

# Shire of Denmark

## Ordinary Council Meeting

# MINUTES

18 December 2018



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## Strategic Community Plan (snapshot)

### E1.0

#### Our Economy

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

- E1.1 To have a locally supported resilient, stable and innovative business community that embraces creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

### N2.0

#### Our Natural Environment

*Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future*

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

### B3.0

#### Our Built Environment

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

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

### C4.0

#### Our Community

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

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

### L5.0

#### Our Local Government

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

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

4.03pm – The Shire President, Cr Gearon, declared the meeting open.

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

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

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

MEMBERS:

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

STAFF:

- Mr Bill Parker (Chief Executive Officer)
- Mr Cary Green (Director Corporate and Community Services)
- Vacant (Director Assets and Sustainable Development)
- Ms Jasmine Tohill (Senior Town Planner)
- Ms Claire Thompson (Executive Assistant & Governance Coordinator)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 49

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

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	8.2.2	Impartiality	Cr Gearon’s partner is a Committee member and Cr Gearon is a member of the Denmark Surf Life Saving Club.
Cr Whooley	10.1	Financial	Cr Whooley’s daughter is one of the nominees.

### 3. ANNOUNCEMENTS BY THE PERSON PRESIDING

*Cr Gearon noted that it was the last formal meeting of year and thanked Councillors, Staff and the Community for their support over the last 12 months. Cr Gearon said that she hoped that everyone had an enjoyable and safe Christmas.*

*Cr Gearon announced that Cr Gibson had attended the International Cities, Town Centres and Communities (ICTC) Conference in Perth and would be making a short presentation on the information that he acquired from the conference. Cr Gibson made a presentation.*

### 4. PUBLIC QUESTION TIME

#### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

##### 4.1.1 MR BRIAN HUMPHRIES – CORPORATE BUSINESS PLAN

At the meeting held on Tuesday, 20 November 2018 Mr Humphries asked a question which was taken on notice and has responded to in writing.

Extract from Minutes – 20 November 2018

*Mr Humphries referred to the summary on page 4 which stated that the expenditure over four years for the actions would be \$25.5 million and that \$14.5 million would be offset by external grants. Mr Humphries asked where the shortfall of \$11 million would come from.*

Response:

*The Shire of Denmark has committed to meeting with you on Wednesday 12<sup>th</sup> December 2018 to discuss your concerns further.*

#### 4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

*The Shire President noted that there were a number of people in the public gallery and that she was aware that there were a few key topics which many people had come to speak on. Cr Gearon asked people to indicate by raising their hand which topic they had come to speak on. Cr Gearon acknowledged that the Surf Club item and the trees earmarked to be removed on McLeod Road were particular topics of interest.*

*Cr Gearon advised that Shire Staff had received some feedback from the community regarding clearing on McLeod Road and had already commenced some investigation on compromises. Cr Gearon requested that the Chief Executive Officer provide an update which may answer some of the community's questions or concerns.*

*The Chief Executive Officer said that the road had been identified through the Regional Road Group as a road of regional significance and the Shire had subsequently received*

*funding through Main Roads WA to widen it to seven metres to alleviate conflict between heavy vehicles, farming implements and tourist facilities. Mr Parker said that Shire Officers were currently liaising with Main Roads WA to find out if the seven metre requirement could be relaxed which would result in the removal of less trees. Mr Parker said that he would provide feedback to the community once a response had been received.*

*The Shire President thanked Mr Parker for his update and asked if there were any members of the public wishing to comment or ask questions on the proposed tree removal on McLeod Road.*

#### **4.2.1 Mr Miguel Pez – Proposed Tree Removal on McLeod Road**

Mr Pez expressed concern about the removal of the trees stating that he believed that the beauty of big trees was iconic to Denmark. Mr Pez said he was disappointed that the community wouldn't have known about the proposed removal if the trees hadn't been flagged. Mr Pez said that he was also concerned that the upgrade to McLeod Road would increase traffic and that he believed the road to already be unsafe in some sections, particularly for heavy vehicles. Mr Pez said that he agreed it needed resurfacing but not widening.

*The Shire President advised that Council Officers were currently seeking advice from Main Roads WA to ascertain whether the width could be varied to limit the number of trees required to be removed.*

#### **4.2.2 Ms Diane Harwood – Denmark Weed Action Group - Removal of Weeds**

Ms Harwood provided some information on the process of removing weeds from native bush. Ms Harwood said that people needed to ensure that they had permission to access the area and that the weeds needed to be prioritised depending on how they spread. Ms Harwood said that the main aim was always about protecting the native bush.

*The Shire President thanked Ms Harwood for her advice and said that she would encourage any interested persons to contact Diane for further information or become a member of the Denmark Weed Action Group.*

#### **4.2.3 Ms Beverley Ford – Proposed Tree Removal on McLeod Road, Fire Management Notice and Seniors Committee**

Ms Ford, President of the Denmark Residents and Ratepayers Association (DRRA), thanked Mr Pez for speaking to their Association on the McLeod Road tree removal and thanked the Chief Executive Officer for providing an update. Ms Ford said that she was concerned that the community had not been made aware of the proposed tree removal and offered the DRRA's services to assist the Shire to disseminate further information.

*The Shire President said that it was difficult when dealing with requirements from external agencies however Shire Officers were working on a possible compromise.*

Ms Ford said that there had been a number of people concerned with the Fire Management Notice requirement to make a four metre wide clearance around their boundary. Ms Ford expressed concern that for smaller blocks, it could essentially destroy much of the native vegetation and have negative impacts on ambience and native fauna.

*The Chief Executive Officer said that he was aware of the concerns which had been expressed and that landowners could apply for a variation. Mr Parker said that the requirement could be reviewed for the 2019/20 Fire Management Notice.*

Cr Allen said that the Bush Fire Advisory Committee were already discussing the issues raised and were actively promoting the option of applying for a variation. Cr Allen said that the Committee's main concern was safety.

Ms Ford said that the DRRA had been made aware that there was no longer a Seniors Advisory Committee and they felt that aged care was important to residents and the committee should be reinstated.

*The Shire President advised that the Seniors Advisory Committee had been disbanded as they had worked through the 35 recommendations of the Age Friendly Study. Cr Gearon added that since then the Shire had initiated a community services team who would be considering development of a seniors strategy.*

#### **4.2.4 Mr Matt Ramrath – Proposed Tree Removal on McLeod Road**

Mr Ramrath said that he was disappointed how they found out about the proposed tree removal on McLeod Road and he was concerned that perhaps it was a culture within the Shire that they just undertake these types of works without consulting the community.

*The Shire President advised that she was aware that sometimes it couldn't be helped because the Shire had to work within the timeframes and guidelines of external agencies. Cr Gearon acknowledge Mr Ramrath's concerns and noted that the Shire was looking at ways which they could better engage with the community.*

#### **4.2.5 Ms Julie Marsh – Proposed Tree Removal on McLeod Road and Fire Management Notice**

Ms Marsh said that she believed that the community had clearly indicated that it valued the natural environment and it would be good to let other agencies know that this was a passion of the Denmark community.

Ms Marsh referred to clearing requirements under the Fire Management Notice and said that she had noticed a lot more clearing near her which resulted in the debris being piled up for a bonfire. Ms Marsh said that she did not believe that it was very aesthetically pleasing and that she had also noticed some indications of erosion where some of the patches of land had been cleared.

#### **4.2.6 Mr Wayne Winchester – Item 8.2.2 (Denmark Surf Life Saving Club – Transformation Project)**

Mr Winchester spoke as the manager of the Surf Club's transformation project and provided an overview of the project. Mr Winchester requested Council's support.

*Cr Lewis, Cr Phillips and Cr Whooley asked Mr Winchester some questions which he answered.*

5.21pm – The Chief Executive Officer left the room.

**4.2.7 Ms Jorja Williams – Item 8.2.2 (Denmark Surf Life Saving Club – Transformation Project)**

Ms Williams, member of the Denmark Surf Life Saving Club, spoke in support of the project and highlighted the benefits of the club and the opportunities it has provided her and others.

*5.22pm – The Chief Executive Officer returned to the room.*

**4.2.8 Mr Billy Collins – Item 8.2.2 (Denmark Surf Life Saving Club – Transformation Project)**

Mr Collins, member of the Denmark Surf Life Saving Club, spoke about how the club had grown and the lack of storage. Mr Collins highlighted the opportunities that the club provides members of the community and urged Council to support the proposal.

