelling;
 - Implementation and display of the Fire and Emergency Plan.
- l) Signage shall be limited to a 0.2m² nameplate on the property.

Advice Notes

- i) Should the Shire receive valid complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.
- ii) Please contact the Shire's Principal Environmental Health Officer (PEHO) on 9849 0300 regarding the requirements for registration of the premises as a 'Holiday Home', noting approval will not be forthcoming until all relevant conditions of this Development Approval have been complied with.
- iii) The 'Property Management Plan' shall be provided to the following properties:
 - No. 114 Peace Street, Shadforth
 - No. 115 Peace Street, Shadforth
 - No. 117 Peace Street, Shadforth
 - No. 118 Peace Street, Shadforth
 - No. 119 Peace Street, Shadforth
 - No. 3 Kerr Close, Shadforth
 - No. 5 Kerr Close, Shadforth
- iv) The applicant is advised that all activities on-site are to comply with the *Environmental Protection (Noise) Regulations 1997*.

3. Advise the submitters of Council's decision.

CARRIED UNANIMOUSLY: 8/0

Res: 030218

8.1.2 PROPOSED SINGLE HOUSE ADDITIONS/ALTERATIONS & ANCILLARY ACCOMMODATION – NO. 90 (LOT 35) STRICKLAND STREET, DENMARK

File Ref:	A1294
Applicant / Proponent:	Tim Russell (Denmark Drafting Services)
Subject Land / Locality:	No. 90 (Lot 35) Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	7 February 2018
Author:	Jasmine Tohill, Senior Planner
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.2a – Development Application Documentation 8.1.2b – Proponents Justification to support variation to Car Parking 8.1.2c – Site Photos

Summary:

The applicant is seeking Development Approval for Single House Additions/Alterations and Ancillary Accommodation at No. 90 (Lot 35) Strickland Street, Denmark.

Having regard to the objectives and provisions of Town Planning Scheme No. 3 (TPS No. 3) and the Residential Design Codes (R-Codes), it is recommended that Development Approval be granted subject to appropriate conditions.

Background:Current Application

An application for Development Approval was lodged with Planning Services in November 2017 for Ancillary Accommodation to replace an existing building. During the assessment process, amended plans were lodged in February 2018 which included modifications to the proposed Ancillary Accommodation unit and additions/alterations to the existing single house – refer Attachment 8.1.2a.

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 No. 3; Schedule 2, Part 8, Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015; and Town Planning Scheme Policy No. 45: Planning Application Process for Heritage Places, and undertook the following level of consultation:

External Consultation:

- Denmark Historical Society
- The applicant
- The landowner

Internal Consultation:

- Development Co-ordination Unit

At the end of the advertising period, one (1) submission was received from the Denmark Historical Society raising no objection to the proposal. In this regard it should be noted that the property is listed on the Shire of Denmark's Municipal Inventory (House – 90 Strickland Street) and is located within the broader Strickland Street Heritage Precinct, thus as part of the assessment process and having regard to the provisions of Town Planning Scheme Policy No. 45: Planning Application Process for Heritage Places, the development application was referred to the Denmark Historical Society. Although the final amended plans were received post referral, as they only included minor modifications to the internal reconfiguration, north facing side windows and introduction of a deck

between the extension and existing dwelling facing Strickland Street, the changes were not deemed to warrant re-consultation.

Statutory Obligations:

Town Planning Scheme No. 3 (TPS No. 3) and the Residential Design Codes (R-Codes) specify the planning provisions pertinent to the proposed development.

Clause 5.3.7 of TPS No. 3 references those provisions relevant to the Council's determination of proposals for Ancillary Accommodation which are considered to prevail irrespective of the Deemed to Comply standards for Ancillary Dwellings in the R-Codes. The effect of Clause 5.3.7 is to impose restrictions on the size of the ancillary dwelling (60m² as opposed to 70m² in R-Codes) and occupancy of the dwelling being limited to a relative, aged or dependent person of the owner.

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

Policy Implications:

Town Planning Scheme Policy No. 45: Planning Application Process for Heritage Places is applicable to the proposed development, as well as Town Planning Scheme Policy No.15: Townscape Policy and Town Planning Scheme Policy No.31: Commercial Strategy.

Budget / Financial Implications:

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

Should vehicular access to Praed Lane at the rear of the site be required a financial contribution towards upgrading of the laneway is payable. As per the most recent 2014/15 figure a contribution of \$525.64 per metre of laneway frontage would apply equating to an equivalent payment of \$13,824. This will need to be further adjusted to reflect CPI.

As per Council's 2017/18 Fees and Charges Schedule, should a parking shortfall be supported, payment for cash in lieu of car parking would be calculated as per the following:

Shortfall x [(Bay Size x Land Value per m²) + Construction Cost]

"Bay Size" = 27m²

"Construction Cost" = \$2,255 per bay

"Land Value per m²" = as determined by a licensed valuer, and agreed to by the Shire of Denmark

"Shortfall" = difference between the number of carparking bays required to be provided on-site as per TPS No. 3 and the number of carparking bays to actually be provided.

The car parking shortfall for this development would equate to one (1) car parking bay (refer 'Comment/ Conclusion' section of report). For Council's information in considering the likely figure that would apply in this instance, a commercial development in Strickland Street recently paid \$10,250 for a shortfall of one (1) car parking bay (noting that the applicable construction cost was only \$2,150 per bay).

Strategic & Corporate Plan Implications:

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

Denmark 2027

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.
- B3.5 To have diverse and affordable housing, building and accommodation options.

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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 or impose conditions that the applicant is aggrieved by.	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:

The subject site is zoned "Commercial (R25)" as per TPS No. 3. The "Single House" land use classification (which applies to both the additions and ancillary accommodation component) is an "AA" use that the Council may, at its discretion permit in the "Commercial" zone.

Planning Services have assessed the proposal having regard to the relevant provisions of TPS No. 3, the R-Codes, relevant Town Planning Scheme Policies and relevant State Planning Policies and the proposal is generally compliant (or can be conditioned to comply) with the exception of the following:

- i. The re-development proposes to retain two (2) tandem carbays to service the single house and Ancillary Accommodation, utilising an existing driveway off Strickland Street. This represents a shortfall in the Deemed-to-comply carparking requirements under the R-Codes, which would require two (2) carbays to service the single dwelling and one (1) carbay to service the ancillary dwelling. Furthermore, as clarified in the R-Codes Explanatory Guidelines, two car bays in tandem would only be credited as two bays for the purpose of the codes where they relate specifically to one dwelling.
- ii. Under Clause 5.3.7(c) of TPS No. 3 the total area of Ancillary Accommodation shall not exceed 60 m² unless approved by Council. The proposal seeks an Ancillary Accommodation unit with a total floor area of 78m², noting that this would also exceed a maximum plot ratio floor area of 70m² under the Deemed-to-comply provisions of the R-Codes.
- iii. Clause 5.3.7(b) of TPS No. 3 includes a discretionary requirement relating to the construction of a fully covered connection to the main dwelling;
- iv. The Deemed-to-comply provisions of the R-Codes requires that an Ancillary Dwelling comply with street surveillance requirements where it is located on a lot with secondary street or right of way access. The Ancillary Accommodation does not address the laneway, including provision of at least one major opening from a habitable room facing the street and the pedestrian or vehicle approach to the dwelling.
- v. The rear (laneway) setback associated with the Ancillary Accommodation does not achieve a minimum Deemed to comply setback of 0.7 metres, based upon the variable height of the wall, with a nil setback proposed.
- vi. The secondary Street Setback (Barnett Street) associated with the Ancillary Accommodation does not achieve a minimum Deemed to comply setback of 1.5 metres, with a nil setback proposed.
- vii. The 1.2 metre high 'cottage fence' adjacent to the proposed vehicle driveway off Strickland Street does not does not achieve adequate site lines, exceeding a maximum height of 0.75 metres within 1.5 metres of the public street.
- viii. The Deemed to comply standards of the R-Codes require vehicular access to on-site car parking spaces to be provided where available from a right of way. The application makes no provision for vehicular access/ parking from the rear laneway.
- ix. The Deemed to comply standards of the R-Codes require that driveways shall be no closer than 0.5 metres from a side lot boundary or street pole and no closer than 6 metres to a street corner or the point at which a carriageway begins to deviate. The existing driveway does comply with the required separation distances, given the proximity of an existing power pole and roundabout/ road carriageway pavement.

Comment on each of the above issues is provided below:

A) Parking Requirements

The proposal provides for two vehicle parking bays in tandem accessed via Strickland Street. The proponent has provided justification for the reduction (refer Attachment 8.1.2b) primarily by seeking application of the Single Bedroom Dwelling parking standards in the R-Codes and having regard to the availability of on street parking.

From an officer perspective it is considered that provision of three bays onsite in accordance with the Deemed-to-comply requirements of the R-Codes should apply. In this regard the two existing tandem bays accessed from Strickland Street are sufficient to service the single

house, with a requirement for one additional car bay to be provided from Praed Lane to service the Ancillary Accommodation unit.

