



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 27 NOVEMBER 2012.

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Ordinary Council Meeting

27 November 2012

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.05pm - *The Shire President, Cr Thornton, declared the meeting open.*

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Kelli Gillies
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall
- Cr David Morrell
- Cr Ian Osborne
- Cr Dawn Pedro
- Cr Roger Seeney
- Cr Belinda Rowland
- Cr Alex Syme

STAFF:

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

APOLOGIES:

Nil

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 10

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Marshall	8.1.1	Impartiality	Cr Marshall is a minimum shareholder of the Denmark Co-operative.
Cr Thornton	8.1.1	Impartiality	Cr Thornton's brother owns Mitre 10 who sell some items that are the same as the Denmark Co-operative.
Mr Stewart	8.5.1	Financial	Mr Stewart is an employee of the Shire of Denmark.
Cr Morrell	8.1.2	Proximity	Cr Morrell is the owner of PL Loc 5434 Inlet Drive.
Cr Rowland	8.2.1	Impartiality	Cr Rowland is a member of the Denmark Dragon Boat Club Inc.
Cr Osborne	8.2.1	Impartiality	Cr Osborne is a member of the Denmark Dragon Boat Club Inc.
Cr Hinds	8.1.1	Financial	Cr Hinds has a financial interest in the Denmark Co-operative which is in excess of the prescribed limit.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that he had recently had discussions with the Department of Local Government in relation to declarations of interest and that a representative from the Department would be visiting Denmark sometime in the New Year to provide guidance on any issues relating to financial, proximity and impartiality interests.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the back of the front cover of this Agenda.

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

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

Questions from the Public

4.2.1 Mr Geoff Bowley – Item 8.2.1 (Regional Development Australia (RDA) Funding Expressions of Interest Round 3 and 4 – Denmark Riverside Clubs Project Inc. & Denmark Aquatic Centre Committee Inc.)

Mr Bowley provided an overview of the project and highlighted some integral changes which had been made since their proposed submission to the Country Sport & Recreation Facilities Fund (CSRFF). Mr Bowley requested Council to support the Officer's Recommendation.

4.2.2 Dr Cyril Edwards – Item 8.2.1 (Regional Development Australia (RDA) Funding Expressions of Interest Round 3 and 4 – Denmark Riverside Clubs Project Inc. & Denmark Aquatic Centre Committee Inc.)

Dr Edwards provided the following background to Item 8.2.1 b) which he had previously copied to Councillors.

“In seeking Council's support for an Expression of Interest [EOI] in Round 4 of the Regional Development Australia Fund [RDAF], DACCI's perspective is as follows:

- 1 *The presentation to Councillors in May 2012 by DACCI (although this presentation was made by DACCI, it was understood to represent the views of Council's appointed Project Team when it met in late May 2012) clearly identified the need to seek both **state** and **federal** government assistance in assembling the capital required to build the proposed Denmark Aquatic Centre [DAC].*
- 2 *Round 4 of the Regional Development Australia Fund [RDAF-R4] presents an opportunity to source up to 50% of the project cost from the federal government.*
- 3 *Support for an Expression of Interest [EOI] in RDAF-R4 does not commit Council to proceeding further – it only means that we can submit a full grant proposal before the April 2013 deadline. If the EOI succeeds (notification in Feb 2013) and a subsequent full grant proposal also succeeds (July 2013), Council remains free to withdraw support.*

- 4 *DACCI believes that the precise cost of the proposed DAC is not directly relevant to Council's decision to approve or reject an EOI. However, for the record, the estimated project cost is unlikely (in our view) to be as high as the \$9.4M as quoted in the draft EOI. DACCI is confident that the capital required will be significantly less – a view independently confirmed by the Bollig Design Group [BDG].*
- 6 *DACCI has computed the costs of its alternative models with the same formulae used by Davis Langdon when assessing Paterson's concept plan, which was the basis of the Coffey Commercial Advisory's [CCA] Final Report to Council in May 2011. DACCI finds that the reduced building footprint results in costs equivalent to \$5.3M±0.5M depending on the water configuration (with annual operating costs on the order of \$350k±\$50k or 7.6%±1.1% of the 2012/13 average rate)*
- 7 *Recognising the reluctance of Council Officers to accept DACCI's modified designs, DACCI is about to engage BDG in developing a Level 2 Concept Plan, to be independently assessed by approved Quantity Surveyors.*
- 8 *This advanced concept plan will be funded entirely by DACCI (at a cost of roughly \$25k) and is expected to be complete in early February 2013.*
- 9 *Nevertheless, DACCI agrees that, for present purposes, the project cost should be taken as \$9.4M – which is the CCA figure (\$8.2M for Option 1) boosted by the Director of Finance and Administration in "Financial Assessment Aquatic Facility Feasibility Report [FAAFF]".*
- 10 *Although this figure may appear to reduce the chance of success at this EOI stage we believe that if, as we expect, the more accurate costing that will be the basis of any main grant proposal is less than indicated in the EOI this will benefit, rather than detract from, Council's case. A decision to proceed with an RDAF-R4 EOI at this time is without risk."*

4.2.3 Ms Tanya Ricketts – Item 8.5.2 (Shire Footpath Encroachment – Karri Bay Estate (No. 1 / Lot 42 Minsterly Road, Ocean Beach))

Ms Ricketts spoke on behalf of the Karri Bay Estate Council of Owners advising that they had received a valuation which they would provide to the Chief Executive Officer. Ms Ricketts stated that they agreed with the Officer's Recommendation and that she believed that the valuation was in line with the Officer's estimate.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

4.4.1 Mr Chris Langslow – Item 8.1.1

Ms Langslow, Manager of the Denmark Co-operative, gave a brief background of the Co-op and raised some concerns with the Officer's Recommendation, in relation to loading & unloading conditions, footpath development and access. Mr Langslow urged Councillors to consider the impediment that some of the conditions would have, particularly financially, on the Co-op and asked that they consider a compromise instead.

4.30pm – The Director of Finance & Administration left the room.

4.34pm – The Director of Finance & Administration returned to the room.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR MARSHALL	SECONDED: CR SEENEY
That the minutes of the Ordinary Meeting of Council held on the 6 November 2012 be confirmed as a true and correct record of the proceedings.	
CARRIED: 12/0	Res: 081112

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

Prior to consideration of Item 8.1.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Marshall is a minimum shareholder of the Denmark Co-operative and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Marshall declares that she will consider this matter on its merits and vote accordingly.

Cr Hinds declares a financial interest on the basis that he has a financial interest in the Denmark Co-operative which is in excess of the prescribed limit. Cr Hinds left the room and did not participate in discussion, debate or vote on the matter.

Cr Thornton declares an impartiality interest in that his brother owns the Denmark Mitre 10 which sells some products which are the same as the Denmark Co-operative and as a consequence there may be a perception that his impartiality on this matter may be affected.

4.52pm – Cr Thornton advised that, whilst not required to by law, he would leave the room and requested the Deputy Shire President, Cr Sampson, to assume the Chair. Cr Sampson agreed. Cr Thornton left the room and did not participate in discussion, debate or vote on the matter.

8.1.1 RETROSPECTIVE PLANNING APPLICATION: SHOWROOM (EXTERNAL DISPLAY/STORAGE AREA) – NO. 42 (LOT 2) SOUTH COAST HIGHWAY, DENMARK

File Ref:	A1327 (2012/82); A1162
Applicant / Proponent:	Denmark Co-Operative Co Ltd
Subject Land / Locality:	No. 42 (Lot 2) South Coast Highway, Denmark
Disclosure of Officer Interest:	Nil
Date:	9 November 2012
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1 a) - Plan of the Proposed Development 8.1.1 b) - Letter from Shire dated 21 February 2012 to Denmark Co-operative 8.1.1 c) - Letter from Denmark Co-operative dated 1 March 2012 to Shire 8.1.1 d) - Letter from Shire dated 9 March 2012 to Denmark Co-operative 8.1.1 e) - Letter from Shire dated 19 March 2012 to Denmark Co-operative 8.1.1 f) - Extract from Council Minutes of 26/7/1988 8.1.1 g) - Modified Site Plan 8.1.1 h) - Photos Showing Current Access from Denmark Co-op/Makit Hardware through to Reserve 25985

Summary:

The applicant is seeking Retrospective Planning Approval for a Storage Yard on No. 42 (Lot 2) South Coast Highway, Denmark. The use of the site for this purpose is aligned to the hardware operations that occur from No. 33 (Lot 6 & Lot 226) South Coast Highway, Denmark (being the site of the Denmark Co-op and Makit Hardware).

Having regard to the relevant provisions of TPS No. 3, relevant Town Planning Scheme Policies and existing development approvals, it is recommended that Retrospective Planning Approval be granted subject to conditions being imposed that deal with issues such as visual amenity, provision of car parking on-site and usage restrictions.

Background:Current Application

An application for Retrospective Planning Approval for Showroom (External Display/Storage Area) at No. 42 (Lot 2) South Coast Highway, Denmark was lodged with Planning Services in May 2012 – refer Attachment 8.1.1 a).

The background to the lodging of this Retrospective Planning Application arose as a result of a number of enquiries to the Shire pertaining to a developer seeking to purchase the subject lot to facilitate a commercial development. As part of the due diligence process of investigating the development potential of the property, Planning Services reviewed the subject property file and ascertained that Shire records identified that the approved use of the land was for car park purposes and that the current use of the site for storage associated with the Denmark Co-operative's activities did not have development approval. Advice to this effect was provided to the Denmark Co-operative via letter on 21 February 2012 (refer Attachment 8.1.1 b) with a request for a meeting to be held to discuss the issues accordingly.

The Denmark Co-operative provided their response to the Shire via correspondence dated 1 March 2012 (refer Attachment 8.1.1 c) which effectively rejected the claims that the site was required for car parking purposes and that they considered no development approval was required for the current use on-site.

The Shire provided a response dated 9 March 2012 (refer Attachment 8.1.1 d), with a meeting held on 15 March 2012 between the Chairman and Chief Executive Officer of the Denmark Co-operative and the Shire President and Chief Executive Officer of the Shire. From this meeting the Shire provided correspondence confirming the position of the Shire (refer Attachment 8.1.1 e).

History of the Subject Site

No development approvals have been issued specifically for the subject site as such however on the 5 July 1988, planning approval was granted for 'Proposed Co-op Store Extensions, New Toilets & Amenities' on No. 33 (Lot 6 & 226) Strickland Street, Denmark subject to the following conditions:

1. *Developer to gravel sheet Lot 221 Moore Street (South Coast Highway) for car parking.*
2. *Developer to resolve on-site unloading of delivery vehicles in conjunction with Shire Engineer.*
3. *Developer to contribute to carparking improvements at rear of Civic Centre.*

With regards to the reference above of Lot 221 Moore Street (South Coast Highway), this was the former lot number for the subject site (noting that the lot number changed to Lot 2 when approximately 329m² of land was subdivided off from the then Lot 221 and amalgamated with the then Lot 222 (which is currently the site of the BP Service Station) in 1971 – WAPC Ref: 5808).

Specifically in relation to the car parking requirements, as per the above there is no specific detail provided within the approval conditions on the number/extent of car parking to be provided on the site. Notwithstanding, there are assessment reports pertaining to the development proposal and these reference the following:

- Car parking requirements for the development proposal with a land use of 'Shopping' are 1 bay per 25m², thus based on a building floor area of 1206m², 48 bays were required to be provided for the development; and
- Lot 221, with an area of 1093m², has the potential to provide approximately 38 bays.

Building Licence 2192 was subsequently issued on 13 July 1998 with the following condition:

“This licence is issued subject to suitable car parking arrangements being made with the Shire’s Engineer.”

At its meeting of 26 July 1988, Council considered an item in the ‘Late Correspondence’ section of the meeting in relation to the Denmark Co-operative Pty Ltd (refer Attachment 8.1.1 f) wherein they resolved the following:

“That Council waive part of the provisions of car parking requirements for the Denmark Co-op, provided a suitable contribution is made to the upgrading of the car park at the rear of the Civic Centre”.

In relation to this matter, Shire officers have undertaken an extensive search of the Shire records to find any incoming correspondence or outgoing correspondence on this matter to clarify what was meant by the reference *“waive part of the provisions of car parking requirements”* as it is not clear from the Council minutes whether this pertained to waiving all or just reducing the car parking requirements for Lot 221. To date no incoming or outgoing correspondence has been able to be located.

Notwithstanding, from a Shire perspective it is considered that the intent of the resolution was not to remove the need for car parking on Lot 221 entirely but to provide for a reduction in the car parking area. Anecdotally car parking on the subject did occur, and was allowed to occur, up until the fencing of the site in approximately February 2008.

History of Approvals for the Denmark Co-op Site

From reviewing the Place Record Form for the Denmark Co-operative Co Ltd in the Shire’s Municipal Heritage Inventory (June 2011), the Denmark Co-operative building was constructed in the 1950’s and opened in 1956; noting they relocated to this site from the former site (being the site where Denmark Real Estate are located today) that had been in use since the 1920’s.

In summary the following planning and building approvals have been issued for No. 33 (Lot 6 & 226) South Coast Highway, Denmark since 1969:

- Building Licence 304 issued on 1/7/1969 for a 194m² addition to the Denmark Co-op building;
- Building Licence 1416B issued on 22/3/1982 for a new entrance to a TAB Sub-Agency Office within the Denmark Co-op building;
- Planning Approval granted on 5/7/1988 and Building Licence 2192 issued on 13/7/1988 for a 145m² store extension, new toilets & amenities for the existing Denmark Co-op building;
- Planning Approval 59/2009 granted on 6/4/2009 for the pharmacy to locate in 220m² of the Denmark Co-op building – noting that the land use of ‘shop’ was applied. On the approval there is an advice note that states *“The Shire has determined that no additional parking is required for this approval although you are advised that any additional development or changes of use may require on-site parking to be provided in the future”.*
- Planning Approval 52/2009 granted on 15/4/2009 and Building Licence 6764 issued on 22/7/2009 for internal partitioning works to facilitate the creation of the tenancy for the pharmacy to locate in.