**4.2.9 Ms Jane Kelsbie – Item 8.2.2 (Denmark Surf Life Saving Club – Transformation Project)**

Ms Kelsbie, President of the Denmark Surf Life Saving Club, iterated Ms Williams and Mr Collins comments noting that the club catered for a broad spectrum of the community. Ms Kelsbie advised that the club had 326 members and their numbers had swelled in the past few years. Ms Kelsbie said that the club was a place where people could be connected to community.

**4.2.10 Mr Murray Thornton – Item 8.2.2 (Denmark Surf Life Saving Club – Transformation Project)**

Mr Thornton, former board member of Surf Life Saving WA, commended the Officers Recommendation and spoke about the number of facilities that had been built in Denmark which had been driven by community organisations and individuals. Mr Thornton said that he believed the Denmark Surf Life Saving Club had a dynamic presence in Denmark and had been awarded WA Club of the Year and came runner-up Club of the Year in Australia. Mr Thornton noted that the Club's motto was "saving lives and building great communities" which is what he believed was the essence of the Club.

**4.2.11 Ms Genevieve Yap – Item 8.1.1 (SAT Reconsideration - Proposed Single House, Outbuilding and X4 Rainwater Tanks – No.120 (Lot 65) Myers Road, Shadforth)**

Ms Yap, the applicant, said that she was pleased with the Officer's recommendation and provided an overview of the history of the application. Ms Yap said that she hoped to achieve a positive outcome.

*The Shire President noted the time it had taken for the application to get to this point and acknowledged the ambiguity of the wording in some planning documents which sometimes made the assessment of applications difficult. Cr Gearon said that she hoped that ambiguous wording would be looked at as these documents were reviewed in the future.*

*Cr Lewis and Cr Whooley asked some questions about the application which were answered by Ms Yap.*

*5.46pm – Cr Seeney left the room.*

*5.47pm – Cr Seeney returned to the room.*

*5.51pm – Cr Gearon left the room. Cr Caron assumed Chair as the Presiding Person.*

*5.54pm – Cr Gearon returned to the room and resumed the Chair as the Presiding Person.*

*5.54pm – Cr Gibson left the room.*



**4.2.12 Mr Geoff Bowley – John Clarke Memorial Bandstand**

Mr Bowley noted that the Shire had recently erected signs at the Bandstand advising that it was unsafe and prohibiting access by the public. Mr Bowley asked what process had been followed to come to such a rapid determination, given that the Riverside Club, who lease the area, had been given no indication that it was to be condemned. Mr Bowley asked what would be happening with it now.

*The Shire President advised that the trigger had been a request to use the Bandstand for community carols.*

*The Chief Executive Officer said that as part of the Shire's Asset Management process, an evaluation of all the Shire's assets had been recently undertaken. Mr Parker said that when the request came in, it was assessed against the draft report and a discretion was made to restrict access for public safety reasons.*

*Mr Parker said that Shire Officers would be engaging a structural engineer to undertake a thorough assessment of the building and that the report would determine what needed to be done.*

5.57pm – Cr Gibson returned to the room.

Mr Bowley said that he was aware that the initial asset evaluation document was still being assessed and expressed concern that, whilst the external request to use the facility had triggered staff to review the condition of the bandstand, the Riverside Club had been continually using the area beforehand and had not been warned of the condition of the building.

**4.2.13 Mr John Xanthis – Prawn Rock Channel**

Mr Xanthis, from Wilson Inlet Restoration Group, referred to the Prawn Rock Channel Development Concept Plan which had been developed by a working group which he had been a member of. Mr Xanthis highlighted the popularity of Prawn Rock Channel as a swimming location and said that he was disappointed that none of the plan had been implemented. Mr Xanthis explained that there had been a lot of work put into the concept plan and that because no works had been done, he had wondered whether it had even been worth it. Mr Xanthis tabled a copy of the concept plan where he had highlighted some areas that required immediate attention. Mr Xanthis asked if the Shire President and the Chief Executive Officer could please pass on his recommendations to Shire Officers for their consideration.

*The Shire President acknowledged Mr Xanthis' concerns and explained that the Shire were currently working through the Integrated Planning framework which would assist the Council in prioritising works and allocate required funds for projects.*

**4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

Nil.

**5. APPLICATIONS FOR FUTURE LEAVE OF ABSENCE**

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

Nil.

6.09pm – Cr Allen left the room.

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING – 20 NOVEMBER 2018**

6.10pm – Cr Lewis left the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1
MOVED: CR SEENEY	SECONDED: CR GIBSON
That the minutes of the Ordinary Meeting of Council held on the 20 November 2018 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 7/0	Res: 011218

6.11pm – Cr Whooley left the room.

**6.2 STRATEGIC BRIEFING NOTES – 20 NOVEMBER 2018**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.2
MOVED: CR CARON	SECONDED: CR PHILLIPS
That the Notes from the Strategic Briefing held on 20 November 2018 be received.	
CARRIED UNANIMOUSLY: 6/0	Res: 021218

6.11pm – Cr Allen returned to the room.

6.11pm – Cr Lewis returned to the room.

6.13pm – Cr Whooley returned to the room.

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

Nil

## 8. REPORTS OF OFFICERS

### 8.1 DIRECTOR ASSETS AND SUSTAINABLE DEVELOPMENT

#### 8.1.1 SAT RECONSIDERATION - PROPOSED SINGLE HOUSE, OUTBUILDING AND X4 RAINWATER TANKS – NO.120 (LOT 65) MYERS ROAD, SHADFORTH

<b>File Ref:</b>	A3643
<b>Applicant / Proponent:</b>	Glen Star – Custom Residential Design
<b>Subject Land / Locality:</b>	No.120 (Lot 65) Myers Road, Shadforth
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 December 2018
<b>Author:</b>	Jasmine Tothill, Senior Planner
<b>Authorising Officer:</b>	Bill Parker, Chief Executive Officer
<b>Attachments:</b>	8.1.1a – Development Application Refused 8.1.1b – Amended Plans Subject of Reconsideration 8.1.1c – Aerial Photo 8.1.1d – Structure Plan for Special Rural (SR21) Zone

#### **Summary:**

A Development Application to construct a single house, outbuilding and x 4 rainwater tanks at No.120 Myers Road, Shadforth was refused by the Director Sustainable Development under delegated authority on 20 August 2018 (refer Attachment 8.1.1a).

The State Administrative Tribunal (SAT) has invited the Shire to reconsider this decision pursuant to Section 31(1) of the *State Administrative Tribunal Act 2004*.

Having regard to amended plans provided by the applicant and the objectives and provisions of Town Planning Scheme No. 3 (TPS No. 3), it is recommended that Development Approval be granted subject to appropriate conditions.

#### **Background:**

##### Current Application

An application for Development Approval associated with the subject property was refused under delegation authority on 20 August 2018 for the following reasons:

1. *The siting of the proposed single house, rainwater tanks, effluent disposal system, associated site works and nominated building envelope would have a detrimental impact upon the environmental, landscape and amenity values of the area arising from cumulative clearing.*
2. *The proposed development would result in the felling of trees and removal of vegetation identified under the adopted Structure Plan (Subdivision Guide Plan) as a Tree Preservation Area and be contrary to Special Provisions that relate to “Special Rural (S/R 21)” as per Appendix 6 of the Shire of Denmark Town Planning Scheme No.3.*
3. *The siting of the dwelling and associated clearing requirements necessary to accommodate the proposed BAL 19 APZ does not seek to minimise the removal or modification of remnant vegetation within the Tree Preservation Area and is therefore contrary to Policy objective 5.4 of State Planning Policy 3.7 and the Planning in Bushfire Prone Areas Guidelines.*

The following advice note accompanied this decision:

1. *With regard to the above refusal reasons, the Shire considers that such matters can be appropriately addressed by re-siting the dwelling and associated infrastructure to fall within the existing cleared area on the property and to provide increased separation from*

*established vegetation on site, noting that clearing to accommodate a BAL rating lower than BAL 29 would not be supported.*

A request for Review has been lodged with the State Administrative Tribunal against the Shire's refusal (DR 237/2018). As part of the SAT proceedings a Directions hearing was held on 12 October 2018 to review preliminary issues between the parties with the following Orders made:

1. *By 30 November 2018 the applicant shall file with the Tribunal and copy to the respondent a feature survey of the tree canopy line on the subject site which identifies and describes any trees above 500mm diameter within the BAL 19 contour on the currently proposed plans and any trees required to be removed for the proposed outbuildings or water tanks.*
2. *The matter is adjourned to a mediation to commence at Lot 65 Myers Road, Shadforth and subsequently at the offices of the respondent at 9am on Monday 17 December 2018 for a duration of three hours.*
3. *By 12 December 2018 the respondent is to file with the Tribunal and copy to the applicant issues for mediation.*

Planning Services has liaised with the applicant following completion of the tree survey to discuss opportunities for re-siting the development to limit impacts upon the Tree Preservation Area. On the basis of such discussions the applicant has submitted an amended set of plans which are subject of the current s31 reconsideration (refer Attachment 8.1.1b).