The R-Code Design Principles relevant to the Council's consideration of any carparking variation is as follows:

P3.1 Adequate carparking is to be provided on-site in accordance with projected need related to:

- *The type, number and size of dwellings;*
- *The availability of on-street and other off-street parking; and*
- *The proximity of the proposed development to public transport and other facilities.*

P3.3 Some or all of the required car parking spaces located off-site, provided that these spaces will meet the following:

- i. The off-site car parking area is sufficiently close the development and convenient for the use by residents and/or visitors;*
- ii. Any increase in the number of dwellings or possible plot ratio being matched by a corresponding increase in the aggregate number of car parking spaces;*
- iii. Permanent legal right of access being established for all users and occupiers of dwellings for which the respective car parking space is to be provided; and*
- iv. Where off-site car parking is shared with other uses, the total aggregate parking requirement for all such uses, as required by the R-Codes and the scheme being provided. The number of required spaces may only be reduced by up to 15 per cent where the non-residential parking occurs substantially between 9am and 5pm on weekdays.*

The following matters are relevant to this assessment:

- Notwithstanding the owner's current car usage the approval once granted runs with the property and it is prudent to ensure that the development will cater for parking based upon the size, type and potential occupancy of the dwellings being proposed.
- Whilst a reduced parking allocation for Single Bedroom Dwellings may be considered, the R-Codes define a Single Bedroom Dwelling as "a dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom". The R-Code Deemed to comply standards also limit the floor area of such dwellings to 70m². Although the plans show one room nominated as a 'Bedroom', the floor area of the dwelling and configuration of habitable rooms can readily accommodate additional bedrooms. For the purpose of applying a parking reduction the single house would not constitute a single bedroom dwelling.
- The proposed tandem bay configuration is not conducive to the separate use of each car bay independently by separate occupants of each dwelling. The R-Codes Explanatory Guidelines recognise this point, noting that tandem carbays can only be credited as two bays for the purpose of one dwelling (being the single house) and not both dwellings. It is also recognised that whilst TPS No. 3 provisions currently seek to place a restriction on occupancy of the Ancillary Accommodation to family members only it is possible that the forthcoming Scheme review will re-visit this restriction so as to bring it in line with the R-Codes, allowing rental/use by non-family members.
- The property is located within the town centre where on-street parking is primarily focused on providing for short stay parking to service spill over demand from commercial uses. This is reflected in time limits applicable along the length of Strickland Street during weekday peak periods (8:00am to 5:30pm) and Saturday mornings. Although the Council carpark within Barnett Street, adjacent to Lot 90 is not time limited, it is appropriate that the option be retained for Council to revisit the need for such restrictions dependent upon future demand; noting that this area has been provided as not being time limited for now

to accommodate those users who may be in town for longer periods to park whilst still in walking proximity to the CBD area.

- It is considered that an excess of street parking does not currently exist within the town centre, which would be available for long term private residential use. Parking shortages are particularly evident during peak tourist periods when vehicles are known to park on verge areas along Barnett Street. It is noted that the Shire of Denmark 2014/15 Community Needs and Customer Satisfaction Survey identified that 58.54% of respondents believed that inadequate parking was available in the CBD. The public parking bays in the vicinity of the subject property are in central locations that are used by people accessing the goods, services and recreation available in the CBD. It is not considered appropriate that such bays be dedicated for private residential use where parking can feasibly be accommodated on-site.
- Car parking in the town centre has recently been funded through townscape improvement projects via a combination of Country Local Government Funds and municipal funds (i.e. ratepayer monies) and cash-in-lieu car parking funds received from private developments that did not meet their on-site car parking requirements. Should Council support off-site parking to address the parking bay shortfall it is recommended that a cash-in-lieu payment be applied to offset the potential parking usage generated by the residential development. As previously noted, this arrangement is not preferred as it would necessitate both dwellings utilising the single crossover and tandem car bays off Strickland Street.
- The Barnett Street car parking area is a public car park that is utilised by workers and/or visitors to the CBD area hence is not convenient for use by residents/visitors of the development nor available on a permanent basis – both of which are performance criterion under P3.3 of the R-Codes and that are required to be met/addressed to the satisfaction of the decision maker (in this instance Council).

B) Location/ Design of Carparking

Having regard to the R-Code Deemed to comply standards and Design Principles relating to the minimum number and location of car bays it is appropriate that one (1) additional carbay be provided for use of the Ancillary Accommodation, accessed off Praed Lane. This laneway is currently unsealed, with upgrading contributions cumulatively obtained from adjoining landowners where development applications seek to utilise the laneway for access. In this instance an option may exist for the landowner to undertake construction of the abutting section of laneway at their cost, to the Shire's specifications in lieu of a monetary contribution and ahead of the full laneway upgrade.

Whilst the R-Codes, and Town Planning Scheme Policy No. 31: Commercial Strategy, prioritise parking provision from rear laneways where available, given the scale of the proposed single house additions (excluding the ancillary accommodation component) and the landowner's desire to maximise open space it is recommended that the retention of two carparking bays off Strickland Street to service the existing house be supported. The area nominated for such parking is currently unsealed and this will need to be secured through a condition of development approval.

Although the location of the Strickland Street driveway does not comply with separation requirements from the road intersection, the low open style fencing that has been erected along the property boundary ensures that adequate site lines can be achieved. Noting that the plan refers to a 1.2 metre high fencing at this location, it is recommended that a condition be imposed requiring the fencing being visually permeable for the entire height of the fence and the placement of vegetation in the 1.5 metre truncation area on-site being restricted to low level shrubbery no more than 0.5metres in height.

C) Street Surveillance (Praed Lane)

The proposed Ancillary Accommodation is required to meet Street Surveillance requirements under 5.2.3 of the R-Codes. The Deemed to Comply standards stipulate that this should include a clearly definable entry point visible and accessed from the street (laneway) and at least one major opening facing the vehicle approach to the dwelling. Where this is not achieved the Design Principles (P3) requires the following to be demonstrated:

“Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.”

A street access point to service the Ancillary Accommodation is not clearly defined on the planning application but would appear to be accommodated via the carparking area nominated off Strickland Street.

To address the requirements for access and surveillance associated with the Ancillary Accommodation it is recommended that a defined entry point/ gate and component of permeable fencing be conditioned in conjunction with the location of a single carparking bay to be accessed off Praed Lane.

D) Street Setbacks

The street setback variations proposed on the Praed Lane and Barnett Street frontages are supported having regard to:

- Consistency with the nil setback of the existing building (to be demolished);
- The existence of a nil setback on an approved outbuilding at No.25 Price Street, on the opposite side of Praed Lane;
- The proximity of the adjoining public carpark which limits options to encourage development to front or orientate toward Barnett Street;
- Limited amenity impacts on adjoining properties.

E) Ancillary Dwelling size

Notwithstanding the exceedance in maximum floor area (18m²) for Ancillary Accommodation under TPS No. 3, subject to compliance with other development standards ensure the amenity of future residents (access, surveillance and carparking) the variation is supported for the following reasons:

- It will increase residential accommodation options within the town centre to meet changing population needs and assist aging in place;
- The unique position of the property, including its corner location, will ensure that the exceedance will not impact the amenity of nearby residential properties through increased building size or bulk.

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

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.2

MOVED: CR WHOOLEY

SECONDED: CR SEENEY

That with respect to the development application for Single House Additions/Alterations and Ancillary Accommodation at No. 90 (Lot 35) Strickland Street, Denmark, Council resolves to grant Development Approval subject to the following:

Conditions

- 1) The development shall be carried out and fully implemented in accordance with the stamped approved plans dated 1 February 2018, including the following modifications:
 - a) Provision of one (1) additional car parking bay on-site, with such bay being accessible off Praed Lane and located and designed to the satisfaction of the Shire of Denmark (Planning/Engineering Services).
 - b) Direct pedestrian access from the car parking bay off Praed Lane being provided to the ancillary accommodation, with suitable fencing treatments (if any) to allow surveillance of the car parking bay and pedestrian approach to the satisfaction of the Shire of Denmark (Planning Services).
- 2) The development to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-40) refer Advice Note a.
- 3) The sole occupant(s) of the Ancillary Accommodation shall be members of the family of the occupiers of the main dwelling only.
- 4) This approval to establish Ancillary Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land (either strata subdivision or fee simple (green title)) to create a separate title for the ancillary accommodation.
- 5) The vehicle crossover to Praed Lane shall be suitably constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained – refer enclosed vehicle crossover application form.
- 6) The vehicle accessways and designated parking areas associated with this approval shall be suitably constructed, drained, sealed (e.g. asphalt, concrete or brick pavers) and thereafter maintained.
- 7) The front fence and adjoining side boundary fence adjacent to the driveway being visually permeable for the entire height of the fence and the placement of vegetation in the 1.5 metre truncation area on-site being restricted to low level shrubbery no more than 0.5metres in height.
- 8) Prior to the issuance of a Building Permit, a financial contribution to the upgrading of Praed Lane (being the laneway at the rear of the property that runs between Barnett Street and Bent Street) being paid to the Shire of Denmark – refer Advice Note b.
- 9) The proposed development is to be finished and painted in materials and colours that match and/or complement the existing building to be consistent with the recognised heritage values of the site and the locality.
- 10) The approved development shall be connected to a reticulated water supply provided by a licensed water provider.
- 11) The approved development shall be connected to the reticulated sewer network.
- 12) All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).

Advice Notes:

- a) In relation to Condition 2, the BAL-40 designation applies to the Ancillary Accommodation component of the development. The application of a BAL rating to the additions/alterations component will be assessed by the Building Surveyor at the time of the building permit application.

- b) In relation to Condition 8, based on a lot metre frontage of 26.3 metres to Praed Lane, the applicable contribution based on 2014/15 construction rates is \$13,824, noting that a CPI increase will apply. Therefore prior to payment, please liaise with the Shire of Denmark (Planning Services) to ascertain the current contribution figure.
The payment of the financial contribution will be utilised by Council for the sealing of Praed Lane, noting at this point in time these upgrading works have not been programmed as such.
- c) This is not a Demolition Licence. In accordance with the provisions of the *Building Act 2011*, an application for a Demolition Licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to the demolition of any existing building(s) on-site.
- d) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- e) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

AMENDMENT

MOVED: CR GIBSON

SECONDED: CR ALLEN

- 1. Amend condition 1 a) to read as follows; “a) Provision of three (3) car parking bays on-site, with all bays being accessible off Praed Lane only located and designed to the satisfaction of the Shire of Denmark (Planning/Engineering Services).”
- 2. Delete condition 7;
- 3. Add new condition 13 to read as follow; “13) Prior to the issuance of a building permit, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title advising of the potential to be affected by commercial related noise given the site’s location in the Town Centre. The notification is to state as follows:
This lot is located in the Town Centre and as a result may currently be affected, or may in the future, be affected by commercial related noise.”
- 4. Add new Advice Note f) to read as follows; “f) In relation to Condition 13, it is strongly recommended that the applicant/landowner consider installing some noise attenuation measures such as double glazing for windows or at least 10mm thick single laminate sheet glass in the windows, and insulated roof spaces in an attempt to reduce any commercial related noise that may result from being located in the Town Centre.”