Comment:

In accordance with Town Planning Scheme No. 3 (TPS No.3), the subject site is zoned ‘Commercial R25’. In terms of the applicable use class that would apply to this proposal, after extensive review of the TPS No. 3 definitions and consultation with the applicant as to the nature of the operations and the relationship with the Denmark Co-op/Makit Hardware activities on No. 33 (Lot 6 & 226) South Coast Highway, Denmark, it has been determined that the use class of ‘Showroom’ would be applicable – which is defined in TPS No. 3 as:

“means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment”.

It should be noted that if the subject sites activities were considered in isolation of the Denmark Co-op/Makit Hardware activities on No. 33 (Lot 6 & 226) South Coast Highway, Denmark, the use class of ‘Showroom’ would not be applicable as it makes reference to *“land and buildings”* and the proposal for the subject site does not include any buildings.

Given the two sites are ‘inextricably linked’ and consideration of this proposal as a ‘Showroom’ is on such basis, if the application is approved a condition of Planning Approval would need to ensure that a Restrictive Covenant is placed on the respective Certificate of Titles as approval to the activity on the subject site is only on the basis that the showroom (hardware) activities are operational on the adjoining site.

Having regard to the above, as per Table No. 1 – Zoning Table of TPS No. 3, a ‘showroom’ is a “P” use in the ‘Commercial R25’ zone – that is the use is permitted in the zone provided the relevant standards and requirements laid down in TPS No. 3 are complied with.

Assessing the proposal against the relevant provisions of TPS No. 3, relevant Town Planning Scheme Policies and existing development approvals, the following is relevant:

- *Clause 5.19 Outdoor Storage of Materials* of TPS No. 3 states *“all outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other products or wastes in connection with a commercial or industrial use shall be screened from view from any public street by a closed wall or fence, or screen landscaping as approved by Council”.*

The proposal as currently presented does not propose any screening from South Coast Highway or the adjoining Right-of-Way.

- Town Planning Scheme Policy No. 26.1: South Coast Highway Commercial Developments (Policy 26.1) specifically relates to South Coast Highway between Hardy Street & Hollings Road and incorporates the following provisions relevant to this proposal:

Goal:

To maintain the essential character of Denmark and preserve the attractive entrance to the Denmark Townsite by providing strict guidelines on the form of development along this major arterial road.

Policy Objectives:

- 1. To facilitate an efficient and socially acceptable development of this town centre land by appropriate and sensitive design.*
- 2. To provide strict design and amenity controls to ensure an appropriate development takes place on this highly visible site.*
 - *Clause 1.5: screen walls will not be permitted to the Highway frontage. Limited entry statements may be permitted and appropriate landscaping shall be used to provide screening where necessary.*
 - *Clause 1.6: open storage and display yards must be located to the rear of building development*
 - *Clause 3.1: car parking and delivery areas are to be provided at the rear of development sites. These areas are to be paved, marked out and drained to the satisfaction of Council. Large expanses of car parking in front of new*

developments will not be supported, as they are contrary to the theme present in the CBD core.

- *Clause 5.2: car parking and setback areas shall be suitably landscaped to the satisfaction of Council.*

The proposal as currently presented provides for the open storage/display yard to be located at the front of the site, no landscaping proposed and no regard to the site requiring car parking as a result of development approval conditions for the development on No. 33 (Lot 6 & 226) South Coast Highway, Denmark.

- Section 7.0 Car Parking of Town Planning Scheme Policy No. 31: Commercial Strategy (Policy 31) references the following:
 - *parking areas should be located so that they do not dominate the surroundings or intrude into public spaces or landscaped features of the environment*
 - *Parking areas are to be maintained to a high standard, in terms of lighting, paving, draining, landscaping and layout, ensuring their use does not visually detract from the locality or impede pedestrian movement and vehicle circulation. Every effort should be made to reduce the apparent size and visual monotony of parking areas and to locate them conveniently in relation to the facilities they serve.*
- Condition 1 of the Planning Approval granted on 5/7/1988 pertaining to Store Extensions, New Toilets & Amenities for the existing Denmark Co-op building required the subject site to be gravel sheeted for car parking, with Council resolving to wavier part of the provisions of car parking requirements at its meeting of 26 July 1988. As referenced above, from a Shire perspective it is considered that the intent of the resolution was not to remove the need for car parking on Lot 221 entirely but to provide for a reduction in the car parking area.

The current proposal has not had regard to any car parking being provided on the subject site on the basis that the owners are of the opinion that the car parking requirements for the subject site were completely waived by Council’s resolution.

It should be noted that the current application does not trigger additional car parking on the basis that car parking is calculated having regard to gross leasable areas (GLA) – and in this instance as there is no building proposed the GLA is not changing.

Notwithstanding the above, given the original development was approved in 1988 under the then Town Planning Scheme No.2 , Planning Services took the opportunity to ascertain what the car parking requirements for the development would be based on current day car parking requirements:

Use Class	Car Parking Standards	Required No of Bays
Retail floorspace (excluding pharmacy) – 315m ²	1 bay/40m ² GLA	8
Showroom (hardware) floorspace – 1074m ²	1 bay/100m ² GLA	11
Pharmacy (assuming 2 pharmacists)	4 bays/consultant	8
TOTAL		27

Having regard to the above, from a Planning Services perspective it is considered that the current proposal to have the external display/storage area along the South Coast Highway frontage of the site is not appropriate given its visual prominence and previous approval for usage of the site, however could be modified/conditioned to provide for an acceptable outcome by:

1. Relocating the external display/storage area to the rear of the site (being the area that is currently grassed);
2. Utilise the area that is currently fenced and gravel sheeted for car parking purposes – albeit it being retained as a gravel sheeted area having regard to the specifications imposed at the time of granting Planning Approval in 1988 for the Denmark Co-op store extensions; and
3. Require landscaping be planted within the first three (3) metres of the property to assist with visual amenity of a car park and external storage/display areas on the site;

An amended site plan prepared by Planning Services to demonstrate the above proposal is attached as Attachment 8.1.1 g).

Consultation:

External Consultation

- C Langslow - Applicant
- Former employees of the Shire of Denmark (P Durtanovich, P Duncan, A Douglas)

Internal Consultation

- Chief Executive Officer

Statutory Obligations:

Town Planning Scheme No. 3 specifies the pertinent development requirements for the site.

Clause 6.1.4 Unauthorised Existing Developments of TPS No. 3 states:

6.1.4.1 The Council may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

6.1.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning consent, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning consent.

Policy Implications:

Policy 26.1 and 31 are applicable to this application – refer 'Comments' section of this report.

Clause 8.2.5 of TPS No. 3 states:

"A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision."

Budget / Financial Implications:

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

If however the applicant wishes to seek a Right of Review of Council's determination via the State Administrative Tribunal process, the Shire's expenses associated with such Right of Review would need to be met by Council.

Strategic Implications:

Local Planning Strategy (2011)

The Shire of Denmark's Local Planning Strategy (2011) (hereinafter referred to as LPS) designates the subject site as '*Town Centre – Inner Core*', noting this designation was

established to identify the areas of the town centre that should accommodate the higher order retail uses (shops, cafes etc.) that assist in providing the typical function of a town centre.

The LPS contains the following objective for 'Future Retail':

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.

Clause 6.5.4 Service Park of Part 2 – Background & Analysis of the LPS states:

"The future expansion of the town centre is constrained due to existing land uses as discussed above. It is logical to consolidate higher order centres in the town centre to ensure its long term viability and vitality. Accordingly, it is appropriate to encourage lower order and large service related uses (that is service and rural related businesses that require large areas for the delivery, handling, display and/or storage of products) to another location to free up the town centre to accommodate future high order retail outlets. There is already a 'Tyrepower' outlet, large hardware shop, nursery and car wash operating from the existing town centre, and it is considered that these types of uses are better suited to a designated Service Park outside of the town centre."

In terms of the relationship of the above to the current application, notwithstanding that the Denmark Co-op/Makit Hardware operations are legally operating from No. 33 (Lot 6 & 226) South Coast Highway, Denmark, the Shire would be seeking to encourage them to relocate in the future to the Mixed Business area and/or the Service Park once developed – which would result in the external display/storage yard component of this application relocating as well on the basis that the external display/storage yard is to cease once the hardware activities on No. 33 (Lot 6 & 226) South Coast Highway, Denmark cease.

Through Access from Denmark Co-op Site to Civic Centre & Public Library Site

Currently there are two vehicular and pedestrian access points from the Denmark Co-op/Makit Hardware development through the adjoining Civic Centre & Public Library site (being Reserve 25985) to the south of No. 33 (Lot 6 & 226) South Coast Highway, Denmark – refer Attachment 8.1.1 h).

Although the Shire has to date facilitated Denmark Co-op/Makit Hardware to have access from their site through Reserve 25985, there is no obligation on Council to provide for this continued access arrangement as there is no legal agreement that has been entered into that grants access in perpetuity.

Given that the Shire of Denmark has recently engaged architects to prepare concept designs for the redevelopment of the Civic Centre & Public Library site, it is appropriate that the Shire ensure that development of this key landmark civic site is not impeded by current vehicle access arrangements that have not been granted in perpetuity to the adjoining development site.

It is therefore recommended that independent of Council's resolution on the planning application, that Council resolve to give notice to the Denmark Co-operative Co Ltd (being the registered owners of No. 33 (Lot 6 & 226) South Coast Highway, Denmark) that Council essentially reserves the right to block access to the adjoining Reserve 25985 (being the Civic Centre & Public Library site).

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

The Denmark Co-op has provided an economic function in Denmark since the 1920s.

➤ **Social:**

The Denmark Co-op has played a significant social role in Denmark since the 1920s.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.1.1 A

That with respect to the planning application for Proposed Showroom (External Display/Storage Area) for No. 42 (Lot 2) South Coast Highway, Denmark, Council resolve to grant Retrospective Planning Approval subject to the following:

Conditions

1. Development shall be carried out in accordance with the attached approved plan dated 14 November 2012;
2. The 'external display/storage area' use hereby permitted by this Planning Approval shall be discontinued when (or before) the Showroom (Hardware) use on No. 33 (Lot 6 & 226) South Coast Highway, Denmark ceases to operate from the site, with the land to be reinstated to the satisfaction of the Shire of Denmark (Planning Services).
3. Within sixty (60) days of this Planning Approval being issued, a Restrictive Covenant(s) pursuant to the *Transfer of Land Act 1893 (as amended)* is to be placed on the Certificate of Titles of No. 42 (Lot 2) South Coast Highway, Denmark and No. 33 (Lot 6 & 226) South Coast Highway, Denmark advising of the existence of a restriction on the use of No. 42 (Lot 2) South Coast Highway, Denmark. The restrictive covenant is to state as follows:
"The use of No. 42 (Lot 2) South Coast Highway, Denmark for external display/storage area has been approved by the Shire of Denmark on the basis that the hardware operations on No. 33 (Lot 6 & 226) South Coast Highway, Denmark are fully operational. In the event that the hardware operations on No. 33 (Lot 6 & 226) South Coast Highway, Denmark cease, the external display/storage area on No. 42 (Lot 2) South Coast Highway is to cease immediately also".
 All costs associated with the preparation and lodgement of the Restrictive Covenant(s) shall be at the applicant/owner's expense (refer Advice Note 1).
4. The vehicle crossover onto the adjoining Right-of-Way is to be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
5. The car parking area to provide for a minimum of seventeen (17) car parking bays on-site, with the car parking and manoeuvring areas being constructed and maintained to a minimum all-weather standard (e.g. gravel, crushed rock) to facilitate access and parking by 2 wheel drive vehicles.
6. All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
7. Access to the external storage/display area is to be via the car park and not the adjoining Right-of-Way.
8. If the car park area is to be fenced, the car park needs to be available for staff and/or customer car parking when the businesses located on No. 33 (Lot 6 & 226) South Coast Highway, Denmark are open for trade.
9. The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
10. No parking or display of vehicles and/or equipment shall occur within the road verge area at any time.
11. All stormwater and drainage run off from all impervious areas is to be retained on-site or connected to a legal point of discharge (as determined by

- Infrastructure Services) to the satisfaction of the Shire of Denmark (Infrastructure Services).
12. A dual use path being constructed along the South Coast Highway frontage of the subject lot to the specification and satisfaction of the Shire of Denmark (Infrastructure Services).
 13. A landscaping plan for the areas highlighted in green shall be submitted and approved by the Shire of Denmark (Planning Services) within thirty (30) days of this Planning Approval being issued. The landscaping plan shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:
 - i. Proposed trees and shrubs to be planted including species, number and size of plants – noting that screening plants should be provided on the South Coast Highway frontage. Trees and plants are to be shown in exact location using clear symbols;
 - ii. Reticulation methods;
 - iii. Maintenance arrangements;
 14. Landscaping shall be carried out in accordance with the approved landscaping plan and thereafter shall be maintained as landscaped areas at all times.
 15. All signs proposed to be erected on-site require the separate approval of the Shire of Denmark (Planning Approval and/or Building Permit) prior to erection of such.

Advice Notes

1. In relation to Condition 3, the applicant/owner may wish to give authority to the Shire's solicitors to prepare and lodge the necessary documentation, with all expenses associated with the preparation and lodgement being met by the applicant/owner.
2. The Shire of Denmark's Local Planning Strategy (2011) designates No. 42 (Lot 2) South Coast Highway, Denmark and No. 33 (Lot 6 & 226) South Coast Highway, Denmark as 'Town Centre – Inner Core', noting this designation was established to identify the areas of the town centre that should accommodate the higher order retail uses (shops, cafes etc.) that assist in providing the typical function of a town centre.

Having regard to the above and as per Clause 6.5.4 Service Park of Part 2 – Background & Analysis of the Shire of Denmark's Local Planning Strategy (2011), the Shire of Denmark will be seeking to encourage lower order and large service related uses (that is service and rural related businesses that require large areas for the delivery, handling, display and/or storage of products – e.g. 'Tyrepower' outlet, hardware businesses, nursery and car wash) to relocate in the future to the Mixed Business Area and/or Service Park.

5.02pm – The Director of Finance & Administration left the room.

The Director of Planning & Sustainability advised that she provided the following as an Alternate Officer Recommendation following discussions with the applicant, prior to the Council meeting.