#### Previous Application

An application for subsequent approval of two transportable buildings and construction of a new outbuilding on the property, was considered by Council at the Ordinary Meeting held on 17 January 2017. Council resolved to refuse approval based primarily upon building design and amenity concerns and to issue a Direction Notice requiring removal of the development within 180 days. This timeframe was nominated in order to provide the landowner an opportunity to lodge a new development application which may or may not include use of the transportable buildings. The unauthorised building works remain on the property pending determination of the current application.

#### **Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework; Town Planning Scheme No. 3; Schedule 2, Part 8, Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015; and undertook the following level of consultation:

#### External Consultation:

- The applicant

#### Internal Consultation:

- Development Co-ordination Unit

Although the application seeks to vary front and eastern side setbacks under TPS 3 and Policy 5 (20 metres required/ 10 metres proposed), adjoining landowner consultation was not undertaken, noting that Council previously raised no objection to a 10 metre side and rear setback being applied under the earlier development application and an 8 metre side setback is in place on the neighbouring property.

#### **Statutory Obligations:**

The request is to be considered by Council in accordance with Delegation D100601 which states that "*delegated officers do not have the authority to settle a SAT mediation proceeding unless such direction/authority has been provided by Council*".

Clause 5.1 and Appendix VI of Town Planning Scheme No.3 (TPS 3) specifies those provisions relevant to the Council's determination of the proposal.

Should Council refuse this request for reconsideration, or impose conditions on a development approval that the applicant is aggrieved by, as per the provisions of the *Planning and Development Act 2005*, the applicant can pursue the matter through the State Administrative Tribunal Review process.

**Policy Implications:**

The Town Planning Scheme Policies that relate to this application are:

- Policy 5: Minimum Setbacks.
- Policy 13.4: Outbuildings.

**Budget / Financial Implications:**

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

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

B3.0 Our Built Environment

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

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

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

Corporate Business Plan

L5.0 Our Local Government

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

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

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

**Comment/Conclusion:**

The subject site has a lot size of 2.6 hectares and is zoned Special Rural (SR21) under TPS No.3. A significant portion of the site is covered by remnant vegetation as evident on a recent aerial photograph (Attachment 8.1.1c). Such vegetation generally aligns with the Tree Preservation Area as shown under the approved Myers Road Subdivision Guide Plan (Structure Plan) (Attachment 8.1.1d). The Single House and associated Outbuilding are to be sited in the far south west corner of the lot, partially within an existing cleared area. Two unauthorised transportable buildings are to be removed as part of the development and existing rainwater tanks re-purposed.

Planning Services has assessed the amended plans as part of the reconsideration request having regard to the relevant provisions of TPS No. 3, Town Planning Scheme Policies, and relevant State Planning Policies, and determined that the proposal is generally compliant (or can be conditioned to comply) with the exception of the following:

- i. The proposal does not achieve a minimum 20 metre front and side setback as required under Clause 5.1 of TPS 3 and Policy 5.
- ii. The building envelope, retaining/ battering, rainwater tanks and septic system are to be located partially within the nominated Tree Preservation Area.
- iii. The nominated bushfire Asset Protection Zone (APZ) extends into the designated Tree Preservation Area.

Comment on each of the above issues is provided below:

A) Setback Variations

A minimum 20 metre front and 20 metre side setback are referenced within the applicable Subdivision Guide Plan (Structure Plan), Special Provisions of the SR21 zone, Clause 5.1 of TPS 3 and Policy 5. Notwithstanding, Clause 5.1 allows such setbacks to be varied where it is considered the depth, shape or topography of a lot warrants such variation.

The amended application proposes a minimum front building setback of approximately 12 metres associated with the attached carport (10 metre building envelope setback) and a minimum side setback of 10 metres applicable to a corner of the Outbuilding. The setback variations are supported having regard to:

- Constraints associated with proximity of the Tree Preservation area which prevents a 20 metre setback being achieved.
- The need to limit clearing within the Tree Preservation area to accommodate the siting of buildings and bushfire protection requirements.

- A reduced setback of 8 metres approved in association with an outbuilding on the immediately adjacent property to the west.

#### B) Building Envelope Location

Special provisions applicable to the Myers Road Special Rural Zone require that all buildings and effluent disposal systems are located within a maximum 3000m<sup>2</sup> building envelope that:

- Has regard to the location of building envelopes delineated on the Subdivision Guide Plan;
- Is sited so that the building envelope and low fuel zones will not affect the tree Preservation Areas defined on the Subdivision Guide Plan;
- Is consistent with the building setback areas referred to under the Scheme;
- Does not detract from the environmental quality of the area or the amenity of adjoining residences; and
- Has regard to the capability and suitability of the land.

The amended plans submitted by the applicant re-site the dwelling approximately 5 metres further west and reposition the outbuilding, rainwater tanks and effluent disposal system to enable retention of five (5) trees that were previously nominated for removal.

It is recommended that the building envelope shown on the amended plans be further modified to limit encroachment into the tree preservation area beyond that necessary to accommodate the development and that the plans be notated accordingly.

#### C) APZ requirements

The BAL assessment submitted with the original application indicates that a BAL 40 rating currently applies and that a BAL 19 rating is achievable subject to clearing/ fuel reduction.

State Planning Policy 3.7 (SPP 3.7) and Element 1 of the Guidelines for Planning in Bushfire Prone Areas require development to be located in an area that is, or will upon completion be subject to a BAL-29 rating or below. Furthermore, Policy objective 5.4 of SPP 3.7 and Part 2.3 of the Guidelines recognise the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation objectives. Special provisions applicable to the Myers Road Special Rural Estate require building envelopes and low fuel zones to be sited so as not to affect the designated Tree Preservation Area.

Whilst the applicant has sought a BAL 19 rating be applied, this would necessitate a larger Asset Protection Zone for the dwelling resulting in greater impacts upon the Tree Preservation Area through clearing of trees and understorey. In this instance a BAL 29 rating can readily be achieved and is recommended accordingly.

A tree removal plan verified by the applicant's Bushfire Assessor to achieve the required BAL 29 APZ forms part of the amended development application. This plan nominates the removal of ten (10) karri trees of varying sizes. One of the larger karri trees identified for removal (adjacent to the carport) is referenced within an accompanying arborist report as requiring removal due to imminent safety concerns. The extent of clearing proposed represents a reasonable compromise, noting the need to comply with current bushfire planning guidelines, broader site constraints, setback considerations and the extent of vegetation to be retained across the balance of the property.

Having regard to the above assessment and in line with the intent and objectives of TPS No. 3 and Planning in Bushfire Prone Areas, it is recommended that Development Approval be granted subject to appropriate conditions being imposed.

#### **Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.1.1

MOVED: CR GIBSON

SECONDED: CR CARON

That with respect to the development application for a single house, outbuilding and four (4) rainwater tanks at No.120 (Lot 65) Myers Road, Shadforth, Council resolves to reconsider the decision dated 20 August 2018 and grant Development Approval subject to the following:

Conditions

- 1) The development shall be carried out and fully implemented in accordance with the stamped approved plans dated 3 December 2018, including modifications marked in red.
- 2) All buildings and development such as the approved effluent disposal system, retaining walls, water tanks or any other form of revetment to contain building structures on the lot to be contained within the approved building envelope.
- 3) The single house is to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-29).
- 4) Clearing of vegetation on site, including ongoing management of vegetation within the approved Asset Protection Zone, is to meet the BAL-29 classification under AS3959 and accord with the tree removal plan dated 3 December 2018, noting blanket clearing is not permitted – refer Advice Note b.
- 5) This approval does not include approval to undertake any clearing outside the BAL-29 Asset Protection Zone.
- 6) The driveway/accessway shall be constructed and maintained to a minimum all-weather standard (eg. gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles, and be constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the Guidelines for Planning in Bushfire prone areas – refer Advice Note c.
- 7) The vehicle crossover shall be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specification of the Shire of Denmark (Infrastructure Services) – refer enclosed Vehicle Crossover Application Form.
- 8) The approved outbuilding shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses.
- 9) Prior to issue of a Building Permit for the outbuilding, a Building Permit is to be obtained for the Single House – either separately or concurrently.
- 10) The approved development shall provide a potable water supply (ie. Rainwater tank) with a capacity of not less than 92,000 litres. The tank/s shall be installed in accordance with the Department of Health's standard on water tanks. This includes but is not limited to a "First Flush Water Diverter" (for detailed information see 'Water' link at <http://www.public.health.wa.gov.au>).
- 11) The rainwater tank shall provide an adequate permanent water supply of not less than 10,000 litres for bushfire fighting purposes, accessible by a DFES approved coupling for emergency purposes only, with such rainwater tank to be located to ensure that vehicle access is provided within 3 metres of the rainwater tank.
- 12) The rainwater tanks (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the single house.
- 13) Reflective materials such as unpainted zincalume, white and off-white colours are not permitted for roof and external wall materials.
- 14) The approved development shall be connected to an approved effluent disposal system to the satisfaction of the Shire of Denmark (Environmental Health Services).
- 15) All stormwater and drainage runoff from all roofed and impervious areas, including rainwater tank overflow, is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).