CARRIED: 5/3

Res: 040218

Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;

FOR: Cr Allen, Cr Gibson, Cr Gearon, Cr Phillips and Cr Whooley.

AGAINST: Cr Osborne, Cr Lewis and Cr Seeney.

AMENDED MOTION

That with respect to the development application for Single House Additions/Alterations and Ancillary Accommodation at No. 90 (Lot 35) Strickland Street, Denmark, Council resolves to grant Development Approval subject to the following:

Conditions

- 1) The development shall be carried out and fully implemented in accordance with the stamped approved plans dated 1 February 2018, including the following modifications:
 - a) Provision of three (3) car parking bays on-site, with all bays being accessible off Praed Lane only located and designed to the satisfaction of the Shire of Denmark (Planning/Engineering Services).

- b) Direct pedestrian access from the car parking bay off Praed Lane being provided to the ancillary accommodation, with suitable fencing treatments (if any) to allow surveillance of the car parking bay and pedestrian approach to the satisfaction of the Shire of Denmark (Planning Services).
- 2) The development to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-40) refer Advice Note a.
- 3) The sole occupant(s) of the Ancillary Accommodation shall be members of the family of the occupiers of the main dwelling only.
- 4) This approval to establish Ancillary Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land (either strata subdivision or fee simple (green title)) to create a separate title for the ancillary accommodation.
- 5) The vehicle crossover to Praed Lane shall be suitably constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services) and thereafter maintained – refer enclosed vehicle crossover application form.
- 6) The vehicle accessways and designated parking areas associated with this approval shall be suitably constructed, drained, sealed (e.g. asphalt, concrete or brick pavers) and thereafter maintained.
- 7) Prior to the issuance of a Building Permit, a financial contribution to the upgrading of Praed Lane (being the laneway at the rear of the property that runs between Barnett Street and Bent Street) being paid to the Shire of Denmark – refer Advice Note b.
- 8) The proposed development is to be finished and painted in materials and colours that match and/or complement the existing building to be consistent with the recognised heritage values of the site and the locality.
- 9) The approved development shall be connected to a reticulated water supply provided by a licensed water provider.
- 10) The approved development shall be connected to the reticulated sewer network.
- 11) All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).
- 12) Prior to the issuance of a building permit, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title advising of the potential to be affected by commercial related noise given the site's location in the Town Centre. The notification is to state as follows:
This lot is located in the Town Centre and as a result may currently be affected, or may in the future, be affected by commercial related noise.

Advice Notes:

- a) In relation to Condition 2, the BAL-40 designation applies to the Ancillary Accommodation component of the development. The application of a BAL rating to the additions/alterations component will be assessed by the Building Surveyor at the time of the building permit application.
- b) In relation to Condition 7, based on a lot metre frontage of 26.3 metres to Praed Lane, the applicable contribution based on 2014/15 construction rates is \$13,824, noting that a CPI increase will apply. Therefore prior to payment, please liaise with the Shire of Denmark (Planning Services) to ascertain the current contribution figure.
The payment of the financial contribution will be utilised by Council for the sealing of Praed Lane, noting at this point in time these upgrading works have not been programmed as such.
- c) This is not a Demolition Licence. In accordance with the provisions of the *Building Act 2011*, an application for a Demolition Licence is required to be submitted and approved by the Shire of Denmark (Building Services) prior to the demolition of any existing building(s) on-site.

d) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.

e) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

f) In relation to Condition ~~13~~ 12, it is strongly recommended that the applicant/landowner consider installing some noise attenuation measures such as double glazing for windows or at least 10mm thick single laminate sheet glass in the windows, and insulated roof spaces in an attempt to reduce any commercial related noise that may result from being located in the Town Centre.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND CARRIED: 5/3 Res: 050218

Pursuant to Resolution No.031115 all Councillors' votes on the above resolution are recorded as follows;

FOR: Cr Allen, Cr Gibson, Cr Gearon, Cr Phillips and Cr Whooley.

AGAINST: Cr Osborne, Cr Lewis and Cr Seeney.

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 040518

8.1.3 PROPOSED SMALL BAR/RESTAURANT AND TWO X GROUPED DWELLINGS – NO. 89 (LOT 34) STRICKLAND STREET, DENMARK

File Ref:	A1462 (2017/188)
Applicant / Proponent:	Michael Bradshaw
Subject Land / Locality:	No. 89 (Lot 34) Strickland Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	5 February 2018
Author:	Jasmine Tohill, Senior Planner
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.3a – Development Application Documentation 8.1.3b – Table 1 of the R-Codes

Summary:

The applicant is seeking Development Approval for a Small Bar/Restaurant and Two (2) x Grouped Dwellings on No. 89 (Lot 34) Strickland Street, Denmark.

Prior to formal consideration of the Development Application, the Council is required to give preliminary consideration to the residential density code that is to apply to the proposed residential component of the development under Clause 5.3.3 of Town Planning Scheme No.3 (TPS No. 3); noting that the proposal is seeking to apply an R40 Coding to comply with the minimum and average site area requirements under the Residential Design Codes.

It is recommended that the development be advertised for public comment on the basis of an 'R40' density code applying; noting that the Small Bar component of the development requires public advertising prior to formal consideration as it is a "Use Not Listed" as per Town Planning Scheme No. 3 (TPS No. 3).

Background:Current Application

An application for Development Approval was lodged with Planning Services in December 2017 for a Small Bar/Restaurant and Two (2) x Grouped Dwellings - refer Attachment 8.1.3a.

In summary the residential component of the development consists of two (2) x two storey dwellings abutting the Barnett Street road reserve (noting that the Barnett Street road reserve incorporates the physical extension of Laverack Lane through to Strickland Street), with the carparking area/service area accessed off Laverack Lane (on the eastern boundary of the site). The commercial component of the development comprises a small bar/café fronting Strickland Street - providing café service in the morning and a small bar serving alcohol and snack style food (tapas) after 4pm.

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, TPS No. 3 and Schedule 2, Part 8, Clause 64 of *the Planning and Development (Local Planning Schemes) Regulations 2015*.

The development application is required to be the subject of public advertising prior to formal determination by Council on the basis that the proposed land use of 'small bar' is a "Use Not Listed" in TPS No. 3.

Statutory Obligations:

TPS No. 3 and the Residential Design Codes specify the planning provisions pertinent to the proposed development.

In accordance with TPS No. 3, the subject site is zoned "Commercial (R25)", and given the proposal includes residential development proposed in conjunction with other development in the Commercial Zone, as per Clause 5.3.3 of TPS No. 3 Council is to determine the applicable density code that is to apply to the development proposal (notwithstanding the designation on the Scheme map).

Policy Implications:

Town Planning Scheme Policy No.15: Townscape Policy, Town Planning Scheme Policy No.31: Commercial Strategy and Town Planning Scheme Policy No.42: Public Art are relevant to this development application and will be considered through formal assessment of the application in due course.

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:

As per the Local Planning Strategy (2011), a guiding principle for Economic Development is: "*To provide a (Denmark) town centre that continues to be the focus for all forms of commercial activity that supports a vibrant town centre and meets the diverse needs of the community and contributes towards a high level and range of employment opportunities for local residents.*"

The site is designated 'Town Centre – Inner Core' in the Local Planning Strategy. One of the 'Future Retail' objectives of the Local Planning Strategy is "*To ensure that the Denmark town centre continues to be the focus for all forms of commercial activity that support a vibrant town centre and to ensure that future development enhances its village character.*"

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

Denmark 2027

B3.0 Our Built Environment:

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.
- B3.5 To have diverse and affordable housing, building and accommodation options.

Corporate Business Plan

3.2.6 Provide supportive planning and development guidance on appropriate major land developments.

3.2.7 Guide local development and require compliance in accordance with the Planning Scheme policy.

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

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

There are no known significant environmental implications relating to the report or officer recommendation; noting that should the development proposal be granted Development Approval then appropriate conditions would be imposed to address the environmental related matters (e.g. stormwater management etc).

➤ **Economic:**

There are no known significant economic implications relating to the report or officer recommendation; noting however that the development, both during and after construction will provide local employment opportunities and assist in supporting commercial diversification/ viability of the town centre.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not support the application of the R40 density coding at this point in time.	Possible (3)	Minor (2)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Officer Recommendation at this stage as is recommending public advertising of the proposal, noting that Council will be required to make a

					final determination on the density coding after the close of the advertising period and in light of any issues arising from the full assessment of the proposal.
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Comment/Conclusion:

As per Clause 5.3.3 of TPS No. 3 the Council has the ability to determine the density code that is to apply to residential development where proposed in conjunction with other development in the Commercial zone notwithstanding the R25 density code shown on the Scheme map. Accordingly, prior to advertising and formal consideration of the Development Application, the Council is required to determine an appropriate density code that is to apply.

In determining the appropriate density coding that is to apply to this particular proposal, the following matters are raised for preliminary consideration:

- Under the R25 Coding, as per Table 1 of the R-Codes (refer Attachment 8.1.3b), the maximum permissible number of dwellings (single house, grouped or multiple dwellings) that could be accommodated on site (with a lot size of 1163m²) is three (3). The current application is seeking approval for two (2) x grouped dwellings.
- Under the current application an R40 density coding would need to be applied to meet the minimum residential site area for grouped dwellings specified under Table 1 as follows:

	R25 required	R40 required	Proposed
Minimum Site Area per Dwelling	300m ²	180m ²	200m ²
Average Site Area per Dwelling	350m ²	220m ²	345.66m ² (based on equivalent 2/3 share of common property)

- Although the Shire can vary built form standards of the R-Codes to accommodate such development under an R25 Coding, the R-Codes do not allow the Shire to vary the prescribed minimum site area requirements.
- The proposed grouped dwellings will exceed the minimum outdoor living and open space requirements applicable under the current R25 Coding.
- Building height limits remain consistent across both the R25 and R40 density codes, allowing for two storey development as of right.
- In the context of the current proposal, the R40 coding does not seek to alter the building bulk, size or dwelling yield from that which could otherwise be accommodated under an R25 Coding. The reduced residential site areas are cognisant of additional land take necessary to accommodate the commercial component of the mixed use development associated with commercial parking, deliveries, refuse storage and disability access.
- The Council has previously supported an R40 density coding as part of 'The Gables' mixed use development at No.3 Strickland Street, Denmark), albeit that this was to facilitate residential development in a multiple dwelling configuration (as was residential development above commercial development).
- In assessing the current proposal having regard to building bulk, scale and height only, it is considered that the proposal represents a reasonable development outcome within the context of the town centre, facilitating a greater variety of dwellings to service future community needs and supporting new commercial ventures which will promote activation at the southern end of Strickland Street.