COUNCIL RESOLUTION & ALTERNATE OFFICER ITEM 8.1.1 A
RECOMMENDATION
 MOVED: CR SYME SECONDED: CR OSBORNE

That with respect to the planning application for Proposed Showroom (External Display/Storage Area) for No. 42 (Lot 2) South Coast Highway, Denmark, Council resolve to grant Retrospective Planning Approval subject to the following:

Conditions

1. Development shall be carried out in accordance with the attached approved plan dated 26 November 2012;
2. The 'external display/storage area' use hereby permitted by this Planning Approval shall be discontinued when (or before) the Showroom (Hardware) use on No. 33 (Lot 6 & 226) South Coast Highway, Denmark ceases to operate from the site, with the land to be reinstated to the satisfaction of the Shire of Denmark (Planning Services).
3. Within sixty (60) days of this Planning Approval being issued, a Restrictive Covenant(s) pursuant to the *Transfer of Land Act 1893 (as amended)* is to be placed on the Certificate of Titles of No. 42 (Lot 2) South Coast Highway, Denmark and No. 33 (Lot 6 & 226) South Coast Highway, Denmark advising of the existence of a restriction on the use of No. 42 (Lot 2) South Coast Highway, Denmark. The restrictive covenant is to state as follows:
"The use of No. 42 (Lot 2) South Coast Highway, Denmark for external display/storage area has been approved by the Shire of Denmark on the basis that the hardware operations on No. 33 (Lot 6 & 226) South Coast Highway, Denmark are fully operational. In the event that the hardware operations on No. 33 (Lot 6 & 226) South Coast Highway, Denmark cease, the external display/storage area on No. 42 (Lot 2) South Coast Highway is to cease immediately also".
 All costs associated with the preparation and lodgement of the Restrictive Covenant(s) shall be at the applicant/owner's expense (refer Advice Note 1).
4. Within 120 days of this Planning Approval being issued, the vehicle crossover onto the adjoining Right-of-Way is to be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
5. The car parking area to provide for a minimum of twelve (12) car parking bays on-site, with the car parking and manoeuvring areas being constructed and maintained to a minimum all-weather standard (e.g gravel, crushed rock) to facilitate access and parking by 2 wheel drive vehicles.
6. 'Staff Parking Only' signs being erected on the internal side of the northern boundary line fence.
7. All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
8. Access to the external storage/display area is to be via the car park and not the adjoining Right-of-Way.
9. If the car park area is to be fenced, the car park needs to be available for staff and/or customer car parking when the businesses located on No. 33 (Lot 6 & 226) South Coast Highway, Denmark are open for trade.
10. The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
11. No parking or display of vehicles and/or equipment shall occur within the road verge area at any time.
12. All stormwater and drainage run off from all impervious areas is to be retained on-site or connected to a legal point of discharge (as determined by Infrastructure Services) to the satisfaction of the Shire of Denmark (Infrastructure Services).

13. Within 120 days of this Planning Approval being issued, a dual use path being constructed along the South Coast Highway frontage of the subject lot to the specification and satisfaction of the Shire of Denmark (Infrastructure Services).
14. A landscaping plan for the areas highlighted in green shall be submitted and approved by the Shire of Denmark (Planning Services) within sixty (60) days of this Planning Approval being issued. The landscaping plan shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:
 - i. Proposed trees and shrubs to be planted including species, number and size of plants – noting that screening plants should be provided on the South Coast Highway frontage. Trees and plants are to be shown in exact location using clear symbols;
 - ii. Reticulation methods;
 - iii. Maintenance arrangements;
15. Landscaping shall be carried out in accordance with the approved landscaping plan no later than 30 June 2013 and thereafter shall be maintained as landscaped areas at all times.
16. All signs proposed to be erected on-site require the separate approval of the Shire of Denmark (Planning Approval and/or Building Permit) prior to erection of such.

Advice Notes

1. In relation to Condition 3, the applicant/owner may wish to give authority to the Shire’s solicitors to prepare and lodge the necessary documentation, with all expenses associated with the preparation and lodgement being met by the applicant/owner.
2. In relation to Condition 13, the Shire of Denmark is prepared to consider the applicant/landowner paying the Shire of Denmark the cost of building the dual use path to facilitate construction of such dual use path by the Shire when undertaking other dual use path construction works in the area. In relation to such costs, the Shire has priced this work at \$100/m² for a 1.5 metre wide brick paved dual use path, thus equates to \$4,292.00 (plus GST).
3. The Shire of Denmark’s Local Planning Strategy (2011) designates No. 42 (Lot 2) South Coast Highway, Denmark and No. 33 (Lot 6 & 226) South Coast Highway, Denmark as ‘Town Centre – Inner Core’, noting this designation was established to identify the areas of the town centre that should accommodate the higher order retail uses (shops, cafes etc.) that assist in providing the typical function of a town centre.

Having regard to the above and as per Clause 6.5.4 Service Park of Part 2 – Background & Analysis of the Shire of Denmark’s Local Planning Strategy (2011), the Shire of Denmark will be seeking to encourage lower order and large service related uses (that is service and rural related businesses that require large areas for the delivery, handling, display and/or storage of products) to relocate in the future to the Mixed Business Area and/or Service Park.

AMENDMENT

MOVED: CR OSBORNE

SECONDED: CR SEENEY

That condition 10 be amended to read as follows:

“The loading and unloading of goods to and from the premises shall be carried on as much as possible within the site and otherwise shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.”

The Director of Planning & Sustainability noted that this condition would be difficult to enforce from a compliance perspective.

CARRIED: 6/4

Res: 091112

5.20pm – *The Director of Finance & Administration returned to the room.*

AMENDMENT

MOVED: CR MORRELL

SECONDED: CR GILLIES

That the motion be amended as follows:

1. Part 13 be amended to read;
“A dual use path being constructed along the South Coast Highway frontage of the subject lot to the specification and satisfaction of the Shire of Denmark (Infrastructure Services).”
2. Advice note number 2 be amended to read;
“In relation to Condition 13, the Shire of Denmark is prepared to consider the applicant/landowner paying the Shire of Denmark the cost of building the dual use path to facilitate construction of such dual use path by the Shire when undertaking other dual use path construction works in the area. In relation to such costs, the Shire has priced this work at \$100/m² for a 2 metre wide brick paved dual use path, thus equates to \$4,292.00 (plus GST). The payment of contribution would be sought when footpath works in the area are proposed to be undertaken with such contribution being reviewed in line with CPI based on the Perth March Quarter Index yearly. The Shire of Denmark will endeavour to notify the landowner well in advance when the funds are required.”

CARRIED: 6/4

Res: 101112

AMENDED MOTION

That with respect to the planning application for Proposed Showroom (External Display/Storage Area) for No. 42 (Lot 2) South Coast Highway, Denmark, Council resolve to grant Retrospective Planning Approval subject to the following:

Conditions

1. Development shall be carried out in accordance with the attached approved plan dated 26 November 2012;
2. The ‘external display/storage area’ use hereby permitted by this Planning Approval shall be discontinued when (or before) the Showroom (Hardware) use on No. 33 (Lot 6 & 226) South Coast Highway, Denmark ceases to operate from the site, with the land to be reinstated to the satisfaction of the Shire of Denmark (Planning Services).
3. Within sixty (60) days of this Planning Approval being issued, a Restrictive Covenant(s) pursuant to the *Transfer of Land Act 1893 (as amended)* is to be placed on the Certificate of Titles of No. 42 (Lot 2) South Coast Highway, Denmark and No. 33 (Lot 6 & 226) South Coast Highway, Denmark advising of the existence of a restriction on the use of No. 42 (Lot 2) South Coast Highway, Denmark. The restrictive covenant is to state as follows:
“The use of No. 42 (Lot 2) South Coast Highway, Denmark for external display/storage area has been approved by the Shire of Denmark on the basis that the hardware operations on No. 33 (Lot 6 & 226) South Coast Highway, Denmark are fully operational. In the event that the hardware operations on No. 33 (Lot 6 & 226) South Coast Highway, Denmark cease, the external display/storage area on No. 42 (Lot 2) South Coast Highway is to cease immediately also”.
All costs associated with the preparation and lodgement of the Restrictive Covenant(s) shall be at the applicant/owner’s expense (refer Advice Note 1).
4. Within 120 days of this Planning Approval being issued, the vehicle crossover onto the adjoining Right-of-Way is to be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services).
5. The car parking area to provide for a minimum of twelve (12) car parking bays on-site, with the car parking and manoeuvring areas being constructed and maintained to a minimum all-weather standard (e.g gravel, crushed rock) to facilitate access and parking by 2 wheel drive vehicles.
6. ‘Staff Parking Only’ signs being erected on the internal side of the northern boundary line fence.

7. All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
8. Access to the external storage/display area is to be via the car park and not the adjoining Right-of-Way.
9. If the car park area is to be fenced, the car park needs to be available for staff and/or customer car parking when the businesses located on No. 33 (Lot 6 & 226) South Coast Highway, Denmark are open for trade.
10. The loading and unloading of goods to and from the premises shall be carried on as much as possible within the site and otherwise shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
11. No parking or display of vehicles and/or equipment shall occur within the road verge area at any time.
12. All stormwater and drainage run off from all impervious areas is to be retained on-site or connected to a legal point of discharge (as determined by Infrastructure Services) to the satisfaction of the Shire of Denmark (Infrastructure Services).
13. A dual use path being constructed along the South Coast Highway frontage of the subject lot to the specification and satisfaction of the Shire of Denmark (Infrastructure Services).
14. A landscaping plan for the areas highlighted in green shall be submitted and approved by the Shire of Denmark (Planning Services) within sixty (60) days of this Planning Approval being issued. The landscaping plan shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:
 - i. Proposed trees and shrubs to be planted including species, number and size of plants – noting that screening plants should be provided on the South Coast Highway frontage. Trees and plants are to be shown in exact location using clear symbols;
 - ii. Reticulation methods;
 - iii. Maintenance arrangements;
15. Landscaping shall be carried out in accordance with the approved landscaping plan no later than 30 June 2013 and thereafter shall be maintained as landscaped areas at all times.
16. All signs proposed to be erected on-site require the separate approval of the Shire of Denmark (Planning Approval and/or Building Permit) prior to erection of such.

Advice Notes

1. In relation to Condition 3, the applicant/owner may wish to give authority to the Shire's solicitors to prepare and lodge the necessary documentation, with all expenses associated with the preparation and lodgement being met by the applicant/owner.
2. In relation to Condition 13, the Shire of Denmark is prepared to consider the applicant/landowner paying the Shire of Denmark the cost of building the dual use path to facilitate construction of such dual use path by the Shire when undertaking other dual use path construction works in the area. In relation to such costs, the Shire has priced this work at \$100/m² for a 2 metre wide brick paved dual use path, thus equates to \$4,292.00 (plus GST). The payment of contribution would be sought when footpath works in the area are proposed to be undertaken with such contribution being reviewed in line with CPI based on the Perth March Quarter Index yearly. The Shire of Denmark will endeavour to notify the landowner well in advance when the funds are required.
3. The Shire of Denmark's Local Planning Strategy (2011) designates No. 42 (Lot 2) South Coast Highway, Denmark and No. 33 (Lot 6 & 226) South Coast Highway, Denmark as 'Town Centre – Inner Core', noting this designation was established to identify the areas of the town centre that should accommodate the higher order retail uses (shops, cafes etc.) that assist in providing the typical function of a town centre.

Having regard to the above and as per Clause 6.5.4 Service Park of Part 2 – Background & Analysis of the Shire of Denmark’s Local Planning Strategy (2011), the Shire of Denmark will be seeking to encourage lower order and large service related uses (that is service and rural related businesses that require large areas for the delivery, handling, display and/or storage of products) to relocate in the future to the Mixed Business Area and/or Service Park.

THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED: 9/1 Res: 111112

Cr Syme requested that his vote against the motion be recorded.

OFFICER RECOMMENDATION ITEM 8.1.1 B

That with respect to the current access arrangements from No. 33 (Lot 6 & 226) South Coast Highway, Denmark through the adjoining Reserve 25985 (being the site of the Civic Centre & Public Library), Council hereby gives notice to the Denmark Co-operative Co Ltd that Council cannot, and will not, guarantee that such vehicular and pedestrian access will be available in the future, particularly in light of the current redevelopment planning for the site being undertaken and hereby undertakes to provide at least 12 months written notice to the company of any intention of the Council to cease their use of the access.

COUNCIL RESOLUTION ITEM 8.1.1 B
 MOVED: CR MORRELL SECONDED: CR MARSHALL

That the Officer Recommendation as follows not be adopted:
 “That with respect to the current access arrangements from No. 33 (Lot 6 & 226) South Coast Highway, Denmark through the adjoining Reserve 25985 (being the site of the Civic Centre & Public Library), Council hereby gives notice to the Denmark Co-operative Co Ltd that Council cannot, and will not, guarantee that such vehicular and pedestrian access will be available in the future, particularly in light of the current redevelopment planning for the site being undertaken and hereby undertakes to provide at least 12 months written notice to the company of any intention of the Council to cease their use of the access.”

ADJOURNMENT

MOVED: CR LEWIS SECONDED: CR ROWLAND

That the Motion be deferred pending research on the question of prescriptive easements.

CARRIED: 7/3 Res: 121112

ITEM 8.1.1

MOVED: CR MORRELL

That Council consider assisting the applicant both financially and in-kind with the construction of a sealed car park and the matter be referred to the next Council meeting with an Officer’s Report.

LAPSED FOR WANT OF A SECONDER

5.50pm – Cr Thornton & Cr Hinds returned to the room. Cr Thornton resumed the position of Presiding Person.

5.50pm – Cr Lewis & Cr Rowland left the room.

Prior to consideration of Item 8.1.2 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Morrell declares a proximity interest on the basis that he is the owner of property at PL Loc 5434 Inlet Drive .

5.51pm - Cr Morrell left the room and did not participate in discussion or vote on the matter.

5.52pm – Cr Lewis & Cr Rowland returned to the room.