Advice Notes:

- a) The applicant/landowner is advised that the Direction Notice dated 7<sup>th</sup> February 2017 requiring removal of two unauthorised transportable dongas from the land remains valid



and must be complied with, noting that the 180 day compliance period has since expired. The Shire will defer further action on this matter for a period no greater than 60 days from the date of the applicant being notified of Council's decision, noting that the transportable dongas do not form part of the approved development.

- b) Refer attached copy of Schedule 1 – Standards for Asset Protection Zones of Element E2.1 of the *Guidelines for Planning in Bushfire Prone Areas* for guidance on vegetation management to satisfy the APZ standards.
- c) For the driveway/accessway to meet Acceptable Solution A3.5 of Element 3: Vehicle Access of the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas*:
  - All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres.
  - All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.
  - Passing bays should be located every 200 metres with a minimum length of 20 metres and a minimum width of two metres, and constructed to a suitable standard (eg. Gravel, crushed rock).
  - Turn-around areas within 50 metres of the approved dwelling and located every 500 metres along the accessway and designed to accommodate type 3.4 fire appliances to enable them to turn around safely and must be constructed to a suitable standard (eg. Gravel, crushed rock).
  - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes.
- d) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- e) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

#### **AMENDMENT**

MOVED: CR WHOOLEY

SECONDED: CR PHILLIPS

That the applicant be permitted to move their building up to four metres north.

CARRIED: 5/4

Res: 031218

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

*FOR: Cr Allen, Cr Gearon, Cr Phillips, Cr Whooley and Cr Osborne.*

*AGAINST: Cr Caron, Cr Seeney, Cr Lewis and Cr Gibson.*

#### **AMENDED MOTION**

That with respect to the development application for a single house, outbuilding and four (4) rainwater tanks at No.120 (Lot 65) Myers Road, Shadforth, Council resolves to reconsider the decision dated 20 August 2018 and grant Development Approval subject to the following:

#### Conditions

- 1) The development shall be carried out and fully implemented in accordance with the stamped approved plans dated 3 December 2018, including modifications marked in red.
- 2) All buildings and development such as the approved effluent disposal system, retaining walls, water tanks or any other form of revetment to contain building structures on the lot to be contained within the approved building envelope and the applicant be permitted to move their building up to four metres north.
- 3) The single house is to be constructed to Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas* (BAL-29).

- 4) Clearing of vegetation on site, including ongoing management of vegetation within the approved Asset Protection Zone, is to meet the BAL-29 classification under AS3959 and accord with the tree removal plan dated 3 December 2018, noting blanket clearing is not permitted – refer Advice Note b.
- 5) This approval does not include approval to undertake any clearing outside the BAL-29 Asset Protection Zone.
- 6) The driveway/accessway shall be constructed and maintained to a minimum all-weather standard (eg. gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles, and be constructed in accordance with Acceptable Solution A3.5 of Element 3: Vehicular Access of the Guidelines for Planning in Bushfire prone areas – refer Advice Note c.
- 7) The vehicle crossover shall be constructed, drained and sealed (concrete, asphalt or brick pavers) to the satisfaction and specification of the Shire of Denmark (Infrastructure Services) – refer enclosed Vehicle Crossover Application Form.
- 8) The approved outbuilding shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses.
- 9) Prior to issue of a Building Permit for the outbuilding, a Building Permit is to be obtained for the Single House – either separately or concurrently.
- 10) The approved development shall provide a potable water supply (ie. Rainwater tank) with a capacity of not less than 92,000 litres. The tank/s shall be installed in accordance with the Department of Health’s standard on water tanks. This includes but is not limited to a “First Flush Water Diverter” (for detailed information see ‘Water’ link at <http://www.public.health.wa.gov.au>).
- 11) The rainwater tank shall provide an adequate permanent water supply of not less than 10,000 litres for bushfire fighting purposes, accessible by a DFES approved coupling for emergency purposes only, with such rainwater tank to be located to ensure that vehicle access is provided within 3 metres of the rainwater tank.
- 12) The rainwater tanks (and any pumping equipment or structure) shall be coloured, toned or painted to complement the colours of the single house.
- 13) Reflective materials such as unpainted zincalume, white and off-white colours are not permitted for roof and external wall materials.
- 14) The approved development shall be connected to an approved effluent disposal system to the satisfaction of the Shire of Denmark (Environmental Health Services).
- 15) All stormwater and drainage runoff from all roofed and impervious areas, including rainwater tank overflow, is to be retained on-site or connected to a legal point of discharge to the satisfaction of the Shire of Denmark (Infrastructure Services).

Advice Notes:

- a) The applicant/landowner is advised that the Direction Notice dated 7<sup>th</sup> February 2017 requiring removal of two unauthorised transportable dongas from the land remains valid and must be complied with, noting that the 180 day compliance period has since expired. The Shire will defer further action on this matter for a period no greater than 60 days from the date of the applicant being notified of Council’s decision, noting that the transportable dongas do not form part of the approved development.
- b) Refer attached copy of Schedule 1 – Standards for Asset Protection Zones of Element E2.1 of the *Guidelines for Planning in Bushfire Prone Areas* for guidance on vegetation management to satisfy the APZ standards.
- c) For the driveway/accessway to meet Acceptable Solution A3.5 of Element 3: Vehicle Access of the Western Australian Planning Commission’s Guidelines for Planning in Bushfire Prone Areas:
  - All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres.
  - All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.

- Passing bays should be located every 200 metres with a minimum length of 20 metres and a minimum width of of two metres, and constructed to a suitable standard (eg. Gravel, crushed rock).
  - Turn-around areas within 50 metres of the approved dwelling and located every 500 metres along the accessway and designed to accommodate type 3.4 fire appliances to enable them to turn around safely and must be constructed to a suitable standard (eg. Gravel, crushed rock).
  - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes.
- d) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- e) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
- CARRIED UNANIMOUSLY: 9/0 Res: 041218

Post Script in relation to Resolution No. 041218

*The amendment endorsed by Council results in the applicant being required to submit an amended plan should they wish to move the building up to four metres north. Should an amended plan be submitted, the plan dates referenced in the conditions would be amended accordingly.*

6.27pm – The Senior Town Planner left the meeting and did not return.

**8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES**

**8.2.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 OCTOBER 2018**

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 December 2018
<b>Author:</b>	Lee Sounness, Corporate Services Manager
<b>Authorising Officer:</b>	Cary Green, Director Corporate & Community
<b>Attachments:</b>	8.2.1 – October 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 by legislation to undertake a mid-year review of the Municipal Budget to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored by management on a monthly basis in addition to the requirement for a mid-year review.

The attached financial statements and supporting information are presented for the consideration of Elected Members.

**Background:**

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

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.

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

**Consultation:**

Nil

**Statutory Obligations:**

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

**Policy Implications:**

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

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

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

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

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

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.4 To be fiscally responsible

Corporate Business Plan

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

**Sustainability Implications:****➤ Governance:**

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

**➤ Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

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

**Comment/Conclusion:**

As at 31 October 2018 total cash funds held total \$14,853,662 (Note 4).

Shire Trust Funds total \$186,011.

- \$183,348 of this is invested for 6 months with the National Aust. Bank, maturing 18 December 2018 at the quoted rate of 2.47%.