Having regard to the above matters, Planning Services recommend that Council acknowledge that the R25 Coding could be a limiting factor, and that an R40 density coding will provide an opportunity for commercial development in conjunction with a residential component to be considered on-site.

As the application is first required to be advertised for public comment prior to determination (given that the 'small bar' component is a "Use Not Listed" in TPS No. 3) a full assessment of the application has yet to be completed to ascertain the suitability of the form of development and compliance with relevant provisions of TPS No. 3 and the R-Codes. It is therefore recommended that Council first consent to advertise the proposal as presented and formally determine the applicable density code in context of a full planning assessment and review of submissions received.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.3
MOVED: CR GIBSON	SECONDED: CR OSBORNE
<p>That with respect to the development application for the proposed Small Bar/Restaurant and Two x Grouped Dwellings on No. 89 (Lot 34) Strickland Street, Denmark, Council:</p> <ol style="list-style-type: none"> 1. Advertise the development proposal for a minimum period of 21 days in light of the 'Small Bar' component of the development being a 'Use Not Listed' as per Town Planning Scheme No. 3 and the proposed R40 density coding to apply, with the application to be referred back to Council accordingly for final consideration; and 2. Advise the proponent that a full assessment of the development application having regard to the relevant provisions of Town Planning Scheme No.3, the Residential Design Codes and any submissions received on the proposal will be undertaken in due course – with the 'R40' density code forming the basis for the assessment considerations. 	
CARRIED UNANIMOUSLY: 8/0	Res: 060218

8.1.4	SCHEME AMENDMENT 145 – REMOVAL OF CONDITION XXIV) FROM THE "TOURIST (T1)" ZONE PROVISIONS – NO. 429 (LOT 2) MOUNT SHADFORTH ROAD, SHADFORTH
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File Ref:	TPS3/SA145 (A5668)
Applicant / Proponent:	Williams Consulting on behalf of Bennett Range Pastoral Co. P/L
Subject Land / Locality:	No.429 (Lot 2) Mount Shadforth Road, Shadforth
Disclosure of Officer Interest:	Nil.
Date:	5 February
Author:	Jasmine Tothill, Senior Town Planner
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.4a – Scheme Amendment 145 Report 8.1.4b – Current Special Provisions/Conditions of Tourist Use applicable to the "Tourist (T1)" zone

Summary:

Planning Services have received a request to initiate an Amendment to Town Planning Scheme No.3 (TPS No. 3) by removing Condition xxiv) (Condition 24) from the current "Tourist (T1)" zone (Karri Mia) provisions that relate to No. 429 (Lot 2) Mount Shadforth Road, Shadforth (referred to in the T1 zone provisions as Lot 84 (proposed Lot 2)).

Condition 24, prohibits the creation and sale of individual strata lots intended to accommodate a permanent residence and holiday accommodation units without a holiday accommodation unit

first being. This has proven overly restrictive in allowing the release of further strata lots, limiting investment and development of the site.

Having due regard to the relevant provisions of TPS No. 3 and the Shire's adopted Local Planning Strategy (2011), it is recommended that Scheme Amendment No. 145 be initiated.

Background:

Current Application

A request to initiate a Scheme Amendment to TPS No. 3 to remove Condition xxiv) from the current "Tourist (T1)" zone provisions was lodged with Planning Services in November 2017.

Attached at Attachment 8.1.4a is the Scheme Amendment 145 report.

Scheme Amendment Request (SAR)

At the Ordinary Meeting of Council held on 17 October 2017, Council resolved as follows (Res No. 041017):

That with respect to the Scheme Amendment Request to remove Condition xxiv) from the "Tourist (T1)" zone provisions as they relate to No.429 (Lot 2) Mount Shadforth Road, Shadforth, Council resolves to in-principally support the proposal.

Consultation:

In accordance with *the Planning and Development (Local Planning Schemes) Regulations 2015*, a 'standard amendment' (refer explanation under 'Statutory Obligations') is required to be subject to public advertising for a minimum period of 42 days once the Environmental Protection Authority have considered the Scheme Amendment.

Statutory Obligations:

- *Planning and Development Act 2005* – TPS No. 3 is an operative Local Planning Scheme under the Act;
- Town Planning Scheme No. 3 – No. 429 (Lot 2) Mount Shadforth Road, Shadforth is currently zoned Tourist with Special Provisions detailed under Appendix XIII (13) of the Scheme applicable; and
- *Planning and Development (Local Planning Schemes) Regulations 2015* provide for complex, standard and basic amendments. Having regard to Regulation 34, Amendment No.145 is considered to be a standard amendment for the following reasons:
 - (i) *The amendment is consistent with the objectives identified in the scheme for the Tourist zone;*
 - (ii) *The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and*
 - (iii) *The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*

Policy Implications:

The following Town Planning Scheme Policies and Council Policies are relevant and have been taken into account as part of Planning Services consideration of the proposal:

- P130201: Tourism Policy
- Town Planning Scheme Policy No.46: Karri Mia Tourist Zone Design Guidelines

WAPC Planning Bulletin 83/2013: Planning for Tourism (January 2013) is generally relevant to this application and has been considered as part of Planning Services consideration of the proposal.

Budget / Financial Implications:

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

Strategic & Corporate Plan Implications:

The site is designated 'Tourist' in the Shire of Denmark's Local Planning Strategy (2011). The proposal is consistent with one of the key planning objectives in the Local Planning Strategy "To encourage eco-tourism and facilitate new tourism developments and choices of tourist accommodation types to enhance the Denmark Shire as a destination of choice for visitors."

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

Denmark Strategic Community Plan 2027

E1.0 Our Economy

We are an attractive location to live, invest, study, visit and work

E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.

B3.0 Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

B3.5 To have diverse and affordable housing, building and accommodation options.

Corporate Business Plan

3.2.6 Provide supportive planning and development guidance on appropriate major land developments.

3.7.1 Continue to support new sustainable tourism development (across accommodation, activity, attraction, amenity, access sectors) that will contribute to growth in tourism; as well as supporting improvements to existing tourism.

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

Sustainability Implications:➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

Tourism is a significant contributor to Denmark's economy.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not initiate Scheme Amendment No.145	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Scheme Amendment No.145 proposes to delete Condition 24 from the Special Provisions applicable to the Tourist (T1) zone – refer Attachment 8.1.4b for the current “Tourist (T1)” zone provisions that relate. The effect of Condition 24 has been to preclude further strata subdivision from occurring in the absence of a tourist accommodation unit having first been constructed.

Condition iii(b), which is also applicable to the Tourist (T1) zone is to be retained and will ensure that short stay accommodation units are established in conjunction with, or prior to, construction of a permanent residence on each strata lot. This will ensure that future strata lots are not created solely for permanent residential occupation and the purpose and intent of the Tourist zone under TPS No. 3 is maintained.

It is recommended that Council initiate Scheme Amendment No.145 to TPS No. 3 accordingly.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.4
MOVED: CR ALLEN	SECONDED: CR LEWIS
That with respect to the request to initiate a Scheme Amendment to remove Condition xxiv) from the Tourist (T1) zone provisions as they relate to No.429 (Lot 2) Mount Shadforth Road, Shadforth, Council:	
<ol style="list-style-type: none"> 1. Pursuant to Section 75 of the Planning and Development Act 2005 initiate Town Planning Scheme No. 3 Amendment No. 145 by: <i>Removing Condition xxiv) from the ‘Tourist (T1)’ zone provisions as it relates to No.429 (Lot 2) Mount Shadforth Road, Shadforth</i> 2. Determine that Town Planning Scheme No. 3 Scheme Amendment No. 145 is a ‘Standard Amendment’ as per the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> as: <ul style="list-style-type: none"> • The amendment is consistent with the objectives identified in the scheme for Tourist zone; • The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and • The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area. 3. Refer Town Planning Scheme No. 3 Scheme Amendment No. 145 to the Environmental Protection Authority in accordance with Section 81 of the <i>Planning and Development Act 2005</i>. 4. Resolve to proceed to advertising of Town Planning Scheme No. 3 Amendment No. 145 as per Regulation 47 of the <i>Planning and Development Act (Local Planning Schemes) Regulations 2015</i>. 	
CARRIED UNANIMOUSLY: 8/0	Res: 070218

Prior to consideration of Item 8.1.5, Cr Gearon declared that her partner is a Manager of the Denmark Community Resource Centre and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declared that she will consider this matter on its merits and vote accordingly.

8.1.5 COMMUNITY GARDEN PROPOSAL – MORGAN RICHARDS COMMUNITY CENTRE	
File Ref:	ORG.68, A3048, A5729
Applicant / Proponent:	Denmark Community Resource Centre Inc.
Subject Land / Locality:	No 2 (Lot 228) Strickland Street Denmark
Disclosure of Officer Interest:	Nil
Date:	6 February 2018
Author:	Donna Sampey, Sustainability Officer
Authorising Officer:	Annette Harbron, Director Sustainable Development
Attachments:	8.1.5a – Establishment of a Community Garden at the Rear Garden Area at the Community Resource Centre Letter 8.1.5b - Conceptual Layout of Proposed Denmark CRC Community Garden 8.1.5c – Community Garden Memorandum of Understanding 8.1.5d – Community Garden Area Map

Summary:

The Denmark Community Resource Centre (CRC), in conjunction with Green Skills Inc., seeks to establish a community garden adjacent to the Morgan Richards Community Centre. Council is requested to endorse public advertising of the proposal and acknowledge lease amendments will be required for future Council endorsement.