8.1.2 RESTORATION OF POISON POINT & ACCESS RESTRICTION PROJECT

File Ref:	GRT.APPS; A3013; A3080
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Poison Point
Disclosure of Officer Interest:	Nil
Date:	1 November 2012
Author:	Craig Baru , Sustainability Officer
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2 a) – Grant Application Documentation 8.1.2 b) – Item 8.1.1 from 24 May 2011 Council Meeting 8.1.2 c) – Amended Project Activities & Budget Costings 8.1.2 d) – Photos of Current Condition of Access Road

Summary:

Council is requested to endorse the acceptance of grant funding from the State NRM Program Community Grant of \$18,000 (ex GST) to undertake the Restoration of Poison Point & Access Restriction Project.

The activities proposed as part of the project are generally consistent with the Management Recommendation and actions arising from the Wilson Inlet Foreshore Reserves Management Plan 2008 (as amended) – noting that it is recommended that the access road only be gravel resheeted at this point in time and not bitumen sealed such that there is no financial impact on the 2012/13 budget.

It is also recommended that a Working Group be established to oversee the project activities.

Background:

In June 2012 the Shire lodged a grant application (refer Attachment 8.1.1 a) with the State NRM Program Community Grants for \$40,500, with total project costs being \$57,000. Of the \$57,000, Council contributions to the project comprised of:

- Monetary contribution of \$13,000; and
- In-kind contribution of \$3,500.

This grant application was lodged by Sustainability Services having specific regard to Management Recommendation 2.5p from the Wilson Inlet Foreshore Reserves Management Plan 2008 (as amended) which states “*It is recommended that Poison Point be upgraded to a vehicular recreation destination*” and the following actions:

- Apply for partnership funding to develop Poison Point as a recreation destination (Priority: High / When: 2012);
- Provide for 2-wheel drive vehicular access to Poison Point by re sheeting the current access track and laying a bitumen top incorporating drainage within the bitumen shoulder on the northern edge with grids and drainage tubes beneath the road to transfer clean water to the southern slopes, ensuring that all works are undertaken to guarantee minimal tree removal and minimise disturbance to the adjacent vegetation (Priority: High / When: 2012);
- Provide for a car parking area (maximum 4 bays with 1 bay designated as a disabled bay), suitably located so as to ensure minimal tree removal (Priority: High / When: 2012); and

- Consider in the future the possibility of providing an all weather nature appreciation trail, surfaced with die back free mulched vegetation, providing safe pedestrian access for the physically able and elderly to deep water fishing spots at the point (Priority: Medium / When: 2015).

It should be noted that the above referenced Management Recommendation and actions were adopted at the Ordinary Meeting held on 24 May 2011 (Res No: 110511) after extensive community consultation occurring – refer Attachment 8.1.2 b). There are additional actions arising pertaining to Poison Point however as they did not relate to this grant application they have not been included.

Comment:

In October 2012 the Shire was advised that the grant application was successful conditional on the following:

- i. NRM grant funding will not be provided for activities that the Shire should be funding - such as the grading for access road construction, road surfacing and the car park;
- ii. The grant program will fund the walk trail, bollards, plants and signage for the project (up to \$18,000) provided the Shire funds the ineligible activities.

In accordance with Delegation D040223: Grants and Subsidies, Council is required to endorse the grant prior to acceptance.

As mentioned above, the grant funding that is now on offer could result in the grant application details changing substantially from a Council contribution of \$16,500 (\$13,000 monetary contribution and \$3,500 in-kind contribution) to \$47,200 (\$43,700 monetary contribution and \$3,500 in-kind contribution).

In light of the State NRM's grant conditions which would result in significant expenditure for the Shire and an overall review of the project, Sustainability Services have amended the project activities and budget costings accordingly for Council's consideration – refer Attachment 8.1.2 c).

As per the amended project activities and budget, three (3) options pertaining to the access road construction requirements have been provided for Council's consideration, being:

- i. Option 1: Gravel resheeting of the existing access road to essentially 'smooth out' the ruts that currently exist – refer Attachment 8.1.2 d) showing the current condition of the access road. This option results in the access road only being suitable for 4WD vehicles;
- ii. Option 2: Grading, gravel resheeting and drainage improvements. This option results in the access road being suitable for 2WD vehicles; or
- iii. Option 3: Bitumen seal the access road.

These three (3) options have been provided for Council's consideration as it is considered that Council may not be in a position financially to support bitumen sealing of the road at this point in time however an opportunity exists to undertake a staged approach to the access road whilst receiving grant funds to undertake the other works at Poison Point.

In terms of ability to fund the amended project activities, Sustainability Services considers that there is the ability to undertake the project activities with the existing access road only being gravel resheeted at this point in time (i.e. interim/staged works then as budget funds and/or grant funds are available the road could be bitumen sealed in due course) with no financial impact on the Shire's budget by:

- i. Decreasing General Ledger Expenditure Account 1060292 Sustainability Projects – Works (Job 16072: Unspecified Allocation – Matching Funds CMP Projects) from \$25,000 to \$15,500 (decrease of \$10,000);
- ii. Creating a new General Ledger Expenditure Account 1060292 Sustainability Projects – Works (Job NEW: Project 3 – Poison Point (Shire cash contribution \$10,000) with expenditure of \$33,500; and
- iii. Creating a new General Ledger Income Account 1065513 Grants – Sustainability Projects – Works line item ‘Project 3 – Poison Point (NRM Grant) with income of \$28,000;

If Council accept the grant, it is recommended that a Working Group be established to oversee the project activities. In this regard it is recommended that the Working Group membership be as follows:

- i. 2 x Councillors (one of whom is to be elected Presiding Person);
- ii. Shire’s Director Planning & Sustainability (Office Secretariat);
- iii. Shire’s Sustainability Officer;
- iv. Denmark Environment Centre representative; and
- v. Wayne Webb (Noongar Elder representative).

Consultation:

External Consultation

The development of the *Wilson Inlet Foreshore Reserves Management Plan 2008* involved extensive community consultation and public information forums, including when the Management Recommendation and actions were reviewed in 2011.

Internal Consultation

- i. Director Finance and Administration
- ii. Infrastructure Services
- iii. Chief Executive Officer

Statutory Obligations:

There are no known statutory obligations.

Policy Implications:

As per Delegation D040223: Grants and Subsidies, Council is required to endorse this grant prior to acceptance.

Council Policy P100509: Wilson Inlet Foreshore Reserves Management Plan 2008 states:

“Council received and adopted the Wilson Inlet Foreshore Reserves Management Plan 2008 as amended, with a view for the Shire to work towards implementing the recommendations stipulated within the Plan.”

When considering the Management Recommendations pertaining to Poison Point at the Ordinary Meeting of Council held on 24 May 2011, there was a reference in the Council report that the majority of the actions associated with the development of Poison Point as a recreation node would be subject to grant funding being able to be obtained.

Budget / Financial Implications:

Refer ‘Comment’ section for proposed budget amendments.

Having regard to Council resolution 1105011, this project was listed for Council’s consideration as part of the 2012/13 budget deliberations. After due deliberation of all identified projects and available funds, Council determined to not support the project in the 2012/13 budget with the comment of ‘Insufficient Funds – Reconsider if Grant Available’ notated on the budget workshop papers.

Strategic Implications:

Poison Point is a recreation reserve with management order in favour of Council and has been identified as a recreation destination, thus it is appropriate to develop the area for this purpose, but ~~accordingly~~ in a sustainable manner.

Sustainability Implications:**➤ Environmental:**

The proposed development of Poison Point as a recreation destination has had regard to the function and intended purpose of the reserve whilst ensuring a sustainable environmentally acceptable development outcome is achieved.

It has been recommended that a Working Group be established to oversee the project, with the Working Group members aim to ensure an appropriate environmental outcome is achieved with the nature of the works proposed.

➤ Economic:

Poison Point has the potential to be a key tourism asset for the Shire.

➤ Social:

The provision of access to popular facilities within the Shire of Denmark is a social obligation. The officer recommendation provides the opportunity for improved access to the site and within the reserve for the physically able and elderly in the short to medium term – noting that access for the disabled in the future is depending on appropriate funding sources being identified, environmental and cultural heritage impact assessments being undertaken and the necessary statutory approvals, if required, being obtained.

Voting Requirements:

Absolute majority.

6.14pm – The Director of Finance & Administration left the room.

OFFICER RECOMMENDATION

ITEM 8.1.2

That with respect to the grant funding of \$18,000 (ex GST) from the State NRM Program Community Grants to undertake the Restoration of Poison Point & Access Restriction Project, Council:

1. Accept the grant with the amended Project Activities and Budget Costings and authorise the Director of Planning & Sustainability to execute the grant documents accordingly;
2. Amend the 2012/13 Budget as follows:
 - a) Decrease General Ledger Expenditure Account 1060292 Sustainability Projects – Works (Job 16072: Unspecified Allocation – Matching Funds CMP Projects) from \$25,000 to \$15,000 (decrease of \$10,000);
 - b) Create a new General Ledger Expenditure Account 1060292 Sustainability Projects – Works (Job NEW: Project 3 – Poison Point (Shire cash contribution \$10,000) with expenditure of \$28,000; and
 - c) Create a new General Ledger Income Account 1065513 Grants – Sustainability Projects – Works line item 'Project 3 – Poison Point (NRM Grant) with income of \$18,000;
 - d) Noting a nil net impact on the 2012/2013 Budget; and
3. Establish the Poison Point Project Working Group to oversee the project activities, with membership as per the following:
 - i. Councillors _____ and _____ (one of whom is to be elected as Presiding Person);
 - ii. Shire's Director of Planning & Sustainability (Office Secretariat);
 - iii. Shire's Sustainability Officer;
 - iv. Denmark Environment Centre representative; and
 - v. Wayne Webb (Noongar Elder representative).

COUNCIL RESOLUTION

ITEM 8.1.2

MOVED: CR PEDRO

SECONDED: CR SEENEY

That with respect to the grant funding of \$18,000 (ex GST) from the State NRM Program Community Grants to undertake the Restoration of Poison Point and Access Restriction Project, Council:

1. Do not accept the grant funding given that it cannot be spent on the main access track;
2. Seek a re-evaluation of the proposed path between Campbell Road and River mouth as identified in the adopted LPS 2011; and
3. Have regard for the shared path network as identified in the LPS: Strategy Plan – Objectives, Strategies and implementation 4.10 in any further funding applications.

6.39pm – Cr Gillies left the room.

6.40pm – Cr Gillies returned to the room.

CARRIED: 9/2

Res: 131112

REASONS FOR CHANGE

The grant offered is unable to be used on the priority areas of the project such as the main access track seriously compromising the integrity of the desired project outcomes as clearly stated in the Council Resolution 110511.

Council need to be patient and plan the project carefully and economically with regard to the objectives of shared paths as identified in the adopted LPS ensuring the establishment of a sensible long term asset.

6.45pm - Public Question Time

The Shire President stated that the second public question time would begin & called for questions from members of the public. There were no questions.

6.46pm – Cr Morrell & the Director of Finance & Administration returned to the room.

Prior to consideration of Item 8.2.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Rowland & Cr Osborne are members of the Denmark Dragon Boat Club Inc. and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Rowland & Cr Osborne declare that they will consider this matter on its merits and vote accordingly.

8.2 Director of Community & Regulatory Services

8.2.1 REGIONAL DEVELOPMENT AUSTRALIA (RDA) FUNDING EXPRESSIONS OF INTEREST ROUND 3 AND 4 – DENMARK RIVERSIDE CLUBS PROJECT INC. & DENMARK AQUATIC CENTRE COMMITTEE INC.

File Ref:	A3035
Applicant / Proponent:	Denmark Riverside Club
Subject Land / Locality:	Reserve 20403, 3 Morgan Road, Denmark
Disclosure of Officer Interest:	Nil
Date:	12 November 2012
Author:	Damian Schwarzbach, Manager of Recreation Services
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.2.1 a) - RDA Expression of Interest Application 8.2.1 b) - Denmark Riverside Club Constitution

Summary:

The Denmark Riverside Club is seeking Council to act as the sponsor for a Regional Development Australia (RDA) funding Expression of Interest (EOI) application to establish a multi user riverside club facility on the A Class Reserve 20403 currently occupied by the Bowling Club and Dragon Boat Club.

The Club requests Council to:

1. Act as the sponsor/applicant for RDA funding for Round 3 due in 2013/14 to progress Stage 1 of the Riverside project;
2. Approve the submission of an EOI by the due date being 6 December 2012; and
3. Contribute a one quarter (25%) contribution of \$552,875.00 towards the total project cost of \$2,211,500, subject to a successful RDA application.

The report recommends that Council agree to act as the sponsor for RDA round 3, approve the submission of the EOI and, consider the provision of \$490,853 (22%) in the 2013/14 budget, should the application be successful, based on a lesser contribution to reflect funding also being applied for to the State via the next round of the Community Sports & Recreation facilities Fund (CSRFF).

Post script: Since the production of this report the Denmark Aquatic Centre Committee Inc. (DACCI) have requested consideration of Council to auspice a Round Four RDA Grant Application. The Officer has made minor amendments to the report to reflect this request and a separate Agenda item has not been prepared due to Agenda preparation restraints combined with the deadline associated with the Grant.

Background:

RDA Funding

RDA funding for Round Four provides for infrastructure projects that address the identified priorities of Regional Development Australia committees and have a strong regional impact. Grants of between \$500,000 and \$15 million are available to eligible applicants (\$175m available).

RDA funding for Round Three provides for infrastructure projects that address the identified priorities of Regional Development Australia committees and have a strong

regional impact. Grants of no greater than \$500,000 are available to eligible applicants (\$50m available).

Local Governments and not-for-profit organisations with an annual income of at least \$1 million (averaged over the most recent two years) are eligible to apply for Regional Development Australia Fund Round Three or Four. Other organisations may participate in the program as a member of a consortium led by an eligible applicant. This is why the Denmark Riverside Club has approached Council to act as the sponsor for this application – their annual income does not reach the \$1 million mark.

Eligible applicants must submit an EOI for their project to the Department of Regional Australia, Local Government, Arts and Sport. Once received, the Department will forward all EOIs to the relevant RDA committees.