Reserve Funds (restricted) total \$9,993,798

- \$5,381,201 of this has been placed on investment for 31 days with the Western Australian Treasury Corporation at the quoted rate of 1.45%,
- \$4,612,598 has been invested with the National Aust. Bank in 3 term deposits, maturing at various dates at an average rate of 2.53%

Municipal Funds (unrestricted) total \$1,157,094

- \$600,000 is invested with the National Aust. Bank in a term deposit, maturing 21<sup>st</sup> November 2018 at invested rate of 2.45%
- \$3,100,000 is invested with Westpac in 4 Term Deposits, maturing at various dates at an average rate of 2.65%

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and any subsequent year to date budget amendments identified including the mid-year budget review (refer Note 5), the 30 June 2019 end of year position is estimated to be \$0 which is in line with budget projections (Statement of Financial Activity).
- Operating revenue and expenditure is generally in line with year to date budget predictions for 31 October 2018 (Statement of Financial Activity) except for depreciation expense, which is yet to be applied this financial year.
- The Rates Collection percentage currently sits at 65.21%, is in keeping with historical collection rates (see Note 6)

- The 2018/2019 Capital Works Program is 20.42% complete utilising actual year to date figures and the total committed cost is 50.88% as at 31 October 2018 (see Note 12& 12a)
- Various transfers to and from Reserve Funds have not been made for 2018/2019 as they are generally undertaken in the latter half of the financial year, depending on the specific projects to which the transfers relate.
- Salaries and Wages expenditure is generally in line with year to date budget estimates (not reported specifically in Financial Statement).

Other Information

- Depreciation Expense  
Depreciation of assets has not been calculated for the reporting period as the Annual Financial Audit for the year ended 30 June 2018 has not been concluded at the time of producing this report.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.2.1</b>
<b>MOVED: CR CARON</b>	<b>SECONDED: CR LEWIS</b>
That with respect to Financial Statements for the period ending 31 October 2018, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for the month of November 2018 as listed.	
<b>CARRIED UNANIMOUSLY: 9/0</b>	<b>Res: 051218</b>

*Prior to consideration of Item 8.2.2, Cr Gearon declared that her partner is a member of the Denmark Surf Life Saving Club Committee and that she is also a member of the and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declared that she would consider this matter on its merits and vote accordingly.*

**8.2.2 DENMARK SURF LIFE SAVING CLUB – TRANSFORMATION PROJECT**

<b>File Ref:</b>	LEA.44
<b>Applicant / Proponent:</b>	Denmark Surf Life Saving Club
<b>Subject Land / Locality:</b>	Lot 7625, Reserve 24913, Ocean Beach Road.
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 December 2018
<b>Author:</b>	Cary Green, Director, Corporate and Community Services
<b>Authorising Officer:</b>	Bill Parker, Chief Executive Officer
<b>Attachments:</b>	8.2.2a - Concept design report 8.2.2b – Business Case

**Summary:**

A concept design and business case has been prepared for a proposed new surf club building to be constructed at Reserve 24913, Ocean Beach Road, Denmark. The total project cost is estimated at \$4.7m with the Denmark Surf Life Saving Club (DSLSC) requesting a \$400,000 contribution from the Shire of Denmark.

This item considers the financial implications of the request, potential funding sources and additional costs associated with the development of a new facility.

**Background:**

The existing surf club building was constructed in 1987. The facility was a vast improvement on the original building that was constructed in 1960 and has provided the club with suitable accommodation and infrastructure for the past 31 years.

In 2004/5, the DSLSC had less than 150 members. Over the past 15 years, the club has grown significantly with the 2018/19 membership currently sitting at 325. Membership growth, aging infrastructure and coastal inundation has prompted the club to investigate upgrading the existing facility to a modern and contemporary building that is better located from an emergency response perspective.

In summary, the 1987 facility has;

- Declined in condition and requires significant renewal investment.
- Numerous structural and hydraulic problems (Denmark SLSC Transformation Project Concept Design Report p.5).
- Insufficient and inadequate space for the storage of required equipment.
- Inadequate areas for training and first-aid.
- Poor change rooms, ablutions, function and entertainment areas.
- Undesirable emergency response given the current site layout and building configuration.
- Coastal impact issues, as the facility is unable to respond to changing coastal conditions and inundation.

Additionally, the existing facility does not allow for the continued growth in membership and/or general population and tourism growth in Demark.

For the past few years, the club has investigated upgrade options. Approximately 18 months ago, the club moved away from upgrading the existing facility and looked to construct a new building given the constraints of the existing facility.

In terms of constructing a new building, the DSLSC has undertaken significant consultation within their membership and involved the Shire of Denmark throughout the entire process. The DSLSC has presented to Council on two separate occasions, with the Shire's Director of Corporate and Community Services representing the Shire on the club's building committee.

The DSLSC has prepared an extensive Business Case (attachment 8.4.2) and concept designs (Attachment 8.4.1) for the new building. This has underpinned various funding applications.



Figure 1: Existing facility



Figure 2: Proposed new facility

The Business Case suggests that the cost associated with constructing a new facility is \$4,711,000. The DSLSC has requested a \$400,000 contribution from the Shire, representing approximately 8.5% of the total construction cost. Other funding has been requested through the Building Better Regions Fund (BBRF), Lotterywest, Department of Local Government, Sport and Cultural Industries and Surf Life Saving WA.

In addition to the \$400,000 contribution, the Shire of Denmark will also need to consider the costs associated with demolishing the existing building, upgrades and improvements to the public realm, carpark and beach access.

This item seeks to quantify the Shire's financial exposure in response to the overall project and proposes a funding package that addresses the DSLSC's request for financial assistance.

**Consultation:**

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

As with other community facilities, the Shire of Denmark will advertise the new building as part of the Development Approval process.

**Statutory Obligations:**

There are no statutory obligations that relate to this item.

**Policy Implications:**

There are no policy implications that relate to this item.

**Budget / Financial Implications:**

The budget/financial implications section of this report has been broken into two components. The first component seeks to understand the operating costs associated with the existing building and how this would compare to a new facility.

The second part of the assessment seeks to address the various options that Council has in terms of meeting the DSLSC's funding request and also seeks to identify the costs associated with the works required to the building surrounds, or public realm.

*1. Operating costs and existing building condition*

The Shire's costs for maintaining the existing building is currently very low. Under the existing lease agreement, the Shire is responsible for the building structure, with general maintenance the responsibility of the DSLSC. The Shire is also responsible for the payment of all electricity and water consumption charges associated with the premises.



The following table details the replacement cost of the existing building and the Shire’s current operating cost contribution:

Details	Replacement Cost	Annual Depreciation	Operating Costs 2018/19
Upper building	\$838,000	26,490	6,015
Lower Building*	\$353,000	11,148	\$0
Public Toilets	\$324,800	10,684	20,871
	<b>\$1,515,800</b>	<b>\$48,322</b>	<b>\$26,886</b>

The following table details the forecast annual cost of a new facility based on a construction cost of \$4,711,000:

Details	Replacement Cost	Annual Depreciation	Operating Costs	Maintenance Costs
New building	\$4,711,000	117,775	22,378	9,550
Lower Building*	\$353,000	11,148	0	0
	<b>\$5,064,000</b>	<b>\$128,923</b>	<b>\$22,378</b>	<b>\$9,550</b>

\*The lower building will not be replaced if impacted by coastal inundation.

It is worth noting that a comparison between the existing and proposed facility is almost impossible, as the assessment for the new facility is based on a best practice approach whereas the existing facility is based on the Shire’s historical approach to asset management.

In saying this, it does provide some insight into a contemporary approach to asset management and the impact that a new building may have on the Shire’s broader financial position from a depreciation perspective.

In a perfect world, the Shire would invest an amount similar to the annual depreciation amount in asset renewal.

In terms of the existing building, some elements will require significant investment over the coming years. These include;

Component	Condition	Remaining useful life	Replacement Cost
Sub structure	4	15	\$42,000
Superstructure	4	10	\$350,000
Roof	4	10	\$110,000
Finishes and fittings	5	3	\$76,000
Services	5	3	\$260,000
<b>Total</b>			<b>\$838,000</b>

The assessment above was conducted a valuer in consultation with the Shire’s Asset Management Team and is considered a detailed assessment of the current condition of the facility. The remaining useful life of each component shows the services at a minimum requires replacement in the next 2-3 years at a cost of \$260,000. The roof and veranda are also in overall poor condition and would require replacement in the not too distant future.

2. Funding options

In terms of a new facility, the financial implications of the DSLSC request comprise two parts and include;

- a) \$400,000 funding request
- b) Costs to upgrade and improve the public realm, carparking and beach access

a) \$400,000 funding request

As outlined within the body of the report, the DSLSC has requested a \$400,000 contribution from the Shire towards the construction of a new facility.

The estimated construction costs have been prepared by a Quantity Surveyor, based on the concept design drawings and preliminary input from various technical disciplines. Included in the forecast is a 20% locality loading to reflect construction costs in regional Western Australia.