Background:

Community gardens are places where people come together to grow fresh food, to learn, relax and make new friends. Sharing land to grow food and other plants builds a sense of place and community. The benefits of community gardening include:

- easy access to fresh, nutritious food.
- a sense of achievement that comes through growing some of your own food needs.
- making friends with people in the community.
- learning the skills of gardening, shared decision making and cooperation, all of which are necessary to successful community gardens.
- healthy outdoor exercise.
- participating in a constructive and productive recreational activity.
- improving the local environment.

The Shire has been promoting the establishment of a community garden since 2013. Since this time, staff efforts have focussed on encouraging a community group or group of individuals to champion the concept and lead its establishment, with the support of the Shire’s Sustainability Officer. In the past, potential garden sites have also been informally discussed by Council, with early support given to garden sites at Reserve 41456 Kwoorabup Community Park and the Morgan Richards Community Centre, which are both managed by the Shire.

In January 2017, the CRC and Green Skills conducted initial consultation and planning for a proposed community garden at the Morgan Richards Community Centre via a community workshop (refer Attachment 8.1.5a for workshop outcomes). Shire staff presented the concept to Council at the 14 February 2017 Concept Briefing forum, where in-principle support was provided, subject to further information being provided. Shire staff have subsequently worked with the CRC to progress the concept such that a formal proposal and Memorandum of Understanding between

the CRC and Green Skills for the garden's operation was developed in December 2017 and submitted to the Shire for consideration by Council in order to progress the project (refer Attachment 8.1.5b and 8.1.5c) and potentially commence applying for grant funding to enable construction.

The CRC and Green Skills community garden proposal is summarised below:

- Location: northern side (rear) of the Morgan Richards Community Centre building (refer Attachment 8.1.5d).
- Land tenure: the proposed location is outside of the current CRC lease boundary, and so currently lies within land at No 2 (Lot 228) Strickland Street, managed by the Shire. As part of the proposal, the CRC seek a lease boundary realignment to include the proposed garden area.
- Size: approximately 800 m².
- Management: the community garden will be managed by Green Skills in accordance with an MOU with the CRC, as proposed leaseholders of the land. A garden working group, made up of a representative from the CRC and Green Skills and community garden members will be responsible for the day-to-day running and governance of the garden.
- Membership: the garden will be available to all of the community, who join as members of the community garden. Raised garden beds of varying heights suitable for use by people with disabilities and the elderly are proposed. Management of the garden will be shared amongst members ie. no allotments or plots allocated to individuals.
- Funding: construction of the garden will predominantly rely on external grant funding, with some contribution by the CRC. The CRC have requested Shire assistance in initial earthworks. Some produce (potted plants) from the garden may be sold to assist in ongoing garden maintenance. A small fee for members may be charged (for those with the means) to assist in meeting maintenance costs.
- Purpose: to teach children and families about growing fresh vegetables. The garden will enhance the wellbeing of the community and the environment of the area. Busy bees and workshops will be regularly held at the garden.
- Public safety: Once established, the garden working group will develop its own induction package, which will include health and safety requirements. The garden area and its operation will be included in the CRC's existing public liability insurance.
- Environmental safety: the garden will predominantly operate using organic methods. The CRC and Green Skills will be responsible for controlling any water runoff on the sloping site.
- Maintenance: the garden will be managed by the working group, which will have a democratic decision making process. Operation will adhere to the Denmark CRC's constitution.
- Infrastructure: raised garden beds, potting/tool shed, rainwater tank, seating area/gazebo, compost bays. Garden members will be able to utilise the CRC's toilets, kitchen (by prior arrangement) and seating area.
- Appearance: the area for the planned community garden is currently unkempt, with derelict small building pads. The proposal plans to give the area a productive use and increase its aesthetics. The area will not be fenced.

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.

The CRC conducted initial consultation with interested community members at its garden planning workshop held in January 2017. The workshop was attended by the CRC, Green Skills, Shire of Denmark (Sustainability Officer), Denmark Men's Shed and community members (11 attendees in total). Proposed garden design and operation has been drafted in consultation with a local organic gardening consultant (Neal Collins).

The CRC has also conducted initial informal consultation with surrounding landholders on Scotsdale Road, who appear to have cited no objections.

The Officer recommends public advertising of this proposal occurs and be:

- Public advertising period for a minimum period of 30 days.
- Advertising notice to be published in the Denmark Bulletin inviting public comment.
- Advertising notice inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public advertising period.
- Referral to the Department of Planning, Lands and Heritage (Heritage) inviting comment.
- Referral to key external stakeholders inviting comment (including but not limited to):
 - Over 50's Association
 - Neighbouring landowners
 - Denmark Arts
 - Denmark Historical Society.

After the advertising period has concluded, Shire staff will review the submissions received and make recommendations to Council when considering the proposed community garden for final endorsement.

Statutory Obligations:

The Morgan Richards Community Centre building, as the former Denmark District Hospital, is listed on the State Register of Heritage Places (place number 14171). As such, the *Heritage of Western Australia Act 1990* applies to any changes of use or development of the land and buildings. Preliminary advice received from the State Heritage Office by the CRC indicates that development of a garden and associated infrastructure (sheds etc) at the rear of the heritage-listed building is unlikely to impact on heritage values. Note that Shire staff will conduct further consultation with the Department of Planning, Lands and Heritage during the public comment period and legislative requirements will be included in Shire approvals prior to garden construction.

Policy Implications:

The Morgan Richards Community Centre building, as the former Denmark District Hospital, is listed in the *Shire of Denmark Municipal Heritage Inventory* (2011). As such, impact of the proposed garden and associated infrastructure on local heritage values of the building will need to be considered during stakeholder consultation and Shire approvals prior to garden construction. Noting that the *Adaptive Re-Use Study and Conservation Plan* for the site references that the three storage sheds on the northern side of the CRC building are intrusive elements to the heritage nature of the site and should be removed. A couple of trees (non-local native) have also been proposed for removal to assist in construction of the garden and provision of light, which may have impact on heritage values (landscaping).

Some of the proposed infrastructure eg. sheds, gazebo, rainwater tank, will require development approval and building permit in accordance with the Shire's *Town Planning Scheme No. 3* and the *Building Act 2011*. The use is consistent with the *Town Planning Scheme* (Parks and Recreation).

Unlike many other larger Councils, the Shire does not have a specific Community Gardens Policy. Any further applications for establishment of a community garden on public land may necessitate the compilation of a specific policy to provide detailed guidance and streamline the application process for the applicants and Shire staff alike.

Budget / Financial Implications:

There are no significant financial implications in undertaking public advertising and lease considerations for the community garden proposal. Advertising costs will be covered within the existing 2017-18 Municipal Budget.

Strategic & Corporate Plan Implications:

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

Denmark 2027**B3.0 Our Built Environment**

We have a functional built environment that reflects our rural and village character and supports a connected, creative and active community.

B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community.

B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.

C4.0 Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit.

C4.1 To have services that foster a happy, healthy, vibrant and safe community.

C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature.

Corporate Business Plan

1.1.1 Advocate for the provision of services and facilities that meet the needs of the community.

1.2.5 Maintain and plan parks, gardens, recreational areas and open space at standards acceptable to the community.

Sustainability Implications:**➤ Governance:**

The CRC's lease boundary will need to be modified to include the proposed community garden area (refer Attachment 8.1.5d). Proposed lease changes will be negotiated further with the CRC and drafted for Council's future consideration. Note that the term of the current lease is 5 years, expiring on 31 October 2020. Grant programs often require security of tenure as a requirement for funding. Hence, the duration of the tenure may need to be reconsidered and the CRC have currently requested a ten year extension from the present date.

➤ Environmental:

The proposed garden will be managed predominantly as an organic enterprise, which minimises the risk of chemical runoff and pollution of soil, groundwater and the nearby Millars Creek. Composting of green waste will minimise contribution to landfill. Rainwater tanks are proposed (dependant on funding) to decrease reliance on scheme water for irrigation. Given the sloping nature of the site, adequate management of surface water runoff will need to be demonstrated as part of the approval process.

➤ Economic:

All construction, operating (including electricity and water) and maintenance costs will be borne by the CRC and/or Green Skills in accordance with their signed MOU. Grants of up to \$10,000 are available annually (currently) through the Department of Communities' Community Gardens Grants Program. The funding can cover planning, design, workshops and training, governance,

promotion and engagement, monitoring, volunteer capacity building, consumables and infrastructure. Other external funding opportunities may also exist.

In the Concept document (refer Attachment 8.1.5b), the CRC has proposed in-kind Shire contribution to site clean-up and earthworks. This would need to be considered in light of available resources and within funding available through the Shire’s Annual Municipal Budget. The CRC and Green Skills should primarily be directed to the Shire’s Community Financial Assistance Grants for funding assistance towards the community garden establishment and ongoing operation and maintenance, if required.

➤ **Social:**

The proposed community garden seeks to provide gardening opportunities inclusive of the disabled and elderly. It will provide a networking opportunity for the local community and enhance skills related to gardening, food production and governance (being part of an organised group). The planned workshops will provide additional educational opportunities to the wider community, without necessarily becoming a member of the garden. Some produce from the garden will also be given to local people in need.

➤ **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)
Council does not support the community garden proposal	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation OR make substantial changes to the proposal in consultation with the CRC and Green Skills

➤ **Comment/Conclusion:**

While residential lot sizes in Denmark generally already allow private gardens (in contrast to Metropolitan Perth), the benefit of a community garden extends to social benefits, providing opportunities for the disabled or elderly to garden in raised beds, and educational opportunities.

At the February 2017 Concept Briefing Forum, Council required consideration of the adaptive reuse of existing buildings and infrastructure on-site, rather than the building of new/additional sheds for the garden.

There is limited financial support expected from the Shire, except perhaps through the existing community grants scheme. In-kind support may be provided to the garden by the Sustainability Officer, where required and available eg. garden promotion.

Inconsistencies in the Concept and MOU (refer Attachment 8.1.5b and 8.1.5c) have been clarified by Green Skills as per the following:

- The CRC will invoice Green Skills for power and scheme water used by the community garden.
- Produce from the garden will be consumed by members. Potted plants may be sold from the garden and the proceeds allocated towards operational costs.
- It is proposed that the community garden area will be included in an amended lease to the CRC. Green Skills will manage the garden area under a MOU with the CRC, not under a sub-lease arrangement.
- Boundary fencing will not be installed around the community garden area.