The Great Southern Regional Development Australia Committee will select up to three Expressions of Interest to proceed to full application for Round Four and five for Round Three.

DRC have met with Simon Lyas, Executive Officer for Regional Development Australia Great Southern and the Riverside project has been accepted on the RDA's projects register for the Great Southern region.

The Timelines for Round 3 and 4 are as follows:

- Expressions of Interest close Thursday, 6 December 2012.
- Notification of outcomes Wednesday, 13 February 2013.
- Full applications for Round Four open Wednesday, 13 February 2013.
- Full applications for Round Three close Wednesday, 27 March 2013.
- Full applications for Round Four close Thursday, 11 April 2013.
- Minister announces projects to be funded from Round Three from Friday 7 June 2013.
- Minister announces projects to be funded from Round Four from Friday 12 July 2013.
- Funding Agreements negotiated and executed within six months of announcement.

Development of the Site

The Denmark Bowling Club developed and adopted a strategic plan in 2007 to meet the club's future growth and development.

In the same year Council established a Golf, Bowls and Tennis Club Working Group to investigate the needs of the clubs and the feasibility of amalgamating the Bowling club with the Country Club (Golf & Tennis).

This progressed to Council contracting a consultant (Jill Powell & Associates) to produce a report examining the long-term sustainability of the 3 clubs. The report was adopted by Council in September 2008.

During this process, the Bowling Club has made a decision to replace one of the greens with a synthetic surface. Council at its October 2007 meeting authorised unbudgeted expenditure of up to \$80,000 and a self supporting loan of up to \$85,000, over 20 years, as a contribution.

This was seen as an interim measure that would guarantee the viability of the Club whilst the longer term assessment was undertaken. In reality this ensured the Bowling Club would remain at the current site.

One of the recommendations from the consultant's report was for extensions to the club house.

Riverside Club Facility Background

The formation of the Denmark Dragon Boat Club adjacent to the Bowling Club and their efforts to find common interests with other like minded clubs has highlighted the potential for a multi-purpose club facility which meets the needs of several clubs, in particular the bowling club, dragon boat club, classic boat club and potentially a canoe/kayaking club. This fits within Council's Policy P110304 on Sustainability & Collocation (Sport and Recreation Facilities) which is mentioned under Policy Implications in this report.

The establishment of a river sports precinct and river trail has merit and would give exposure to the respective clubs and increase the probability of attracting members.

Council considered an initial proposal at the Ordinary Meeting of Council on 22 March 2011 (Resolution No. 200311)

"That with respect to the request of the Denmark Bowling Club that Council support both the principle of demolition of their existing Clubhouse, being the former Denmark Railway Station Building, and also a one third cash contribution to a new Clubhouse at the location, Council respond as follows;

- 1. That Council does not support the proposed demolition of the current building;*
- 2. That Council is prepared to consider supporting applications for grants for a new Clubhouse at the current site to a maximum cash and or in-kind value of one-third, plus additional self supporting loans, only if the Club can demonstrate to Council's satisfaction that it can meet its projected long term debt and ongoing commitments and has undertaken all necessary planning for the project.*
- 3. That Council staff inspect the building with a view to helping Council and the Club determine its structural integrity and suitability for relocation and or modification.*
- 4. If the Club wishes to proceed with planning for a new building on the site, that prior to part 2 being determined or considered, Council staff prepare for Council's consideration a draft concept plan for the Railway Heritage Precinct accommodating a relocated Railway Station Building for the purposes of undertaking community consultation."*

Therefore the request for one third contribution to the project cost subject to a successful CSRFF application from Council has been supported from the March 2011 meeting on the proviso of part 2 and part 4.

Then on 20 December 2011, Council Resolution No. 061211 passed the following resolution.

"That with respect to the Denmark Bowling Club's Riverside Project Committee's 15 November 2011 request for financial and organisational support Council respond as follows;

- 1. Council appoint Councillor Rowland and the Manager Recreation Services as the Council's representatives on the Denmark Bowling Club's Riverside Project Committee noting that they are there in an advisory and non-voting capacity only;*
- 2. That Council approves a \$1,000 donation to undertake the concept planning for the project from its Members Donation Account Number 1410082;*
- 3. Subject to Council's annual budget deliberations and the timing of the request in the context of Council's Long Term Financial Plan (draft), it is prepared to support the principle of a request for a maximum one third contribution (indicatively being up to \$533,000) to the project cost of stage 1 of the development subject to a successful CSRFF or similar grant application(s) (consistent with Council's resolution of 22 March 2011 numbered 200311);*
- 4. That Council does not support the request for an additional allocation of funding from the Shire's Royalties for Regions funding towards Stage 1 of the project as the*

determination of the funding source of Council's contribution is the prerogative of Council and access to funding in future years from the Country Local Government Fund is not guaranteed; and

5. *Council's consideration of support for stage 2 of the development relating to development of the John Clark Memorial Band Stand and associated foreshore area will be subject to consideration of the Project Committee's Concept Plan / Indigenous Heritage consultation, the Denmark Boating & Facilities Study and confirmation of indicative costings."*

The Project Committee engaged Pixel Trix Design Studio to prepare a project brief and subsequently to prepare preliminary costed concept plans. Site survey and quantity surveying work was also completed at this stage.

The Denmark Riverside Club became incorporated on 13 August 2012.

The draft concept plan for the Railway Heritage Precinct was presented to Council on 25 September 2012 and the following was resolved (Resolution No. 190912);

"That the draft Concept Plan, comprising Reserve 30277 (Lot 952), portion of Reserve 14376 (Lot 1083) and the unconstructed portion of the adjoining Hollings Road Reserve, for the Denmark Railway Station Heritage Precinct be advertised for public comment in the Administration Office, Denmark Library and Denmark Bulletin for a period of 60 days and specifically forwarded to the following identified organisations / businesses seeking written comment on the plan in general as well as on the opportunity to submit an expression of interest in relation to utilising the proposed relocated Railway Station Building (Community Groups only);

1. *Denmark Historical Society Inc.*
2. *Denmark Lions Cub Inc.*
3. *Wilgie View Learning Centre Inc. (Spirit of Play)*
4. *Denmark Machinery Restoration Group Inc.*
5. *Denmark Tourism Inc.*
6. *Denmark Chamber of Commerce Inc.*
7. *Denmark Weed Action Group Inc.*
8. *Denmark Yacht Club Inc.*
9. *Denmark Woodturners Inc.*
10. *The lessees of the Denmark Rivermouth Caravan Park."*

The Denmark Riverside Club is comprised currently of the Denmark Bowling Club Inc, Denmark Dragon Boat Club Inc, Denmark Classic Boat Club Inc, and Denmark Canoe Club.

The Club lodged a Community Sport and Recreation Facilities Fund (CSRFF) application with Council seeking their support.

This application was not supported by Council on 25 September 2012 with the resolution (Resolution No. 110912) that was lost below;

That with respect to the CSRFF application submitted by the Riverside Clubs of Denmark, Council;

1. *Recommend approval of their CSRFF application to the Department of Sport & Recreation.*
2. *Contribute a maximum of 34% contribution of \$773,833 towards the total project cost of \$2,211,500 (all plus GST) subject to a successful CSRFF application.*
3. *Agree to a self-supporting loan for the Riverside Clubs of \$160,000.*
4. *Agree to act as a sponsor for a Riverside application for Regional Development Australia (RDA) (Fund Round 4) bid for 2013/14 funding to progress stage 2 and related work subject to the application and associated information being substantially prepared by the Clubs.*
5. *Agree to funding the full cost of relocating and restumping the heritage portions of the former Railway Station at a site to be determined on the Denmark Railway*

Station No. 3 Reserve Heritage Precinct, estimated at a total cost of \$110,000 (plus GST), if it cannot be funded via other grants including through CSRFF and the RDA grant mentioned in part 3.

6. *Consider the funding of the agreed one third contribution of \$533,000 in the adoption of the 2013/14 Municipal Budget, subject to the project being supported by the Country Local Government Fund (CLGF) and a further \$240,833 in the 2014/15 Municipal Budget, subject to the project being supported by the CLGF in that year.*

Comment:

The CSRFF application received from the Denmark Bowling Club was well researched and demonstrated a need for this facility. The current application of the EOI is a smaller document not requiring the depth of information that the CSRFF did.

The proposal from the club is in 2 stages:

Stage 1 – construction of a pavilion on the bowling club house site, to provide spectator viewing areas, toilet/shower facilities, boat/equipment storage, club house facilities and reception area. The existing building is proposed to be relocated to the planned Heritage precinct at Crellin Street.

Stage 2 – a boat launch area incorporating the existing band stand building designed to provide safe river access for water craft. No costings have been completed for this stage.

Council raised some areas for concern when Resolution 110912 was lost.

One area was the increase in project costs (Council contribution) from \$533,000 to \$773,833. This increase was due to the cost of relocating the existing clubhouse to the historic precinct (not included in the original request) and cost increases attributed to the project due to more detailed planning and accurate cost estimates including inflation over a multi year period.

The current request would see Council's commitment reduced to \$552,875 (or \$490,852 based on the officers recommendation) which are similar or less than the original amount. This is due to the RDA funding providing 50% of the total project cost plus 25% from the Riverside Clubs reducing Council's contribution to 25% (or 22% if the CSRFF is included). This corresponds with Council policy P110304 which commits Council to a maximum of one third for Sport and Recreation Facilities, in fact reducing Council's contribution to less than the stated maximum.

The DRC Inc. represents all the member clubs and their constitution is an attachment to this item. The Annual General Meeting for the body will be held on 22 November 2012. Representatives from all clubs will have an opportunity to nominate for the management committee. The DRC have demonstrated an inclusive process for all member clubs and the 300 community members who they represent. The constitution has been designed so that no club has a controlling interest.

The DRC have consulted with potential interest groups in the Shire of Denmark. The Club has also consulted with adjacent landowners. This process has included door to door visits, invitation to the public forum/information day and distribution of information relating to the project.

The Indigenous cultural heritage of the site (being the 30m immediately adjacent the River) is recognised conceptually in the design after consultation with local elders and the Department of Indigenous Affairs. No Section 18 approval is required for Stage One works and will need to be obtained prior to Stage Two commencing.

The DRC recently provided project briefings to the Wagyl Kaip and Southern Noongar Working Party. An invitation was extended to the representative to nominate party to become a member on the project team working towards this facility.

The proposed Riverside facility will provide flexible, multi use facilities for club members (currently close to 300), and the community. The location of this facility is at the entrance to the town of Denmark, travelling from the Albany direction and is highly visible to all visitors. This has been taken into account by the project committee as they strive to provide a building that the Shire can be proud of and attract visitors.

Denmark attracts many visitors per year. Some of these visitors might wish to play bowls, paddle in their canoe/kayak, sail their yacht or join in with a dragon boat regatta. The improved quality of the facilities in Denmark – the bowling greens, the Club house, and launching area - may encourage these visitors to stay longer. Other visitors, who are currently not attracted to come to Denmark because they are aware facilities here are not up to expectations, might also, be attracted to come if they were to be aware of such improvement.

These extra visitors to Denmark, if attracted by the “appropriateness” of the facilities here, bring economic benefit in three ways:

- (a) Increased revenue (playing fees) for the recipient club. This extra revenue helps to justify the investment in the physical facilities, its maintenance and improvement.
- (b) Derivative opportunity for the clubs to gain sponsorship for organised events
- (c) Growth in the local economy.

The shared areas of the building are designed to be simultaneously accessible to different groups through the use of internal partitions. This will allow for multiple functions operating at the one time, or catering for a large function.

The facility will provide good accessibility for the members and encourages the maximum use of the adjoining playing surfaces and water entry points. There is also interest from other community groups to become a part of the riverside group; these include Denmark Cantare Choral Group, Denmark Croquet Group and Denmark Petanque Group (Bocce). These are not large groups, but have active membership and require a suitable facility, which currently they don't have.

The Denmark Bowling Club shows a strong financial base that appears to demonstrate a sustainable, financial club. The multi use facility will be more cost efficient, housing numerous clubs under one roof, resulting in a more efficient use of public funds.

The Bowling Club have demonstrated since 2009 a capability to service loans through Council and establish a replacement fund for the synthetic greens which by 2011 had reached \$100,000.

The Bowling Club Annual report for 2012 showed an operating net profit of \$64,870.78 and in 2011 \$50,702.31. The Club as at 31st March 2012 had \$156,125.45 in cash reserves. The club appears to be in a strong financial position generating sound year to year income with predicted membership growth due to the ageing population and increased retirees moving to Denmark.

RDA guidelines only allow an applicant to apply once per round. In other words, Round Three or Four are allowed one application each from the same applicant (and must be for different projects). This means if Council supports this application then no other submission can be approved for Round 3 for projects less than \$500,000. Council needs to be mindful that this could exclude other major projects. The decision by the Riverside Club to apply under Round 3, opens up the opportunity for the Council to lodge a Round 4 application.

Post Script: Council received a formal request from the Denmark Aquatic Centre Committee Inc. (DACCI) as follows;

“On behalf of the executive committee of DACCI, I wish to confirm that DACCI wishes to proceed with a R4 EOI application in the RDAF program for funding for an aquatic centre, under the provision that there are no conflicting applications for the same round.

The details of the application are to follow later.

We request that this matter be included in the Agenda for the next meeting of Council on November 27, as the deadline for the EOI to be lodged is December 6, 2012”.

Council also needs to consider that even if successful with the RDA application(s), Council still possesses the right to accept the grant or decline at that stage dependent upon Council’s own financial constraints and budget priorities. The project must commence within 12 months of signing the funding agreement, (signing between July/December 2013) and the project(s) must be completed by 31 December 2016.

Consultation:

The Riverside Clubs have consulted extensively with Department of Sport & Recreation, Department of Indigenous Affairs, Regional Development Australia, State Sporting Associations representing the respective activities and the community as follows;

- Interclub (all appropriate water based Clubs in Denmark) was held at the Shire Offices on 18 August 2011 which was the beginning of the formal process to create the DRC.
- Riverside Club pamphlet produced and distributed widely in the community (eg at sausage sizzle outside Supa IGA, Munda Biddi Trail launch, numerous meetings and forums with community groups)
- Regular “news” items in Denmark Bulletin.
- Local Residents/Public meeting held 8 July 2012. – advertised in Denmark Bulletin and letter drop invitations delivered to nearby residents. Approximately 14 attendees . General DRC presentation delivered and Q and A opportunity provided. No serious issues raised – eg one question on the retention of large trees on the car park area.
- 2 formal public briefing sessions (formally identified on the Council agendas) delivered to Denmark Shire Council.