<b>Project Capital Cost summary</b>	
Building	\$2,320,000
External works and services	\$605,000
Fire Tanks & Pumps	\$120,000
<b>Subtotal</b>	<b>\$3,654,000</b>
Design contingency (10%)	\$366,000
Construction contingency (5%)	\$201,000
Professional fees (10%)	\$305,000
Other costs	\$115,000
<b>Total Project Cost</b>	<b>\$4,641,000</b>
Provision for escalation to tender (Nov 2018)	\$70,000
<b>Estimated Gross Project Commitment</b>	<b>\$4,711,000</b>

The total capital cost of the new building is to be funded by the following proposed mixture of local, state and federal funding.

<b>Funding sources</b>	<b>Amount</b>	<b>Contribution %</b>	<b>Status</b>
Shire of Denmark	400,000	8.49%	To be confirmed
DSLSC	50,000	1.06%	To be confirmed
Lotterywest	1,405,500	29.83%	Application submitted
Department of Local Government, Sport and Cultural Industries	500,000	10.61%	Application submitted
Building Better Regions Fund (BBRF)	2,355,500	50.00%	Application submitted
<b>Total</b>	<b>\$4,711,000</b>	<b>100%</b>	<b>-</b>

The Shire has a number of options in terms of funding the \$400,000 request. The options are largely dependent on timing and when the cash contribution is required by the DSLSC. The indicative project timeframe suggests an 88 week (1.7 years) design, documentation and construction period.

*Funding Option 1*

The Shire has invested significant resources in establishing its current and future financial position. Given the work that has been completed to date, the Shire is aware that it has a discretionary spend each year of approximately \$300,000. This figure is derived from historical data and has been the basis of the Corporate Business Plan. The projections over the next few years include;

<b>Year</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>CBP Project Budget</b>	\$107,700	\$285,596	\$294,158	\$343,912	\$283,547	\$282,808
<b>Commitment</b>	\$107,700	\$280,000	\$295,000	\$196,240	0	0
<b>Variance</b>	\$0	\$5,596	-\$842	\$147,672	\$283,547	\$282,808

If the DSLSC’s major application for funding is unsuccessful, the project will inevitably be delayed. Should this occur and depending on when significant external funding is available, the Shire could fund a majority of the request from the 2022/23 or 2023/24 CBP Project Budget.

If this was to occur, it would be the only discretionary project that the Shire would undertake in that year.

#### *Funding Option 2*

If the club's major funding application is successful this year, the Shire will need to provide a contribution far sooner. If the Shire's capital contribution of \$400,000 is required for the new building in 2019/20, the contribution could potentially be funded by;

- \$200,000 2019/20 Building renewal
- \$100,000 2019/20 Lime Quarry revenue
- \$100,000 Lime Quarry reserve

The Shire's future financial planning seeks to increase the amount of renewal expenditure applied to the Shire's asset portfolio. This includes an annual amount of \$200,000 for building renewal. Under this option, the entire amount in 2019/20 would be applied to the new building to the detriment of other building assets. This is not the intent of the renewal fund or ideal from an asset management perspective.

Additionally, the Shire could make contributions from the lime quarry reserve and annual profit. This option is considered risky, as the post closure plan has not been finalised, so the Shire is yet to confirm the likely costs associated with rehabilitating the site once the lime body is exhausted.

#### *Funding Option 3*

The Shire has relatively low levels of debt with a few loans set to mature over the coming years. The Shire has 5 loans set to mature over the next 2 years suggesting a reduction in principal and interest payments of approximately \$95,000 per annum.

The Shire has the option of borrowing \$400,000 over a 15-year period. The principal payments over this period would be approximately \$34,000 per annum.

Under this option, the Shire could make the contribution to the DSLSC in 2019/20, subject to budget considerations and approval from the Department of Treasury.

#### *Funding Option 4*

The Shire has a number of land assets that could be sold to fund the \$400,000 contribution. The assets include Lot 1, No. 23 Riverbend Lane and various lots located at the new industrial area. At this point, it is considered premature to dispose of any assets without investigating the Shire's asset portfolio holistically.

#### *b) Costs to upgrade and improve the public realm, carparking and beach access*

The surf club building can't be completed in isolation. In completing the project, other components associated with the building surrounds need to be addressed. The proposed associated works will include transforming the current building site into a large tiered grassed, public open space area for community and visitor recreation. This includes both terraced and flat grassed areas overlooking the bay and surf point adjacent to the beach.

Upgrades to the public realm also includes improved vehicle access to the beach, including greater functionality for emergency services, upgrade and extension of the upper carpark, including disability access and lighting and improved pedestrian access and connectivity.

The improvements to the public realm will complete the project and provide Denmark with a sustainable competitive advantage and outstanding tourism product when compared to other locations on the South Coast.

The majority of the works associated with the public realm will need to occur after the completion of the surf club building project.

The following table represents the estimated costs of the public realm works. The costs have been derived from the Shire’s historical cost data and input from the City of Albany. The City is currently completing a similar project at Middleton Beach that is well advanced.

<b>Cost Summary</b>	<b>Amount</b>
Demolition of 2 storey building	\$65,000
Demolition of public toilets	\$25,000
Tiered grass, public open space	\$300,000
Upgrade of vehicle access road	\$55,000
Upgrade existing carpark	\$20,000
Car parking extension	\$100,000
Improved pedestrian access – including disability access from the carpark, lighting etc.	\$25,000
Contingency	\$90,000
Survey, design, permits and supervision	\$70,000
<b>Total</b>	<b>\$750,000</b>

To complete the public realm works, the Shire would seek a minimum of 1/3 from an external grant source leaving a maximum contribution of \$500,000 from the Shire. Given the information presented above and timeframes associated with the works being undertaken, the Shire could call upon either of the options presented above including CBP Project Budget, lime quarry income/reserve or the sale of land assets.

*Financial Conclusion*

The total capital cost of both the new building and public realm and associated works, will be as follows:

<b>Details</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>Total</b>
<b>Capital Cost</b>				
Building construction	1,570,000	3,141,000		4,711,000
Demolition of 2 storey building			65,000	65,000
Demolition of Public toilets		25,000		25,000
Tiered grass, public open space			300,000	300,000
Improved beach access			55,000	55,000
Upgrade of existing carpark		20,000		20,000
Car park extension			100,000	100,000
Improved pedestrian access		25,000		25,000
Contingency			90,000	90,000
Survey, design, permits and supervision		40,000	30,000	70,000
	<b>\$1,570,000</b>	<b>\$3,251,000</b>	<b>\$640,000</b>	<b>\$5,461,000</b>
<b>Funding</b>				
Lotterywest	1,120,000	285,500		1,405,500
Shire of Denmark	400,000	110,000	390,000	900,000
DSLSC	50,000			50,000
Department of Sport and Recreation		500,000		500,000
Building Better Regions Fund (BBRF)		2,355,500		2,355,500
Other State or Federal Funding			250,000	250,000
<b>Total</b>	<b>\$1,570,000</b>	<b>\$3,251,000</b>	<b>\$640,000</b>	<b>\$5,461,000</b>

Given the economic benefit that the project will deliver, the Shire has a high level of confidence that the project will be successful in the various funding applications that have been submitted to date. Given the likely timeframes and maturing loans, the most feasible option is borrowing \$400,000 from Treasury to address the club’s request. This will add \$17,000 to the Shire’s

operating expenditure in the first half of 2019/20 before becoming cost neutral as various other loans mature in 2020.

More investigation needs to occur in relation to the \$500,000 funding for the public realm and associated works. The recommendation within this item requests staff to undertake further analysis in terms of the lime pit to see if that revenue stream can be applied to the project taking into consideration likely future cash flows and rehabilitation costs. Failing this option and depending on when the public realm works are required, the Corporate Business Plan funding could be applied in 2022/23 and 2023/24.

As a final option, the Shire could look to sell various lots at the new industrial area. The Shire has 5 lots that have been created, although one of these lots has been earmarked as the future depot site.

### **Strategic & Corporate Plan Implications:**

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

#### Denmark 2027

- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets.
- N2.4 To acknowledge and adapt to climate change.
- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- C4.1 To have services that foster a happy, healthy, vibrant and safe community.
- L5.4 To be fiscally responsible

#### Corporate Business Plan 2018/19- 2021/22

- B3.2.7 Prepare a business case for the construction of a new Surf Life Saving Club to relocate the facility above the coastal erosion zone and increase the amenity of the area.

### **Sustainability Implications:**

#### ➤ **Governance:**

The lease associated with the DSLSC will be reviewed and updated to reflect any land tenure/administration changes.

#### ➤ **Environmental:**

The Shire commissioned Seashore Engineering to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for two coastal areas including Ocean Beach. A CHRMAP is a requirement under WA State Planning Policy 2.6. The CHRMAP has been adopted by Council with the key findings informing the planning for a new surf club building at Ocean Beach.