Prior to public advertising commencing, the Concept and MOU will be revised to reflect these amendments.

Negotiations regarding the form of the lease amendments to the CRC are required prior to accepting the final community garden proposal. The CRC have requested Shire staff consider extension of the lease timeframe beyond 2020, specifically, 10 years from the current date of lease revision, in order to ensure longevity of the garden and meet the funding guidelines of the Community Gardens Grants Program (for example). These negotiations will be investigated by Shire staff and presented to Council for endorsement at a subsequent meeting.

Voting Requirements:

Simple majority.

<p>COUNCIL RESOLUTION & OFFICER RECOMMENDATION MOVED: CR ALLEN</p>	<p>ITEM 8.1.5 SECONDED: CR WHOOLEY</p>
<p>That with respect to the proposed community garden at the rear of the Morgan Richards Community Centre, subject to the Concept and Memorandum of Understanding being amended as per the comment in the Officer's report to Council, Council:</p> <ol style="list-style-type: none"> 1. Seek public comment as per the following: <ol style="list-style-type: none"> a. Public advertising period for a minimum period of 30 days. b. Advertising notice to be published in the Denmark Bulletin inviting public comment. c. Advertising notice inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and the Shire's website for the duration of the public advertising period. d. Referral to the Department of Planning, Lands and Heritage (Heritage) inviting comment. e. Referral to key external stakeholders inviting comment (including but not limited to): <ul style="list-style-type: none"> • Over 50's Association • Neighbouring landowners • Denmark Arts • Denmark Historical Society. 2. Acknowledges that lease amendments will be required to be progressed further as part of, or following, Council's final consideration of the proposal following the public advertising period. <p>CARRIED UNANIMOUSLY: 8/0 Res: 080218</p>	

8.2 Director Infrastructure and Assets
 Nil

8.3 Director Corporate and Community Services

8.3.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 DECEMBER 2017
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File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	5 February 2018
Author:	Scott Sewell, Acting Accountant
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	8.3.1 – December 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 adopted 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:

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

4.4.12 Provide Statutory and other relevant information to internal and external stakeholders on a timely basis.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or	Accept Officer Recommendation

				Compliance Requirements	
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

Comment/Conclusion:

As at 31 December 2017 total cash funds held total \$14,610,503 (Note 4).

Shire Trust Funds total \$198,121.

- \$181,179 of this is invested for 6 months with the National Bank, maturing 18 June 2018 at the quoted rate of 2.40%.

Reserve Funds (restricted) total \$10,144,752

- \$7,108,407 of this has been placed on investment for 30 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$3,036,345 has been invested with the National Bank, maturing 24 March 2018 at the quoted rate of 2.35% and
- \$591,432 has been invested with the National Bank, maturing 3 May 2018 at the quoted rate of 2.45%.

Municipal Funds (unrestricted) total \$3,676,197

- \$2,709,264 of this is invested with the National Bank, maturing on various dates up to the 22 March 2018 at an average rate of 2.26% (refer note 4 for detail).

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent mid- year budget review amendments identified (Note 5), the 30 June 2018 end of year position is estimated to be \$0 as per budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is in line with that predicted for 31 December 2017 (Statement of Financial Activity).
- Rates Collection percentage of 74.86% is in keeping with historical collection rates (Note 6).
- The 2017/18 Capital Works Program is 13.95% complete utilising actual year to date figures and total committed cost is 26.17% at 31 December 2017 (Note 12).
- Various transfers to and from Reserve Funds have not been made for 2017/18 and are generally undertaken in the latter half of the financial year, depending on specific projects to which these transfers relate.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.3.1
MOVED: CR GIBSON	SECONDED: CR OSBORNE
That with respect to Financial Statements for the month ending December 2017, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for December 2017 as listed.	
CARRIED UNANIMOUSLY: 8/0	Res: 090218

8.4 Chief Executive Officer

8.4.1 APPOINTMENT OF COMMUNITY MEMBERS ON COUNCIL COMMITTEES AND WORKING GROUPS AND THE SOUTH COAST MANAGEMENT GROUP

File Ref:	Various
Applicant / Proponent:	Various
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	5 February 2018
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.1a – Community Member Nominations 8.4.1b – Committee & Working Group Charters

Summary:

This report recommends that Council appoint community members to a number of Council Committees and Working Groups and the South Coast Management Group.

In addition, it is recommended that Council consider amending the Disability Services Advisory Committee’s Charter to reflect the new organisational structure.

Background:

Following the meeting held on 21 November 2017, community member vacancies were advertised for the following Council Committee and Working Groups and the South Coast Management Group:

Committee / Working Group	Number of Vacancies
Audit Advisory Committee	3
Cemetery Advisory Committee	3
Disability Services Advisory Committee	5
Lights Beach Concept Plan Working Group	2
Paths and Trails Development Plan Working Group	2
Sustainability Strategy Working Group	7
South Coast Management Group	2

Advertising commenced on 12 January 2018 (Denmark Bulletin from 18 January 2018) with the closing date being 2 February 2018.

Consultation:

The vacant Community Member positions were advertised in the Denmark Bulletin, Shire of Denmark Notice Boards, Website and Facebook page.

Statutory Obligations:

Section 5.10 of the Local Government Act 1995 relates to the appointment of committee members.

“5.10. Committee members, appointment of

- (1) A committee is to have as its members —
- a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- a) to be a member of the committee; or
 - b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.”

Policy Implications:

Policy P040235 - Presiding Members of Council Committees relates and reads as follows;

Objectives

- To maximise the adherence of Council Committees and Working Groups to adopted policies and procedures;
- To maximise the likelihood of Council Committees and Working Groups having continuity of a Presiding Person for the duration of its term; and
- To maximise the efficiency and effectiveness of Committees and Working Groups by ensuring that the Chairperson has the appropriate training and support.

Policy

Wherever there is one or more Elected Members appointed to a Council Committee or Working Group, then it is Council Policy that the members of the Committee should elect one of those Elected Members to the role of Presiding Person.

A Presiding Person, and if required a Deputy, is to be elected using the same method as detailed in Section 5.12 of the Local Government Act 1995.

A deputy of a member of a Committee or Working Group may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause and a deputy of a member of a Committee or Working Group, while acting as a member, has all the functions of and all the protection given to a member (Section 5.11A of the Local Government Act 1995).”

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:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively management Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.3 To be decisive and to make consistent and well considered decisions.

Corporate Business Plan

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.*

4.2.2 *Ensures that agendas and minutes are prepared and Council and Committee meetings are held in accordance with the appropriate legislation, Local Law, policies and corporate standards.*

4.4.6 *Support strategic alliances, community groups, stakeholder forums and advisory committees that assist the Shire in policy development and service planning.*

Sustainability Implications:

➤ **Governance:**

Council Committee and Working Groups provide consultative structure to assist the Council with its decision making and its delivery of projects and provision of services and facilities.

➤ **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:**

Community members on Council Committees and Working Groups provide an important ‘community’ perspective on Council functions, service provisions and strategic direction.

➤ **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 choose not to appoint Community Members.	Rare (1)	Minor (2) Apart from the Disability Services Committee where there would fail to be a quorum if community members were not appointed.	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

Copies of the nominations are attached (refer Attachment 8.4.1a). Copies of the Committee Charters and Working Group Terms of References are attached as Attachment 8.4.1b.

Where there are fewer nominations than vacant positions Council have the option to;

- Appoint the members who have nominated and advertise for the outstanding vacant positions; or
- Appoint the members who have nominated and amend the Committee Charter(s) or Working Group Terms of Reference to reduce the number of community member vacancies; or
- Not appoint members and re-advertise all or some of the positions.

Committee / Working Group	Number of Vacancies	Number of Nominations Received	Nominees
Audit Advisory Committee	3	Nil	-
Cemetery Advisory Committee	3	1	Beth Franz OAM
Disability Services Advisory Committee	5	3	Anwen Handmer Peter Boyes Adrian Hinds
Lights Beach Concept Plan Working Group	2	Nil	-
Paths and Trails Development Plan Working Group	2	4	Gail Guthrie Graham Townley Roslyn Burnside John Schindler
Sustainability Strategy Working Group	7	7	Mavis Jones Jesz Fleming Julie Marsh Donald Clarke John Schindler Adrian Hinds Zak Launay
South Coast Management Group	2	2	Mavis Jones Donna Carman

Given there are only two Community Member vacancies but four nominations on the Paths and Trails Development Plan Working Group, Council have the option to select their two preferred members, based on the information contained in the nominations or increase the number of community members in the Working Group’s Terms of Reference.

Disability Services Advisory Committee

Disability Services for the Shire of Denmark, including the development, review and implementation of the Shire’s Disability Access and Inclusion Plan (DAIP) has been undertaken by the Governance Directorate (Executive Assistant) since 2012, as was Seniors Services. This was done at the time, given that there were many closely aligned objectives of disability and seniors services, mostly associated with accessibility. Following the recent restructure of the organisation, seniors and disability services has now been transferred to the Corporate and Community Services Directorate.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1a
MOVED: CR LEWIS	SECONDED: CR OSBORNE
That with respect to the nominations received for Community Member vacancies on Council Committees, Working Groups and the South Coast Management Group, Council:	
1. Appoint the following community members;	
a) Beth Franz OAM to the Cemetery Advisory Committee and advertise for the remaining two vacancies;	
b) Anwen Handmer, Peter Boyes and Adrian Hinds to the Disability Services Advisory Committee and advertise for the remaining two vacancies;	
c) Graham Townley and Roslyn Burnside to the Paths and Trails Development Plan Working Group and thank the other two nominees for their interest;	
d) Mavis Jones, Jesz Fleming, Julie Marsh, Donald Clarke, John Schindler, Adrian Hinds and Zak Launay to the Sustainability Strategy Working Group;	
e) Mavis Jones and Donna Carman to the South Coast Management Group.	
2. Advertise locally and seek nominations for the remaining vacancies for the following committees:	
a) Audit Advisory Committee; and	
b) Lights Beach Concept Plan Working Group.	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 8/0	Res: 100218

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1b
MOVED: CR GIBSON	SECONDED: CR ALLEN
That Council amend Clause 8.11 of the Disability Services Advisory Committee Charter by changing the Secretary from Chief Executive Officer or nominee to Director Corporate and Community Services or nominee.	
CARRIED UNANIMOUSLY: 8/0	Res: 110218

6.06pm - Public Question Time

The Shire President stated that the second public question time would commence & called for questions from members of the public.