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Policy P110304 SUSTAINABILITY & COLLOCATION (SPORT & RECREATION FACILITIES) relates as follows;

“Council will give priority support to facility development or redevelopment that shows capacity for collocating or the sharing of resources.

Applicants must be community based organisations and incorporated under the WA Association Incorporations Act 1997.

Council will require community based organisations seeking public funds of greater than \$10,000 for developing new or refurbished current facilities to have a business plan appropriate to the size of their organisation.

Council will contribute to a maximum of one-third (1/3) only of major facility development / redevelopment with a project cost greater than \$50,000 to demonstrate the need for such development and their strategies to ensure that the development will be viable for at least the next 10 years or such period requested by Council.”

The Riverside Clubs request is in accordance with this Policy.

Budget / Financial Implications:

There are potential large financial considerations for the Council in future budgets.

The Denmark Bowling Club currently has two self supporting loans with Council with principal at 29 August 2012 totalling:

Loan 140 \$57,893.89, with annual repayments of \$11,919.48 and maturing in 2017/18.

Loan 141 \$56,487.80 with annual repayments of \$10,215.99 and maturing in 2018/19.

The cost to Council of this project requested to be included in the 2013/14 Council Expenditure Budget is \$552,875.

In all probability however the officers, in reviewing the request, have considered that a more palatable scenario is a partnered application with both the Federal Government and State Government such that funding will not be available until 1 July 2014 (being the 2014/15 financial year). On this scenario the relative contributions would be as follows;

• Council	\$490,852 (22%)
• Riverside Club	\$490,852 (22%)
• RDA	\$500,000 (23%)
• CSRFF	\$729,795 (33%)
Total	\$2,211,500

The Shire of Denmark Forward Capital Works Plan (FCWP), which is the basis for Royalties for Regions funding applications, does include this project.

The Draft Long Term Financial Plan contains provision for the Riverside Clubs development with a total allocation of \$2,211,500 provided for in the 2014/15 year. This is funded from the following sources:

• Department of Sport & Recreation / Healthways	\$695,667
• Riverside Club contribution	\$742,000
• Shire of Denmark	\$773,833
Total	\$2,211,500

The Regional Development Australia funding application, if supported by Council and approved by Department of Regional Australia, Local Government, Arts and Sport would necessitate Council's contribution being funded in the 2013/14 year, a year earlier than that provided for in the draft long term financial plan. The scenario presented by staff place that funding being required in the 2014/15 Year, still achievable in terms of the conditions of grant, and maximising leveraging funds from the State, making the application stronger at the same time.

Projects that have been included for construction in the draft Long Term Financial Plan for the 2013/14 year, using Royalties for Regions funds are as follows:

2013/14	Total Cost	CLGF Council	CLGF Regional	Other grants	Council
Kwoorabup Community Park	\$200,000		\$200,000		
Civic Centre & Library	\$1,100,000	\$525,000		\$425,000	\$150,000
Administration Building Extension	\$553,124		\$318,779		\$234,345
Peaceful Bay – Path & Carpark	\$71,697	\$71,697			

The Administration Building Extensions, Civic Centre/Library and/or Peaceful Bay works could be moved at Council’s discretion to 2014/15 to accommodate the Riverside project in 2013/14. Indeed the Administration Building Extensions of \$553,124 was only brought forward to 2013/14 in the draft plan following the Council’s decision of 25 September 2012 to not support the Riverside’s CSRFF grant application. If the alternative scenario recommended by the administration is supported, then greater flexibility is retained in options for CLGF in 2013/14.

There has been discussion on this project compared to the proposed indoor heated aquatic facility. In the officer’s opinion these projects are different and need to be considered on their own merits and not “in competition”. This proposal will require initial construction assistance from Council, via the one third contribution. Once constructed, Council’s financial contribution is nil and the ongoing operating costs will be the Riverside Clubs responsibility.

Post Script – The request of DACCI also being asked of Council would be on the following indicative scenario;

• Council	\$3,000,000 (33%)
• RDA	\$4,500,000 (50%)
• CSRFF	\$1,500,000 (17%)
Total	\$9,000,000

The CSRFF State Government contribution level is based on advice of that Department that this would be in the order of the maximum contribution that they would provide from their pool of funds (as to why it is less than 33%). Ordinarily a CSRFF applicant needs to demonstrate at least two thirds of the contribution. In this case the Council together with the Commonwealth, would be funding 80%.

Council currently does not have the construction nor operation of an Aquatic Centre funded in the draft Long Term Financial Plan, however limiting Council’s capital contribution to only \$3,000,000 would go a long way to reducing the debt burden that the project would present were the grant application to be successful. In terms of timing, were the two applications for the Aquatic Centre be successful (known by March 2014), Council would have concluded its community consultation processes (expected to be concluded in early to mid 2013) with respect to the facility and be in a position to make a decision whether to proceed with construction on that information.

Strategic Implications:

The Denmark Bowling Club’s lease expires on the 30 October 2029, which was a new 21 year lease approved by Council on the 28 October 2008.

Sustainability Implications:

➤ **Environmental:**

There is a 30 metre exclusion zone from the banks of the Denmark River marked as an Aboriginal Heritage area.

➤ **Economic:**

There are significant economic implications relating to the project as identified in the body of the report including the benefits to the financial health and sustainability of the four Clubs involved.

➤ **Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in the sport result in a sense of personal wellbeing/good health in each member and, collectively, within the community.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1 (a)
<p>MOVED: CR ROWLAND</p> <p>That with respect to request by the Riverside Clubs of Denmark (Inc.) to lodge a Round Three (3) Regional Development Australia Expression of Interest application submitted, Council;</p> <ol style="list-style-type: none"> 1. Recognise the community value of the Riverside project; 2. Agree to act as the sponsor for a RDA Round 3 Expression of Interest; 3. Agree to contribute a maximum of \$490,852 (22%) towards the total project cost of \$2,211,500 (all plus GST) subject to successful RDA and CSRFF applications and the conditions in point 4; 4. Note that it retains complete control over the financial commitment to the project and even if successful with the RDA application, Council reserves the right to evaluate their financial position dependent upon external factors such as continuation of the Country Local Government Fund and Royalties for Regions funding levels; and 5. Consider the funding of the contribution of \$490,852 in the adoption of the 2014/15 Municipal Budget, subject to the conditions in point 4 and dependent upon success of the two (RDA and CSRFF) grant applications, which should be known by approximately March 2013 (stage two) and June 2013 (final approval) for RDA and March 2014 for CSRFF. 	<p>SECONDED: CR OSBORNE</p>
AMENDMENT	
<p>MOVED: CR PEDRO</p> <p>That part 6 be added which reads as follows; <i>“Note that should the application be successful Council expects that the application will be required to be lodged as a development application with Council with the expectation that there would be requirement for comprehensive community consultation.”</i></p>	<p>SECONDED: CR SEENEY</p>
<p>CARRIED: 10/2</p>	<p>Res: 141112</p>

6.59pm – The Director of Finance & Administration left the room.

7.05pm – The Director of Finance & Administration returned to the room.

7.07pm – Cr Gillies left the room.

7.08pm – Cr Gillies returned to the room.

AMENDED MOTION	
<p>That with respect to request by the Riverside Clubs of Denmark (Inc.) to lodge a Round Three (3) Regional Development Australia Expression of Interest application submitted, Council;</p> <ol style="list-style-type: none"> 1. Recognise the community value of the Riverside project; 2. Agree to act as the sponsor for a RDA Round 3 Expression of Interest; 3. Agree to contribute a maximum of \$490,852 (22%) towards the total project cost of \$2,211,500 (all plus GST) subject to successful RDA and CSRFF applications and the conditions in point 4; 	

4. Note that it retains complete control over the financial commitment to the project and even if successful with the RDA application, Council reserves the right to evaluate their financial position dependent upon external factors such as continuation of the Country Local Government Fund and Royalties for Regions funding levels; and
5. Consider the funding of the contribution of \$490,852 in the adoption of the 2014/15 Municipal Budget, subject to the conditions in point 4 and dependent upon success of the two (RDA and CSRFF) grant applications, which should be known by approximately March 2013 (stage two) and June 2013 (final approval) for RDA and March 2014 for CSRFF.
6. Note that should the application be successful Council expects that the application will be required to be lodged as a development application with Council with the expectation that there would be requirement for comprehensive community consultation.

THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED: 9/3 Res: 151112

Cr Morrell, Cr Marshall & Cr Hinds requested that their votes against be recorded.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.2.1 (b)
 MOVED: CR OSBORNE SECONDED: CR GILLIES

That with respect to request by the Denmark Aquatic Centre Committee Inc.(DACCI) to lodge a Round Four (4) Regional Development Australia Expression of Interest application submitted, Council;

1. Recognise the community value of the Aquatic Centre Facility project;
2. Agree to act as the sponsor for a RDA Round 4 Expression of Interest;
3. Agree to contribute a maximum of \$3,000,000 (33%) towards the total project cost of approximately \$9,000,000 (all plus GST) subject to successful RDA and CSRFF applications and the conditions in point 4;
4. Note that it retains complete control over the financial commitment to the project and even if successful with the RDA application, Council reserves the right to evaluate their financial position and commitment dependent upon other factors such as;
 - a) Continuation of the Country Local Government Fund and Royalties for Regions funding levels and;
 - b) Completion of a comprehensive community consultation process that assesses the communities willingness to pay for the construction and operation of the facility; and
5. Consider the funding of the contribution of \$3,000,000 in the adoption of the 2014/15 and 2015/16 Municipal Budgets, subject to the conditions in point 4 and dependent upon success of the two (RDA and CSRFF) grant applications, which should be known by approximately March 2013 (stage two) and June 2013 (final approval) for RDA and March 2014 for CSRFF.

AMENDMENT

MOVED: CR HINDS

That part 6 be added which reads:

“That DACCI be encouraged to continue with its research into defining the needs of the Denmark Community, the appropriate structure for the Aquatic Centre and the best financial structure. It is noted that DACCI is working on a proposal for an Aquatic Centre at a capital cost of approximately \$5,500,000 with annual running costs of \$350,000 per year.”

LAPSED FOR WANT OF A SECONDER

Res: 161112

7.28pm – *The Director of Finance & Administration left the room.*

7.30pm – *The Director of Finance & Administration returned to the room.*

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 10/2

Res: 171112

Cr Morrell & Cr Marshall requested that their votes against be recorded.

Cr Hinds - requested that all Councillors' votes on the above resolution be recorded.

FOR: *Cr Pedro, Cr Lewis, Cr Gillies, Cr Sampson, Cr Seeney, Cr Thornton, Cr Hinds, Cr Rowland, Cr Syme & Cr Osborne.*

AGAINST: *Cr Morrell & Cr Marshall.*

COUNCIL RESOLUTION	
MOVED: CR ROWLAND	SECONDED: CR SYME
That the meeting be adjourned for a short break, the time being 7.36pm.	
CARRIED: 12/0	Res: 181112

7.50pm – The meeting resumed with all Councillors and Staff who were present prior to the adjournment, with the exception of Cr Morrell who did not return for the duration of the meeting.

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 OCTOBER 2012

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	13 November 2012
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	8.4.1 - 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 six monthly 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.

Comment:

Shire Trust Funds have been invested for 90 days with the National Bank, maturing 27 October 2012 at the quoted rate of 5.00%.

Reserve Funds have been invested for 90 days with the National Bank, maturing 27 October 2012 at the quoted rate of 5.00%.

Surplus Municipal Funds of \$1,500,000 have been placed invested for 90 days with the National Bank, maturing 3 December 2012 at the quoted rate of 4.56%.

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 Statement.

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2012 end of year position is estimated to be \$0, as per budget projections (Note 5).
- Operating revenue and expenditure is slightly higher than that predicted for 31 October 2012 (Statement of Financial Activity).
- The 2012/13 Capital Works Program is 4.06% complete as at 31 October 2012 (Note 10).
- Rates Collection percentage of 68.99% is in keeping with historical collection rates (Note 6).
- The transfer of \$80,000 from the Land and Buildings Reserve to a new Aquatic Facility Development Reserve has occurred, effective 3 October 2012.
- Other various transfers to and from Reserve Funds have not yet been made for 2012/13 and are generally undertaken in the second 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)

Nil

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

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

For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopt a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$5,000.

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

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

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR ROWLAND
That with respect to Financial Statements for the month ending 31 October 2012, Council;	
1. Receive the Financial Report, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment as listed.	
CARRIED: 11/0	Res: 191112

8.4.2 2012/13 COMMUNITY NEEDS AND CUSTOMER SATISFACTION SURVEY

File Ref:	PBR.19
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	13 November 2012
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.2 – Draft 2012/13 Community Needs and Customer Satisfaction Survey

Summary:

In accordance with Council Policy P040130 Biennial Community Needs and Customer Satisfaction Survey, the draft Survey is attached for consideration by Council prior to distribution to survey participants.

The community survey is a means of obtaining valuable feedback regarding the works and services offered by the Shire.

Background:

The Shire of Denmark had previously conducted a biennial community survey, which ceased in 2004. In 2008 Council resolved to reintroduce the Survey, which was undertaken in 2008/09 and again in 2010/11.

As per Council Policy, the Survey has previously been sent to 1000 randomly selected electors of the Shire.

The 2008 Survey received an excellent response with 36.8% of participants completing. The 2011 Survey, which included the option to complete online for the first time, recorded an improved response of 47.9%

The attached Draft Survey has been prepared after inviting input from Councillors and Staff.

Comment:

As discussed at the Council Briefing Forum held 6 November 2012, it is proposed to vary the requirements of Policy P040130 and distribute the survey via online means to all those residents, ratepayers and electors on the Consolidated Electoral Roll, with the option of a hard copy available to those participants who are unable to complete online.