The existing facilities (lower and upper surf club buildings, public amenities etc) were identified as highly sensitive to coastal erosion. Relocating the building to the proposed location corresponds to the recommended retreat risk adaption option. The finished floor level of the proposed new building has been raised by one meter and the proposed location enables the footings to be connected to the limestone bedrock. The proposed building location enables direct connection to the beach access for improved launching and retrieval of powered craft.

#### ➤ **Economic:**

A detailed cost-benefit analyses has been performed in order to assess the attractiveness of the new facility. The principal economic benefit that is considered is an increase in lifesaving volunteerism, the capacity to attract events and uplift in visitation and length of stay as a result of the events. It is anticipated that the project will provide additional value through volunteer

lifesaving activities at \$71,556 per annum, and attract an additional 3.2 events and 2,600 special interest visitors per annum with a value of \$625,000 in direct visitor spend.

The cost-benefit projections demonstrate a positive NPV of \$12 m.

➤ **Social:**

The current building is a good example of a community asset that has maximised levels of utilisation. The facility is used by numerous user groups almost every day. The user groups will transition to the new facility to ensure that utilisation continues to be very high.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Council does not agree to endorse the project for funding	Possible (3)	Major (4)	High (10-16)	Not Meeting Community expectations	Accept Officer Recommendation

**Comment/Conclusion:**

The current surf club building is deteriorating and is no longer suitable for surf club operations. It is therefore proposed to transform the current surf club building into a modern and fit-for-purpose facility that services the needs of members, the Denmark community and visitors to Ocean Beach. Importantly, the proposed new building will also address coastal inundation and safety issues regarding beach access and emergency response times.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.2.2
MOVED: CR ALLEN	SECONDED: CR CARON
That in relation to the construction of a new building for the Denmark Surf Life Saving Club (DSLSC) at Reserve 24913, Ocean Beach, Council:	
<ol style="list-style-type: none"> <li>Endorses the Denmark Surf Life Saving Club Transformation Project.</li> <li>Agrees in principle to a \$400,000 financial contribution towards the new surf club building funded by a loan from Treasury.</li> <li>Agrees in principle to a \$500,000 financial contribution towards the public realm with the funding model to be further refined by the administration once further information is available with regard to the Mine Closure Plan associated with the Ocean Beach Lime Quarry.</li> <li>Instructs the Chief Executive Officer to include the project within the Draft Long Term Financial Plan to be considered by Council in late 2018/19.</li> </ol>	
<b>AMENDMENT</b>	
MOVED: CR LEWIS	SECONDED: CR GIBSON
At the end of part two, add the following words “subject to the Shire of Denmark’s input into the detailed design of the public elements of the surf club building”.	
<b>SUSPENSION OF STANDING ORDERS</b>	
MOVED: CR SEENEY	SECONDED: CR WHOOLEY
That standing orders be suspended	
CARRIED UNANIMOUSLY: 9/0	Res: 061218

**RESUMPTION OF STANDING ORDERS**

MOVED: CR CARON

SECONDED: CR GIBSON

Resume standing orders

CARRIED UNANIMOUSLY: 9/0

THE AMENDMENT WAS PUT AND CARRIED: 8/1

Res: 071218

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

*FOR: Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon, Cr Phillips, Cr Whooley and Cr Lewis.*

*AGAINST: Cr Osborne.*

**AMENDED MOTION**

That in relation to the construction of a new building for the Denmark Surf Life Saving Club (DSLSC) at Reserve 24913, Ocean Beach, Council:

1. Endorses the Denmark Surf Life Saving Club Transformation Project.
2. Agrees in principle to a \$400,000 financial contribution towards the new surf club building funded by a loan from Treasury, subject to the Shire of Denmark's input into the detailed design of the public elements of the surf club building.
3. Agrees in principle to a \$500,000 financial contribution towards the public realm with the funding model to be further refined by the administration once further information is available with regard to the Mine Closure Plan associated with the Ocean Beach Lime Quarry.
4. Instructs the Chief Executive Officer to include the project within the Draft Long Term Financial Plan to be considered by Council in late 2018/19.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION AND WAS PUT AND CARRIED: 8/1

Res: 081218

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

*FOR: Cr Allen, Cr Caron, Cr Gibson, Cr Seeney, Cr Gearon, Cr Phillips, Cr Lewis and Cr Osborne.*

*AGAINST: Cr Whooley.*

*Cr Whooley requested that his reasons against the motion be recorded in the Minutes. The Shire President agreed and the words were as follows;*

*"I am fully supportive of the Surf Club and its members.*

*I think it would be fantastic if the Shire and Surf Club received a \$4.7m building for an outlay of \$400,000.*

*It almost sounds too good to be true and invariably – it usually is.*

*My main concerns relate to:*

1. *Demolition of the existing building – with little supporting documentation to justify that. The structural reports simply pick up differences between design and construction with an advise to "check".*
2. *Potential use of the existing building by other community groups – or for other uses (café, restaurant, etc.)*
3. *Most members found the existing building Satisfactory to Very Good.*
4. *The assertions that Patrol Shed and Main building will wash away in a few years.*
5. *The fact that the new building has no capacity for Patrol functions – the whole point of a Surf Patrol- given the top floor of the proposed building is dedicated to uses other than observing the safety of the beach.*

6. No Headworks for Sewer, Power, Telecom, or Water are included because those cost are too hard to obtain- or even estimate. The potential for huge cost escalations exist.
7. The Public Toilets (2 for Men- 2 or Women) seem very low and unlikely to “future proof” given the projected growth and attendance numbers.
8. The Shire of Denmark has a history of initiating projects without proper investigation, scoping and detail. Examples include;
  - a. WOW Walk
  - b. McLean Oval
  - c. Plane Street Precinct
  - d. East River Road
  - e. Light Industrial Area
  - f. Hospital
  - g. Kwoorabup Park
  - h. And others.

Council need to be looking at this as a Precinct and the total works required. This is another headlong rush, which needs more examination, a little more thought about work in the public realm and some further public consultation.

I worry that if one of the funding providers does not come through that Council will either have created false hope – or be forced commit significantly more money.

It is also extraordinary that these funding applications have preceded any Council decision.”

### 8.3 CHIEF EXECUTIVE OFFICER

#### 8.3.1 DISABILITY SERVICES ADVISORY COMMITTEE – AMENDMENT TO CHARTER AND APPOINTMENT OF A COMMUNITY MEMBER

<b>File Ref:</b>	COMM.DSC
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	3 December 2018
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Bill Parker, Chief Executive Officer
<b>Attachments:</b>	8.3.1 – Committee Charter Applications (CONFIDENTIAL to Councillors)

#### **Summary:**

This report seeks Council to remove the Disability Services Commission as a member and appoint a new community member to the Disability Services Advisory Committee.

#### **Background:**

Following the re-establishment of the Disability Services Advisory Committee after the 2017 Local Government Election, Council Officers sought the contact details for a representative from the Disability Services Commission (who were listed in the membership for the Committee). The Commission advised that they would not have the capacity to provide a representative on the Committee and requested to be removed from the membership.

At the Committee meeting held on 24 October 2018, community member Ms Alicia Wood, submitted her resignation from the Disability Services Advisory Committee. The resignation was accepted by the Committee and the position was re-advertised.



**Consultation:**

The Community Member vacancy was advertised on 30 October 2018 and published in the Denmark Bulletin on 1 November 2018. The advert was also placed on the Shire's notice boards, website, Facebook page and a link sent to all Councillors and Shire employees.

**Statutory Obligations:**

Section 5.8 and 5.10 of the Local Government Act 1995 relates to the appointment of members to Council Committees.

**5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

**5.10. Committee members, appointment of**

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

*the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee."*

**Policy Implications:**

There are no policy implications that relate to this report or the officer recommendation.

**Budget / Financial Implications:**

The cost of advertising the vacancy was able to be accommodated under the administration general advertising budget.

**Strategic & Corporate Plan Implications:**

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

Strategic Community Plan

L5.0 Our Local Government

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

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

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

Details of Strategic Alignment with the draft Strategic Community Plan has been included within each Committee Charter and Terms of Reference.

**Sustainability Implications:**

➤ **Governance:**

Council Committees provide an additional avenue to assist the Council with its decision making and its delivery of projects and provision of services and facilities.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose not to amend the Charter.	Rare (1)	Insignificant (1)	Low (1-4)	Errors, Omissions or Delays	Accept Officer Recommendation
That Council choose not to fill the Committee’s community member vacancy.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

**Comment/Conclusion:**

The removal of a representative from the Disability Services Commission will reduce the total membership of the Committee to eight which the Committee believes to still be sufficient to work through their objectives.