Mr Brian Humphries - Tourism

Mr Humphries referred to the confidential item on the Agenda and specifically the Churchill report on the proposed Destination Marketing Organisation.

The Chief Executive Officer advised that at this time the report was confidential and the Shire had no rights to release it to the public.

Mr Humphries asked whether consideration could be made to setting up a local tourism group to contribute to any review of the Shire's tourism strategy which was key to the town's development.

The Chief Executive Officer responded that the Council's Lower Great Southern Economic Alliance Delegates had already discussed groups driving the Destination Marketing Organisation and it had been determined that it would be desirable in the next phase of the project. Mr Parker said that this would essentially mean that there would be a binding requirement of the Destination Marketing Organisation to have locally based sub-committees.

Mr Humphries said that he was specially referring to the establishment of a Tourism Working Group of Council which could provide input into the tourism aspects of the Local Planning Strategy.

The Chief Executive Officer said that there had been discussions about obtaining local input into local tourism marketing.

The Shire President added that she would encourage any local groups to continue working in the tourism space to be able to provide input once the Destination Marketing Organisation structure was fully understood.

Mr Brian Humphries – Differential Rating

Mr Humphries asked whether the Director Corporate and Community Services could address the Denmark Chamber of Commerce's sub-committee to explain differential rating.

The Shire President responded that they would see what could be organised.

8.4.2 2016/17 ANNUAL REPORT & ANNUAL ELECTORS MEETING
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File Ref:	FIN.31
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	11 February 2018
Author:	Teiga Murray, Corporate Planning Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	8.4.2 - 2016/17 Draft Annual Report including Annual Financial Report Management Letter

Summary:

The purpose of this report is to accept the Shire of Denmark 2016/17 Annual Report, including the Annual Financial Statements and Audit Report and to set a date for the Annual Electors meeting.

Background:

Each Local Government is to prepare an Annual Report for each financial year. The Annual Report is a record of the Council's activities for the financial year and forms part of the accountability principles established for Local Government.

Consultation:

Shire of Denmark Audit Advisory Committee.
Lincolns Chartered Accountants.

Statutory Obligations:

- Local Government Act 1995
 - Subdivision 4 Electors' Meetings
 - Section 5.27 (1) & (2)
 - Section 5.29 (1)
 - Division 5 Annual Reports and Planning
 - Section 5.53 (1) & (2)
 - Section 5.54 (1) & (2)
 - Section 5.55
 - Section 5.56 (1) & (2)
- Local Government (Financial Management) Regulations 1996.
- Local Government (Administration) Regulations 1996.

Policy Implications:

There are no policy implications.

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 Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.4 To be fiscally responsible.

Corporate Business Plan

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

Sustainability Implications:

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation. The adoption of the Annual Report is a key activity for all Local Governments.

➤ **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)
That Council does not accept the Annual Report and does not set a date for the Annual Electors meeting.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Comment/Conclusion:

Council is required to accept the Annual Report by 31 December following the financial year end, however should the Auditor’s Report not be made available in time to be accepted by 31 December, the Annual Report must be accepted no later than two months after receiving the Audit Report.

The Audit Report was received by the Shire of Denmark on 21 December 2017, and in accordance with Section 5.54(2) of the Local Government Act 1995, is required to be accepted by 21 February 2018.

A copy of the Audit Report including the 2016/17 Annual Financial Statements were forwarded to the Department of Local Government and Communities by Council’s Auditor and by the Director Corporate and Community Services on 22 December 2017.

The Audit Report and Management Letter will be the subject of an Audit Advisory Committee meeting to be held on 20 February 2018, prior to the Ordinary Council Meeting. The Audit Advisory Committee will consider any action that may be required in relation to the Management Letter. Council will consider recommendations from the Audit Advisory Committee meeting during the Ordinary Meeting of Council.

Comments on the financial position of the Shire of Denmark and operational and strategic activities are contained within the draft Annual Report for consideration.

The Annual Electors Meeting must be held within 56 days of accepting the Annual Report with appropriate notice of the meeting given, pursuant to Section 5.27 of the Local Government Act 1995.

The Officer recommends that the date for the Annual Electors meeting be set for Tuesday, 20 March 2018 to coincide with Council’s next Ordinary Meeting date.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.4.2

That Council;

1. Accept the Annual Report including the Annual Financial Report and Audit Report for the 2016/17 year; and
2. Hold the Annual Electors meeting on Tuesday, 20 March 2018 in the Council Chambers, commencing at 7:00pm.

COUNCIL RESOLUTION & ALTERNATE OFFICER RECOMMENDATION **ITEM 8.4.2**

MOVED: CR GIBSON

SECONDED: CR LEWIS

That Council;

1. Acknowledge the resolution of the Audit Advisory Committee meeting, held Tuesday, 20 February 2018, accepting the 2016/17 Annual Financial Statements including the Auditors Report;
2. Accept the Annual Report including the Annual Financial Report and Audit Report for the 2016/17 year; and
3. Hold the Annual Electors meeting on Tuesday, 20 March 2018 in the Council Chambers, commencing at 7:00pm.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 8/0

Res: 120218

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 LOCAL EMERGENCY SERVICES COMMITTEE - SHIRE OF DENMARK LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

File Ref:	ORG.20
Applicant / Proponent:	Shire of Denmark / Local Emergency Management Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	16 January 2018
Author:	Marcus Owen, Community Emergency Services Manager
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	9.1 - Local Emergency Management Arrangements and Appendices

Summary:

This report recommends that Council adopt the updated Local Emergency Management Arrangements (LEMA).

Background:

The LEMA refer to the collection of emergency management documents, systems, processes, agreements and memorandums of understanding which affect a Local Government and its district. The LEMA is the overarching document which assists the Shire of Denmark and its Local Emergency Management Committee (LEMC) to manage emergency responses and processes. The LEMC is then responsible for developing, maintaining and testing these responses and associated processes.

As a requirement of the Emergency Management Act 2005 the Shire of Denmark is to conduct a review of its LEMA either;

- After an event or incident that requires the activation of an Incident Support Group or significant recovery coordination; or
- After training or drills that exercise the arrangements; or
- Every five (5) years; or
- Any other time the Local Government considers appropriate.

It is now five (5) years since the Shire of Denmark has conducted a major review of its LEMA and therefore it is presented to Council for endorsement.

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; concluding that no additional external/internal engagement or consultation is required.

Statutory Obligations:

Under section 36(a) of the Emergency Management Act 2005 all Local Governments within Western Australia are required to ensure that effective Local Emergency Management Arrangements are prepared and maintained for its district.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The 2017/18 budget includes operating expenditure for the printing and distribution of these arrangements, principally for stakeholders and interested persons.

Further to this, the LEMA task the LEMC to strategically review and report on risks associated with emergency management within the Shire. As a result specific projects may be undertaken by Officers to mitigate such risks on behalf of the Shire. Provision has been made for such projects in the 2017/18 adopted Budget.

Should any item require additional funds beyond the 2017/18 Budget, be deemed necessary by the LEMC, Community Emergency Services Manager and Director Corporate and Community Services, then a specific Council Item will be drafted requesting additional funds for this purpose.

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:

Denmark 2027.

N2.1 To preserve and protect the natural environment

C4.1 To have services that foster a happy, healthy, vibrant and safe community

Corporate Business Plan.

1.7.3 Support the functions of Community Emergency Services in achieving required actions and goals.

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.

1.7.6 Develop partnerships with hazard management agencies to help plan for emergency events.

1.7.7 Consult regularly with community groups regarding volunteer requirements and support initiatives regarding community safety and security.

2.3.1 Support the community in emergency and fire management planning, preparedness, response and recovery.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

Management of vegetation is a contentious and divisive subject for all Local Governments. Understanding the context of community safety and the impact to the environment through risk mitigation strategies, such as hazard reduction burning, must be assessed with knowledge of the related impacts to tourism, perception of community safety and impact to the natural environment, both beneficial and detrimental.

➤ **Economic:**

The establishment of a Risk Management register is a fundamental component of the LEMA. Ongoing funds are required to maintain this register once fully developed.

➤ **Social:**

The establishment of Local Alert and Public Warning Systems is important to provide enhanced standards of public safety. Shire Officers are currently investigating how this is best managed as an action resulting from these arrangements.

The establishment of a Vulnerable Persons register and understanding Special Needs Groups has also been identified as a significant project requiring resourcing.

➤ **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)
LEMA not sufficient to meet Shire and resident needs	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Document Management	Treat through validation by third party
LEMC not sufficiently informed / briefed	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Treat through stakeholder engagement and acceptance / sign off process
Key Shire staff absent	Possible (3)	Moderate (3)	Moderate (5-9)	Providing Inaccurate advice / information	Manage by ensuring documents are developed, maintained and implemented
Key Shire staff not trained / competent	Possible (3)	Major (4)	High (10-16)	Inadequate asset management	Manage by providing resources to assist and checklists
Inadequate resources	Possible (3)	Major (4)	High (10-16)	Inadequate asset management	Treat through asset management plans

Comment/Conclusion:

The Shire of Denmark’s LEMA is required to be tabled at the State Emergency Management Committee meeting in March 2018. In order for this to occur it must first be tabled and noted by the District Emergency Management Committee.

To meet these timeframes the Shire of Denmark LEMC resolved in December 2017 to approve the presented LEMA documents out of session and recommend the document to Council.

Council is therefore asked to accept and adopt the attached arrangements so the following process can occur:

1. Tabled and Noted by District Emergency Management Committee.
2. Noted by State Emergency Management Committee.

Voting Requirements:

Simple majority.

6.17pm – *The Chief Executive Officer left the room.*

COMMITTEE RECOMMENDATION

ITEM 9.1

The LEMC to accept the LEMA out of session.