Security measures will be put in place to protect the integrity of the survey process.

Consultation:

Shire of Denmark Councillors and Staff

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Policy P040130 – Biennial Community Needs & Customer Satisfaction Survey

The draft Survey has been prepared in accordance with this Policy, which reads as follows;

1. *In November of every even numbered year, Council is to conduct an in house prepared Community Needs & Customer Satisfaction survey.*
2. *The Survey is to be sent to 1000 randomly selected electors of the Shire, drawn from the most recent Shire of Denmark consolidated Electoral Roll.*

Policy P040123 – Community Consultation Policy

The above policy also relates and the undertaking of the Survey is in keeping with the broad principles of consultation prescribed in the Policy, which requires the preparation of a Community Consultation Plan when proposing new projects, programmes or policies. For the purposes of the Community Survey, the following Community Consultation Plan is proposed;

1. Send correspondence to all electors in early December 2012, advising of login/password details for online survey and inviting those unable to contact complete in this manner to contact staff for hard copy.
2. Require surveys to be completed/returned no later than Wed 9 January 2013.
3. Provide a reply paid envelope to those unable to complete online for use in returning their completed hard copy.
4. Include in promotional material the right for participants who complete the survey online to enter a prize draw to win one of five (5) \$100 dinner vouchers at a local winery.
5. Include in promotional material the right for participants who submit their completed survey "not online" to enter a prize draw to win one double wine pack from a local winery.
6. Collate all responses and present to Council in March 2013 for consideration.
7. Promote results of the survey to the local media, Council website and notice boards.

Budget / Financial Implications:

As the preparation and distribution of the Survey is undertaken on an in-house basis, costs are kept to a minimum and are included within existing administration budget allocations.

In-house costs incurred, including postage, in the conduct of the survey are estimated to be approximately \$10,000.

Quotations from external consultants to prepare and undertake the Survey have previously been obtained, with prices starting from \$8,000. Note that these prices relate to a much smaller sample size than that prescribed by Council Policy and can use a combination of survey methods (i.e. telephone interviews and others).

Strategic Implications:

Information obtained from the survey will be used to assist Council formulate and prepare the Shire of Denmark Community Strategic Plan.

It is also a valuable means of obtaining feedback from electors regarding works, services and future priorities of the Council.

Sustainability Implications:

➤ **Environmental:**

The Survey contains questions in regards to environmental issues that may assist Council in determining policies and resource allocations to address these issues.

➤ **Economic:**

The Survey contains questions in regards to the economic development of the Shire which will assist Council in determining policies and resource allocations to address these issues.

Social:

The Survey contains questions in regards to social issues within the Shire, such as recreation and library services, which again will assist Council in determining policies, resource allocations to address these issues.

In addition, this type of consultation with our community provides a valuable opportunity for ratepayers to provide feedback on Council’s performance and a voice in determining the future direction and priorities of Council, which should promote a stronger relationship between Council and the community it serves.

Voting Requirements:

Simple majority.

8.03pm – Cr Sampson left the room.

8.04pm – Cr Sampson returned to the room.

OFFICER RECOMMENDATION

ITEM 8.4.2

That with respect to the Draft 2012/13 Community Needs and Customer Satisfaction Survey, Council;

1. Endorse the Draft Survey, for distribution to those ratepayers and electors on the Consolidated Electoral Roll as at 27 November 2012.
2. Endorse the proposal to distribute the survey to all electors of the Shire and that the principal method of completing the survey by online means, with a hard copy available for those who do not wish to or are unable to complete it in this manner.
3. Amend Policy P040130 to reflect the new means of distributing the Survey online and to reflect the entire Residents & Ratepayer base.
4. Distribute the Survey in early December and close 9 January 2013.
5. Include in promotional material the right for participants who complete the survey online to enter a prize draw to win one of five (5) \$100 dinner vouchers at a local winery.
6. Include in promotional material the right for participants who submit their completed survey “not online” to enter a prize draw to win one double wine pack from a local winery.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.4.2

MOVED: CR LEWIS

SECONDED: CR HINDS

That with respect to the Draft 2012/13 Community Needs and Customer Satisfaction Survey, Council;

1. Endorse the Draft Survey (as amended), for distribution to those ratepayers and electors on the Consolidated Electoral Roll as at 27 November 2012, subject to the addition of a question in Future Directions which reads “In order to assist frame Council’s long term planning, in 25 words or less please describe your vision for the Shire”;
2. Endorse the proposal to distribute the survey to all electors of the Shire and that the principal method of completing the survey by online means, with a hard copy available for those who do not wish to or are unable to complete it in this manner.
3. Amend Policy P040130 to reflect the new means of distributing the Survey online and to reflect the entire Residents & Ratepayer base.
4. Distribute the Survey in early December and close 9 January 2013.
5. Include in promotional material the right for participants who complete the survey online to enter a prize draw to win one of five (5) \$100 dinner vouchers at a local winery.
6. Include in promotional material the right for participants who submit their completed survey “not online” to enter a prize draw to win one double wine pack from a local winery.

CARRIED: 11/0

Res: 201112

REASONS FOR CHANGE

Council wished to add an additional question and added the words “as amended” under part 1.

8.11pm – The Director of Finance & Administration left the room and did not return.

8.5 Chief Executive Officer

Prior to consideration of Item 8.5.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting that he declares a financial interest on the basis that he is employed by the Shire of Denmark. Mr Stewart advised that he would consider the item on its merits and advise Council accordingly.

8.5.1 METROPOLITAN LOCAL GOVERNMENT REVIEW

File Ref:	GOV.20
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Yes – Financial Interest is declared on the basis that Recommendation No. 25 recommends changing the way in which CEOs of LGs are appointed
Date:	12 November 2012
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Yes – Final Report of the Independent Panel

Summary:

An independent Metropolitan Local Government Review Panel was appointed to consider terms of reference provided by the Minister for Local Government, Hon John Castrilli MLA in his announcement of the local government boundaries review.

The Panel concluded its work in July 2012 when it provided its final report to the Minister. That work is now complete and the Government has released the Panel's report for public comment.

This report considers whether the Shire of Denmark has a position on any of the recommendations.

Background:

The independent Metropolitan Governance Review Panel was asked by the Minister for Local Government to:

- *“Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.*
- *Identify current and anticipated national and international factors likely to impact in the next 50 years.*
- *Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review.*
- *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.*
- *Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.*
- *Present a limited list of achievable options together with a recommendation on the preferred option.”*

The public comment period will finish on Friday, 5 April 2013 and the State Government will then consider all of the information before making a decision on the various recommendations.

Comment:

The Metropolitan Local Government Review Panel has released its final report on the Metropolitan Local Government Review, a copy of which is attached and also available from <http://metroreview.dlg.wa.gov.au>.

It should be noted that the recommendations rely heavily on the accompanying report background information and one should be careful not to read them in isolation as is summarised herein.

The Report, whilst initially considered in context of the Metropolitan area only, makes numerous recommendations that have direct implications for the entire State and therefore all Local Governments in WA. The Shire of Denmark may also feel that it would like to comment on recommendations that do not directly impact on the Shire of Denmark as an entity, but nevertheless, its constituents might feel it ought to (such as a shared vision for Perth).

The report contains 30 recommendations which are as follows;

Section 4 of the Report

1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts. (Page 63)

Officer comment: supported – examples include the fact that the Department of Housing (Homewest) pays rates, yet when Homewest transfers public property to not for profit housing associations, they generally seek and claim rate exemption on the basis of charitable status.

2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government. (Page 68)

Officer comment: supported – a collaborative approach agreed to by the parties would be beneficial to the industry.

3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government. (Page 71)

Officer comment: supported for not just the metropolitan area but also the regions. The opportunity also exists to review the alignment of Department boundaries to align with the nine (9) regional Development Commission boundaries.

4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process. (Page 76)

Officer comment: This recommendation presupposes the outcome of latter recommendation no. 14 however notwithstanding the development of a Commission, the principle of a review of WA State and Local Government functions is supported, particularly if it acknowledges the services, functions and facilities that local government currently provides which is subsidised on behalf of the State or provided at a loss.

5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.

Officer comment: supported. The opportunity also exists to review the effectiveness of the Development Assessment Panels at a State-wide level.

6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government. (Page 73)

Officer comment: supported

7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups. (Page 76)

Officer comment: supported – the fact that there currently isn't a State accepted 'vision' for Perth is surely an indictment on the current (and previous) State and Local Government relationship.

Section 5 of the Report

8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth. (Page 109)

Officer comment: the principle of all partners (local governments) in the metropolitan region coming together to address critical cross boundary issues is supported. The representative of each local government should however be the discretion of the local government and as long as they have the authority to speak on behalf of the local government. The Mayor or Shire President should be the default nominee unless another representative is chosen by that authority.

9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance. (Page 109)

Officer comment: supported.

10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms. (Page 125)

Officer comment: supported.

11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the *Local Government Act 1995* be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed. (Page 130)

Officer comment: this recommendation presupposes recommendation no. 15. Supported only in the event that no.15 is supported.

12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority. (Page 128)

Officer comment: not supported as insufficient evidence has been provided to justify the change (page 128 of the Report).

13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops. (Page 128)

Officer comment: supported subject to the independent body reporting to the State Government and not having legislative ability to implement its own findings / recommendations (judge and jury).

14. The Local Government Advisory Board be dissolved and its operating and process provisions in the *Local Government Act 1995* be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews. (Page 129)

Officer comment: not supported - the principle of removing the Advisory Board also acknowledges that the poll provisions and the right for individual local government's constituents to effectively 'veto' an amalgamation call are also removed. It effectively transfers ultimate 'control' over boundaries and local government reform to the State Government of the day without reference to the 'people' of that local government.

15. A new structure of local government in metropolitan Perth be created through specific legislation which:
- a) incorporates all of the Swan and Canning Rivers within applicable local government areas
 - b) transfers Rottnest Island to the proposed local government centred around the City of Fremantle
 - c) reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report. (Page 129 on)

Officer comment: supported – the arguments espoused in the report support the need for a major review of metropolitan local government to provide for better integration of service provision and improved capacity for metropolitan scale strategic planning in relation to such matters as waste, transport and recreational facilities, etc.

Section 6 of the Report

16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission. (Page 145)

Officer comment: not supported. This will add unnecessary cost to local governments who can perform the same service at lower cost. Consideration should be given to whether local governments can compete for providing services to adjoining local governments to improved perceptions of accountability.

17. Compulsory voting for local government elections be enacted. (Page 145)

Officer comment: Compulsory voting is in place for Federal and State Governments. The principle argument against is that compulsory voting leads to party politics in local government. The principle argument for is that it is consistent with State and Federal politics. On balance, notwithstanding that compulsory voting will add cost to elections, the officer recommends: support.

18. All Mayors and Presidents be directly elected by the community. (Page 151)

Officer comment: not supported – the State Government need only look at previous reports on the subject matter including the 1996 Royal Commission into the City of Wanneroo which recommended against the principle of publicly elected Mayors. The officer is of the view that a Mayor or President elected by their peers (elected members) will hold them accountable to not just the residents and ratepayers, but also to the 'board' and make for more harmonious working relationships and better decision making.

19. Party and group nominations for local government electoral vacancies be permitted. (page 149)

Officer comment: The arguments espoused on page 149 of the report are interesting. Indeed it argues that party politics and the politicisation of local government should be facilitated to improve the structure and to introduce bigger broader concepts. On balance the officer is of the view that whilst party politics is not illegal now, it should not be 'facilitated' or encouraged'. Not supported.

20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President. (Page 151)

Officer comment: The authors espouse the view that elected members should be limited to 12 years on the basis that 12 years is enough time to 'achieve a great deal' and provide for greater sharing of knowledge and experience across broader generations and cultural range. On balance the officer has the view that if the State Government also has this view then it should be compulsory for State Parliament to introduce similar legislation with respect to State Politicians. On the basis that the State Government will not support this view, the officer recommends not supporting the recommendation as the arguments are hypothetical and not based on research.

21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour. (page 151)

Officer comment: supported

22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended). (Pages 149-150)

Officer comment: the officer has the view that preferential is a system that elects the most preferred candidate and therefore should be supported over arguments of simplicity and ease. The officer believes the system needs to be the same for all local governments in WA, not just the larger municipalities proposed to be created for metropolitan Perth.

23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal. (Page 157)

Officer comment: supported on the basis that it will create consistency and equity across the State and provide greater equity and opportunity for those that are not self employed. It is the officers view however that this will also probably lead to increased expenses for governance and trend towards 'salaried' positions further driving the need to reduce both the total number and maximum number of elected members in individual local governments.

24. Payments made to elected members be reported to the community on a regular basis by each local government. (Page 157)

Officer comment: supported although it should be acknowledged that this occurs in the annual report (once per year) now.

25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees. (Page 152)

Officer comment: noting that the officer declares a financial interest in this item – the principle is supported as long as it does not involve any additional financial impost or surcharge on local government to avail of the service.

Section 7 of the Report

26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.

Officer comment: supported noting that the government needs to be realistic with the implementation phase.

27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.

Officer comment: supported.

28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.

Officer comment: supported (critical).

8.28pm – The Director of Community & Regulatory Services left the room.

29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government.

Officer comment: not supported for the same reasons espoused in recommendation no. 14.

30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.

Officer comment: not supported – some recommendations are independent of the others and can be adopted and implemented independently on their merits.

Consultation:

The report is out for public comment to 5 April 2013. The officer does not believe local public consultation on its draft or final 'responses' to these recommendations is required, although the public are invited and welcome to make individual submissions direct to the State Government.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Dependent upon the outcome of the recommendations, several if supported, would generate greater costs associated with the governance of a local government. Recommendation No. 1 on the other hand has the potential to increase Councils' income.

Strategic Implications:

The outcomes of the Government's consideration of the various recommendations could have very important strategic implications for the direction of the local government in this State.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

Many of the recommendations relate to the economic prosperity of the State by advocating more effective governance structures for metropolitan Perth. There are however no known significant economic implications when considering the direct impact on Denmark.

➤ **Social:**

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to the final report of the Metropolitan Local Government Review recommendations, Council responds in accordance with the officers comments contained within the report and a copy of the Shire of Denmark's responses be provided to the State National, Labour and Greens Parties together with the WA Local Government Association (WALGA).