The LEMA to be presented to Council for adoption at the Ordinary meeting of Council to be held in February 2018 before submission to the State Emergency Management Committee in March 2018.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.1

MOVED: CR SEENEY

SECONDED: CR GIBSON

6.19pm – *The Chief Executive Officer returned to the room.*

That Council accept and adopt the reviewed Local Emergency Management Arrangements as presented in Attachment 9.1.

CARRIED UNANIMOUSLY: 8/0

Res: 130218

9.2	BUSH FIRE ADVISORY COMMITTEE - SHIRE OF DENMARK BUSH FIRE BRIGADES – TRAILER PURCHASE
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File Ref:	FIRE.1
Applicant / Proponent:	Shire of Denmark / Denmark Bush Fire Brigades
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	12 February 2018
Author:	Marcus Owen, Community Emergency Services Manager
Authorising Officer:	Cary Green, Director Corporate and Community Services
Attachments:	9.2 - Recommended quotation

Summary:

This report recommends that Council approve an amendment to the 2017/18 Budget for the capital purchase of an emergency response trailer specifically designed to support the Bush Fire Brigades of Denmark.

Background:

The Shire of Denmark currently has 15 Bush Fire Brigades which manage 23 firefighting appliances. The Bush Fire Service (BFS) Brigades of Denmark accumulate funds from private hazard reduction burns and private donations into a Trust Account managed by the Shire. The current balance of the BFS Trust fund account is \$10,792.00.

In June 2017 the Bush Fire Advisory Committee (BFAC) resolved to purchase a fire equipment trailer which would support and benefit all Brigades across the Shire on the following conditions:

1. That sufficient funds were available to finish the Command and Support Vehicle and;
2. The trailer must be manufactured in Australia and be fit for purpose.

The purpose of the trailer is to house and transport a 10,000 litre collapsible water tank, associated fittings, road safety signs, eskies for drinking water, food and beverage supplies, fuel, first aid equipment and other operational items. The specifically designed and built trailer will greatly enhance response time and effectiveness of fire crews by providing on site water storage and Volunteer Fire Fighting supplies.

The following resolution is from the June 2017 of the Bush Fire Advisory Committee.

“That BFAC recommends that following the completion of the Command Vehicle project, purchase and fit out, the next project be to acquire and fit out a Fire Equipment Trailer utilising remaining and future funds raised from hazard reduction burns and that if a new trailer is purchased that it be made in Australia from Australian materials if possible.”

The Community Emergency Services Manager (CESM) attempted to acquire a trailer through DFES to meet the purpose outlined. Unfortunately DFES had no assets that were surplus to needs that were suitable and fit for purpose.

Consultation:*Bush Fire Advisory Committee*

The Denmark Bushfire Advisory Committee is the peak body for the Bush Fire Brigades in Denmark and represents the interests of its members.

The Officer has considered the requirement for further consultation and/or engagement with persons and/or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework has been satisfied; concluding that no additional external/internal engagement or consultation is required.

Statutory Obligations:

Nil

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There is no provision in the 2017/18 Budget for the purpose of acquiring a specialised trailer to support the Denmark Bush Fire Brigades. However funds have been accumulated in the BFS Trust Account which is appropriate for the purposes of supporting firefighting efforts in the Shire of Denmark. It is therefore suggested that Council, approve an amendment to the 2017/18 Budget for the capital purchase of \$10,750 for an emergency response trailer specifically designed to support the Bush Fire Brigades of Denmark funded from the Bush Fire Services Trust Account.

In purchasing a trailer there will be ongoing recurrent expenditure for Licence, insurance, registration, repairs and maintenance. These operating costs can be covered in the 2017/18 budget, however they will need to be accommodated for in future budget considerations.

The trailer will be housed at one of the Shire's existing fire appliance sheds and there are not expected to be any recurrent costs associated with storage.

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:

Denmark 2027

N2.1 To preserve and protect the natural environment

C4.1 To have services that foster a happy, healthy, vibrant and safe community

Corporate Business Plan

1.7.3 Support the functions of Community Emergency Services in achieving required actions and goals.

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.

1.7.6 Develop partnerships with hazard management agencies to help plan for emergency events.

1.7.7 Consult regularly with community groups regarding volunteer requirements and support initiatives regarding community safety and security.

2.3.1 Support the community in emergency and fire management planning, preparedness, response and recovery.

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

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

➤ Economic:

There are no known significant economic considerations relating to the report or officer recommendation other than that listed under budget / financial implications.

➤ **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)
Trailer design not appropriate or fit for purpose	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Supplier / Contract Management	Manage by Shire Staff being responsible for supplier brief and engagement
Design / Scope changes leading to cost escalation	Unlikely (2)	Minor (2)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Control through involving all stakeholders before progressing to construction. ...

Comment/Conclusion:

There has been no budget account created for the procurement of this asset, therefore it requires Council to adopt the Officer recommendation in order to access the required funds from the BFS Trust account.

The Chief Bush Fire Control Officer, representing BFAC, has received two quotations for purchasing the required trailer.

Quote 1 (Attachment 9.2) - GT Fabrication \$9,130 (including GST).

Quote 2 - Contach Metal Industries & Albany Campers \$17,455 (including GST).

The Chief Bush Fire Control Officer, representing BFAC, has proposed accepting Quotation 1.

The proposal by BFAC is a sound and well considered request. The request appears to have the support of the membership and the benefits of the proposal are consistent with the Trust accounts purpose. The Officer therefore supports the request by BFAC and offers the following recommendation for consideration.

Voting Requirements:

Absolute majority.

COMMITTEE RECOMMENDATION

ITEM 9.2

That BFAC recommends that following the completion of the Command Vehicle project, purchase and fit out, the next project be to acquire and fit out a Fire Equipment Trailer utilising remaining and future funds raised from hazard reduction burns and that if a new trailer is purchased that it be made in Australia from Australian materials if possible.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.2

MOVED: CR SEENEY

SECONDED: CR ALLEN

That Council, approve an amendment to the 2017/18 Budget for the capital purchase of \$10,750 for an emergency response trailer specially designed trailer to support the Denmark Fire Brigades from the Bush Fire Services Trust account.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 8/0

Res: 140218

* Absolute majority required.

10. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10
MOVED: CR GIBSON	SECONDED: CR PHILLIPS
<p>That pursuant to Section 5.23 (2) of the Local Government Act 1995, Regulation 4A of the Local Government (Administration) Regulations 1996 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors to consider Item 10.1 which deals with the sale or purchase of property by the local government and Item 10.2 which deals with a contract which may be entered into which relates to a matter to be discussed at the meeting and would reveal information that has information about the business, professional, commercial or financial affairs of a person.</p>	
CARRIED UNANIMOUSLY: 8/0	Res: 150218

10.1 REMEDIATION OF NO. 26 (LOT 3002) HARDY STREET, DENMARK	
File Ref:	A5795
Applicant / Proponent:	Not applicable
Subject Land / Locality:	No. 26 (Lot 3002) Hardy Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	12 February 2018
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	10.1a – Remediation Report - CONFIDENTIAL 10.1b – Valuation - CONFIDENTIAL 10.1c – Business Plan and Risk Assessment - CONFIDENTIAL

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

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.1
MOVED: CR GIBSON	SECONDED: CR ALLEN
<p>With respect to the remediation of the former Shire Depot site at No. 26 (Lot 3002) Hardy St Denmark, Reserve 52384, Council;</p> <ol style="list-style-type: none"> 1. Receive the Business Plan and Risk Assessment for the remediation of the site; and 2. Consider remediating the site for land banking purposes, as part of the 2018/19 Budget process. 	
CARRIED UNANIMOUSLY: 8/0	Res: 160218

Cr Philips declared a financial interest on the basis that she is a tourism operator .

6.48pm - Cr Phillips left the room, ~~and~~ did not participate in discussion or vote on the matter and did not return to the room.

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 040518

10.2 LOWER GREAT SOUTHERN ECONOMIC ALLIANCE – ESTABLISHMENT OF DESTINATION MARKETING ORGANISATION

File Ref:	LGSEA
Applicant / Proponent:	Lower Great Southern Economic Alliance
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	12 February 2018
Author:	Bill Parker, Chief Executive Officer
Authorising Officer:	Bill Parker, Chief Executive Officer
Attachments:	10.2 – Amazing South Coast – Final Report - CONFIDENTIAL

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

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 10.2
MOVED: CR GIBSON	SECONDED: CR ALLEN
<p>That with respect to the proposed Destination Marketing Organisation (DMO), Council:</p> <ol style="list-style-type: none"> 1. Receive the completed detailed design document that outlines a proposed model for a new regional Destination Marketing Organisation (DMO); 2. Note the letter formally requesting support from Lower Great Southern Economic Alliance partners for the establishment of a regional DMO received from Discover Albany Foundation (DAF) and Denmark Tourism Incorporated (DTI); 3. Note the Minutes from the Meeting of the Lower Great Southern Economic Alliance which resolved to endorse the provision of support requested by DTI and DAF required from Alliance partners to establish the DMO; 4. Provide support to establish the DMO including; <ol style="list-style-type: none"> a) Provision of existing buildings, leases and outgoings currently related to the Denmark Visitor Centre. b) Provision of the existing operational grant of \$95,000 per annum; and c) Permission to use the Shire’s logo in the Industry Information Memorandum regarding the establishment of the DMO that will notify of the Shire’s support. 5. Authorise the Chief Executive Officer to negotiate a service contract with the Alliance Members and the proposed DMO and report back to Council for final approval. 	
CARRIED: 7/1	Res: 170218
<p><i>Pursuant to Resolution No.031115 all Councillors’ votes on the above resolution are recorded as follows;</i></p> <p>FOR: Cr Allen, Cr Lewis, Cr Gibson, Cr Seeney, Cr Gearon, Cr Phillips, Cr Osborne.</p> <p>AGAINST: Cr Whooley.</p>	

CORRECTION TO MINUTES.
Pursuant to Council Resolution No. 040518

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

12. CLOSURE OF MEETING

7.04pm – There being no further business to discuss the Shire President, Cr Gearon, 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.)