COUNCIL RESOLUTION

ITEM 8.5.1

MOVED: CR OSBORNE

SECONDED: CR LEWIS

That with respect to the final report of the Metropolitan Local Government Review recommendations, Council responds in accordance with the officers comments contained within the report and a copy of the Shire of Denmark's responses be provided to the State National, Labour and Greens Parties together with the WA Local Government Association (WALGA) with the following alterations;

1. Section 6, Recommendation 17 – compulsory voting is not supported;
2. Section 6, Recommendation 19 – party & group nominations is not supported and the Officer is asked to note Council's strongest objections; and
3. Section 6, Recommendation 22 – preferential voting is not supported.

AMENDMENT

MOVED: CR SEENEY

SECONDED: CR HINDS

That part 1 be removed from the motion.

LOST: 4/7

Res: 211112

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 11/0

Res: 221112

8.5.2 SHIRE FOOTPATH ENCROACHMENT – KARRI BAY ESTATE (NO. 1 / LOT 42 MINISTERLY ROAD, OCEAN BEACH)

File Ref:	A2401 to A2422 (Strata Plan No. 17136)
Applicant / Proponent:	Karri Bay Estate
Subject Land / Locality:	No. 1 (Lot 42) Ministerly Road, Ocean Beach
Disclosure of Officer Interest:	Nil
Date:	14 November 2012
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.1 – Correspondence from Karri Bay Estate

Summary:

Council has been advised that portion of its Ocean Beach Rd public dual use pathway has been built within the common area of privately owned property, being the Karri Bay Estate. The owners of the strata title request that Council consider possible solutions to this issue. This report canvasses options in this regard.

Background:

The section dual use path on the incorrect alignment was built in approximately 2003/04. The path at that point is 2m wide.

Comment:

Karri Bay Estate are in the final stages of having a Strata Title Survey completed however during this process it has been brought to their attention that the constructed public path along Ocean Beach Road has encroached into approximately 300m² of the common area of Lot 42.



Solutions include;

1. Purchasing the land at valuation
2. Relocating the Path
3. Negotiating with the Strata Company to retain the path and in perpetuity indemnify the Strata Company from any public liability.

The advantages and disadvantages of each option are discussed as follows;

Option 1 - Purchasing the land at valuation

This option is clean for both the Council and Strata Company with no disruption to services or vegetation and at relatively fixed / known costs. The land valuation is unknown at the time of writing this (should be available for the meeting) and other expenses would be estimated at \$5,000, which would include a land disposal / acquisition application (for amalgamation into our adjoining reserve), valuation, survey and settlement costs.

Option 2 – Relocating the path

This option involved both construction of a new section of path and removal of the previous section with a suggested requirement of some revegetation. A new path of 2m width for some 300m would cost approximately \$27,000 (based on \$90 per lineal metre) with ripping up of the former path and revegetation of that area estimated at \$5,000. It could also be argued that the Council will have to 'manage' this revegetation for a period such as 12 months until it is established. Clearing of land adjacent the existing path may be required but would be minimal. For these reasons the solution is the least favoured as costs are less fixed and 'known'.

Option 3 – Retaining the path and negotiating to indemnify the Strata Company in perpetuity

This option is essentially to leave the path as is and negotiate with the Strata Company to allow it to be retained subject to indemnifying the company from public liability.

Council's insurers (the Municipal Liability Insurance Service) confirms that this would be acceptable and would simply involve issuing the company a formal letter stating that the Council would agree to indemnify the Strata Company for any losses they may incur due to Council's carelessness or negligence as a result of its failure to adequately maintain the path within their land. Council would maintain the path as normal as though it was the Council's and this would be included in the correspondence. This option is the simplest (and cheapest) and involves simply a letter which would be retained on our respective 'company' files.

The solution does however require the agreement of the Strata Company who have advised that they would prefer to have the path removed or the land sold to Council.

Consultation:

The Secretary of the Strata Company has requested that Council address possible solutions. Solutions do not impact any individual or organisation other than the Strata Company (and owners of that strata company being the Karri Bay Estate landowners).

Statutory Obligations:

There are no statutory obligations other than complying with the land transfer processes and authorising an unbudgeted expenditure.

Policy Implications:

The only policy implication is the question of avoiding similar mistakes into the future. This has been mitigated by the adoption of a new works checklist (administratively adopted approximately 18 months ago) which specifically asks the question of whether the land is held by Council and requires cross referencing to other Departments / officers.

Budget / Financial Implications:

Two of the three (3) options include financial expense on the Council's current Budget which are unbudgeted.

If the Council proceeds to acquire the land, this will be budgeted for in the 2013 / 14 financial year.

Strategic Implications:

The subject land if acquired would be acquired freehold but then amalgamated with the adjoining Recreation Reserve (no. 37391), the management order for which is in favour of the Shire of Denmark of Council for the purposes of foreshore protection.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Absolute majority required in relation to the unbudgeted expenditure.

8.50pm – Cr Rowland left the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.2
MOVED: CR SEENEY	SECONDED: CR SEENEY
That with respect to the dual use path adjacent the Karri Bay Residential Estate, a portion of which has been built such that it encroaches on their title, Council;	
1. Agree to write a letter indemnifying the Strata Company from any losses that they may incur into the future as a result of Council's potential future negligence in not maintaining the path to an adequate standard; and	
2. Authorise the CEO to negotiate the purchase of the land in question if the costs and valuation are not expected to exceed \$10,000, plus GST if applicable.	
CARRIED BY AN ABSOLUTE MAJORITY: 10/0	Res: 231112

8.5.3 ORDINARY COUNCIL MEETING START TIME & DATES FOR 2013

File Ref:	CR.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	14 November 2012
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.3 - draft Meeting Schedule 2013

Summary:

This report recommends that Council keep its Ordinary Meeting start time at 4.00pm and that Council endorse the proposed meeting dates (attached) and Kent/Nornalup Ward Meetings for 2013.

Background:

Pursuant to sections 5.3 of the Local Government Act 1995, Council is required to hold ordinary meetings and hold those meetings not more than 3 months apart.

Comment:

Public Holidays for 2013 (as published on the Department of Commerce’s website – extracted 14 November 2012) are as follows;

New Year’s Day	Tuesday, 1 January
Australia Day	Monday, 28 January
Labour Day	Monday, 4 March
Good Friday	Friday, 29 March
Easter Monday.....	Monday, 1 April
ANZAC Day	Thursday, 25 April
Western Australia Day (formally Foundation Day).....	Monday, 3 June
Queen’s Birthday	Monday, 30 September
Christmas Day	Wednesday, 25 December
Boxing Day	Thursday, 26 December

Additional Notes

January Meeting

The last Ordinary Council meeting of 2012 is scheduled for 18 December and three weeks after that date is 8 January 2012 however. due to the scheduled Office shutdown from 24 December to 2 January 2013 it is recommended that the first scheduled meeting date for 2013 be held on 22 January 2013. This will enable Staff on leave enough time to write reports and prepare the Agenda (noting that the Agenda is to be published one week prior to the meeting date).

December Meeting

Council have the option to hold a second meeting in December 2013 being three weeks after the meeting of 8 December 2013 however it is noted that this will fall on Christmas Eve and therefore it has been recommended that there only be one meeting in December in consideration of Staff and Elected Members who may desire to be with their families on the night before Christmas (noting also that it cannot be certain when the meeting might finish).

Taking the above public holidays and additional notes into consideration the proposed Ordinary Meeting dates, being every third Tuesday (pursuant to Council Policy P040101), for 2013 are as follows;

DATE	LOCATION
22 January	Council Chamber, 953 South Coast Highway, Denmark
12 February	Council Chamber, 953 South Coast Highway, Denmark
5 March	Nornalup Hall, 1 Shaw Road, Nornalup
26 March	Council Chamber, 953 South Coast Highway, Denmark
16 April	Council Chamber, 953 South Coast Highway, Denmark
7 May	Council Chamber, 953 South Coast Highway, Denmark
28 May	Council Chamber, 953 South Coast Highway, Denmark
18 June	Council Chamber, 953 South Coast Highway, Denmark
9 July	Council Chamber, 953 South Coast Highway, Denmark
30 July	Council Chamber, 953 South Coast Highway, Denmark
20 August	Council Chamber, 953 South Coast Highway, Denmark
10 September	Council Chamber, 953 South Coast Highway, Denmark
1 October	Council Chamber, 953 South Coast Highway, Denmark
22 October	Council Chamber, 953 South Coast Highway, Denmark
12 November	Council Chamber, 953 South Coast Highway, Denmark
3 December	Council Chamber, 953 South Coast Highway, Denmark

The March 2012 meeting was held at the Tingledale Hall and therefore, pursuant to Council Policy P040102, it is recommended that the Ordinary Council Meeting in March 2013 be held at the Nornalup Hall.

Council Policy P040103 states that Council will also host two (2) locality (Kent/Nornalup Ward) meetings each year in at least two of the communities of Peaceful Bay, Nornalup and Tingledale. It is suggested that Council host two Kent / Nornalup Ward meetings in 2013 in the localities of Tingledale & Peaceful Bay.

Consultation:

Nil

Statutory Obligations:

The following legislation relates to Council meeting dates;

Section 5.3 & 5.4 of the Local Government Act 1995 states;

5.3. Ordinary and special council meetings

- 1) *A council is to hold ordinary meetings and may hold special meetings.*
- 2) *Ordinary meetings are to be held not more than 3 months apart.*
- 3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- a) *if called for by either —*
 - i. *the mayor or president; or*
 - ii. *at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- b) *if so decided by the council.*

Policy Implications:

Council Policies P040101, P040102 & P040103 are detailed as follows.

“P040101 ORDINARY COUNCIL MEETINGS

The Council shall meet every three (3) weeks on a Tuesday with a Briefing Session beginning at 10.00am and the Ordinary Council meeting commencing at 4.00pm, and/or as determined by the Chief Executive Officer in conjunction with the Shire President.”

"P040102 MEETINGS OF COUNCIL - LOCATION (MARCH)

The location of Council's first meeting in March will be alternated every year between the Tingledale Hall and the Nornalup Hall and it will be widely advertised prior to the meetings."

"P040103 LOCALITY (KENT/NORNALUP WARD) MEETINGS

Council will host a meeting of citizens and community organisations at least once a year in at least 2 of the communities of Tingledale, Nornalup and Peaceful Bay and it will be widely advertised prior to the meetings."

Budget / Financial Implications:

There are no known budget or financial implications associated with this report or the Officer Recommendation.

Strategic Implications:

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

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

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

➤ Social:

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

Voting Requirements:

Simple majority.

8.56pm – Cr Rowland returned to the room.

OFFICER RECOMMENDATION**ITEM 8.5.3**

That with respect to the Ordinary Meetings of Council to be held in 2013, Council;

1. Retain the meeting time for Ordinary Meetings at 4.00pm;
2. Endorse the dates for Ordinary Council meetings in 2013 to commence on Tuesday 22 January 2013;
3. Hold the March meeting at the Nornalup Hall;
4. Host a Kent/Nornalup Ward Meeting for the interest of residents, ratepayers and community organisations at the Peaceful Bay Progress Association Hall and the Tingledale Hall at times and dates to be determined by the CEO in conjunction with the Shire President and widely advertise those times & dates prior to the meeting.
5. Convene strategic briefing forums generally commencing at 10.00am on Ordinary Council Meeting Days; and
6. Advertise in the Denmark Bulletin, Walpole Weekly, on Council's website and on Council's Notice Boards the dates and locations in parts 2, 3 & 4.

COUNCIL RESOLUTION

ITEM 8.5.3

MOVED: CR LEWIS

SECONDED: CR ROWLAND

That with respect to the Ordinary Meetings of Council to be held in 2013, Council;

1. Retain the meeting time for Ordinary Meetings at 4.00pm;
2. Endorse the dates for Ordinary Council meetings in 2013 to commence on Tuesday 12 February 2013;
3. Hold the March meeting at the Nornalup Hall;
4. Host a Kent/Nornalup Ward Meeting for the interest of residents, ratepayers and community organisations at the Peaceful Bay Progress Association Hall and the Tingledale Hall at times and dates to be determined by the CEO in conjunction with the Shire President and widely advertise those times & dates prior to the meeting.
5. Convene strategic briefing forums generally commencing at 10.00am on Ordinary Council Meeting Days; and
6. Advertise in the Denmark Bulletin, Walpole Weekly, on Council’s website and on Council’s Notice Boards the dates and locations in parts 2, 3 & 4.

AMENDMENT

MOVED: CR MARSHALL

SECONDED: CR HINDS

That point 5 be amended to have the Briefing Forums held on the Tuesday prior to the scheduled Council meeting.

LOST: 2/9

Res: 241112

AMENDMENT

MOVED: CR SYME

SECONDED: CR OSBORNE

Replace the words “12 February 2013” with the words “22 January 2013”.

CARRIED: 8/3

Res: 251112

AMENDED MOTION

That with respect to the Ordinary Meetings of Council to be held in 2013, Council;

1. Retain the meeting time for Ordinary Meetings at 4.00pm;
2. Endorse the dates for Ordinary Council meetings in 2013 to commence on Tuesday 22 January 2013;
3. Hold the March meeting at the Nornalup Hall;
4. Host a Kent/Nornalup Ward Meeting for the interest of residents, ratepayers and community organisations at the Peaceful Bay Progress Association Hall and the Tingledale Hall at times and dates to be determined by the CEO in conjunction with the Shire President and widely advertise those times & dates prior to the meeting;
5. Convene strategic briefing forums generally commencing at 10.00am on Ordinary Council Meeting Days; and
6. Advertise in the Denmark Bulletin, Walpole Weekly, on Council’s website and on Council’s Notice Boards the dates and locations in parts 2, 3 & 4.

THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED: 8/3

Res: 261112

9. COMMITTEE REPORTS & RECOMMENDATIONS

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

9.25pm - *There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.*

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

Signed: _____

Dale Stewart – Chief Executive Officer

Date: _____

These minutes were confirmed at the meeting of the _____

Signed: _____

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