By the close of nominations, 16 November 2018, two nominations had been received.

Council can choose to appoint one of the nominees, amend the Charter to include an additional community member and appoint both nominees or make no appointment. The two nominations are attached (refer Attachment 8.4.1).

**Voting Requirements:**

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.3.1

That with respect to the Disability Services Advisory Committee, Council;

1. Amend the Charter by removing the Disability Services Commission as a member and reduce the number of members from 9 to 8;
2. Appoint \_\_\_\_\_ as a community member and thank the other nominee for their interest.

**COUNCIL RESOLUTION**

ITEM 8.3.1

MOVED: CR SEENEY

SECONDED: CR GIBSON

That with respect to the Disability Services Advisory Committee, Council;

1. Amend the Charter by removing the Disability Services Commission as a member and add an additional community member position; and
2. Appoint Yvonne Hortin and Emma Spencer-Percy as community members.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 9/0

Res: 091218

REASONS FOR CHANGE

*Council acknowledged that with the removal of the Disability Services Commission representative there was an opportunity to appoint an additional member. Council wanted to appoint both of the applicants and amend the Charter to include an additional community member representative.*

**9. COMMITTEE REPORTS & RECOMMENDATIONS**

**9.1 DISABILITY SERVICES ADVISORY COMMITTEE – DRAFT SHIRE OF DENMARK DISABILITY ACCESS AND INCLUSION PLAN 2018-2023**

<b>File Ref:</b>	SER 8
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	September 2018
<b>Author:</b>	Claudia Simpson, Community Development Officer
<b>Authorising Officer:</b>	Cary Green, Director Corporate and Community Services
<b>Attachments:</b>	9.1a – Draft Disability Access and Inclusion Plan 9.1b – Disability Service Commission compliance confirmation letter

**Summary:**

This report recommends that Council adopt the draft Shire of Denmark Disability Access and Inclusion Plan (DAIP) 2018-2023.

**Background:**

Part 5 of the Disability Services Act 1993 states that each Public Authority must develop and implement a DAIP that outlines the ways in which the Authority will ensure that people with disabilities have equal access to facilities and services.

The Disability Services Act 1993 also requires for the DAIP to be reviewed every five years.

Other legislation underpinning access and inclusion includes the WA Equal Opportunity Act and the Commonwealth Disability Discrimination Act.

A Disability Access and Inclusion Plan (DAIP) ensures that barriers to participation and inclusion are addressed to support an accessible and inclusive community.

The seven major outcome areas of a DAIP include:

**Outcome 1:** People with disability have the same opportunities as others to access the services of and any events organised by the Shire of Denmark.

**Outcome 2:** People with disability have the same opportunities as other people to access the buildings and facilities of the Shire of Denmark.

**Outcome 3:** People with disability receive information from the Shire of Denmark in a format that will enable them to access the information as readily as other people are able to access it.

**Outcome 4:** People with disability receive the same level and quality of service from Shire of Denmark staff as other people receive from the Shire of Denmark

**Outcome 5:** People with disability have the same opportunities as other people to make complaints to the Shire of Denmark.

**Outcome 6:** People with disability have the same opportunities as other people to participate in any public consultation by the Shire of Denmark.

**Outcome 7:** People with disability have the same opportunities as other people to obtain and maintain employment with the Shire of Denmark.

The Disability Services Advisory Committee have been assisting with developing the draft plan and at their meeting held on 22 August 2018 resolved as follows;

*“That the draft DAIP 2018-2023 be endorsed by the Disability Services Advisory Committee to be presented at the September Council Meeting to be made available to the public, for a period of 28 days, through Council’s adopted Community Consultation process.”*

Subsequently, at the September 2018 meeting, Council resolved as follows (Resolution No. 180918):

*That with respect to the draft Disability Access & Inclusion Plan (DAIP) 2018-2023, Council:*

- 1. Note that the draft plan has been endorsed by the Disability Services Advisory Committee;*
- 2. Advertise the draft DAIP for a period of 28 days, inviting public submissions, subject to the removal of Strategy 2.1;*
- 3. Make the draft DAIP available for public inspection, through the Council’s adopted Community Engagement Policy and Framework;*
- 4. Present the draft DAIP back to Council for consideration together with any submissions received.*

At the Disability Services Advisory Committee meeting held on 24 October 2018, the Committee informally endorsed the plan for Council’s consideration. No formal recommendation was made.

**Consultation:**

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework.

Initial community consultation for this project utilised integrated strategies to create meaningful community engagement. To prepare the DAIP the Shire of Denmark conducted community and stakeholder consultation including:

- Community consultation through two community and stakeholder focus groups.
- A group forum with the Denmark Over 50s Association.
- Shire of Denmark staff consultation with Officer Representatives from all Directorates.
- A call for written submissions to identify barriers to access and inclusion was advertised in the local newspaper and promoted in the Shire of Denmark notice boards, website, social media and through targeted liaison with key stakeholders.
- The draft plan has been reviewed by the Disability Advisory Committee of Council and subsequently endorsed.

A total of 80 people participated in the consultation process and assisted in the identification of barriers to access and inclusion in the Shire of Denmark.

Following Council resolution 180918 the DAIP was advertised for a further 28 day period.

The draft DAIP was also then submitted to the Disability Services Commission for comment.

The Commission provided the following feedback:

- *RECOMMENDATION: It is suggested to include a Word version, ensuring it is left aligned, can be easier for screen readers.*
- *COMPLIANCE: Cover, could you spell out electronic format-disc or emailed?*
- *RECOMMENDATION: Page 3 could you add name of President?*
- *COMPLIANCE: Please use people with disability (not disabilities) throughout as the preferred term from the WA disability sector*
- *COMPLIANCE: Page 8 must add a line or two about how you will ensure agents and contractors implement the DAIP. For example through contract requirements, sent a copy of DAIP etc.*
- *COMPLIANCE: Page 8 (and 10) Outcome 2 insert `other` facilities.*

The DAIP has been amended as per the Commission's feedback and has been subsequently formally endorsed by the Commission as compliant.

The Compliance confirmation letter from the Disability Services Commission is attached.

No further community feedback was received during the 28 day advertisement period.

### **Statutory Obligations:**

The Disability Services Act 1993 requires for the DAIP to be reviewed every five years. A review of the Shire of Denmark DAIP 2013-2018 was required under the Act.

The new DAIP has been lodged and accepted by the Disability Services Commission.

Local Governments are also required under the Disability Services Act 1993 to include in their Annual Report a statement on the actions that have been undertaken to implement the DAIP.

### **Policy Implications:**

Policy Statement (P110710) – Disability Access & Inclusion Statement

*The Shire of Denmark is committed to ensuring that the community is an accessible and inclusive community for people with disability, their families and carers.*

*The Shire of Denmark interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in-house and contracted) are open, available and accessible to people with disability, providing them with the same opportunities, rights and responsibilities enjoyed by all other people in the community.*

*The Shire of Denmark recognises that people with disability are valued members of the community who make a variety of contributions to local social, economic and cultural life. The Shire believes that a community that recognises its diversity and supports the participation and inclusion of all of its members makes for a richer community life.*

*The Shire of Denmark believes that people with disability, their families and carers who live in country areas should be supported to remain in the community of their choice.*

**Budget / Financial Implications:**

Implementation of the DAIP strategies may require future allocation in Council's Municipal Budget and/or external funds obtained through grants.

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

B3.0 Built Environment

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

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

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

C4.0 Community

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

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

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

Corporate Business Plan

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

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

1.2.6 Establish outdoor amenities that suit the needs of the community.

**Sustainability Implications:**

➤ **Governance:**

An adopted Disability Access & Inclusion Plan is required under legislation.

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Implementation of the DAIP strategies aims to reduce barriers to access and improve inclusion for people with disability and positively impact participation, social interaction, community awareness and inclusion in community events and facilities.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not adopt the Disability Access and Inclusion Plan (DAIP) 2018-2023	Unlikely (2)	Moderate (3)	Moderate (5-9)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

**Comment/Conclusion:**

A Disability Access and Inclusion Plan (DAIP) ensures that barriers to participation and inclusion are considered and addressed to support an accessible an inclusive community.

The DAIP Implementation Plan identifies strategies to be actioned across the organisation, which have been formulated in consultation with stakeholders and the community.

The Disability Services Commission have reviewed the draft DAIP 2018-2023 and accepted it as a compliant document.

The DAIP implementation plan will be monitored by the Disability Services Advisory Committee and Shire employees. Implementing the DAIP strategies aims to provide significant improvements to reduce barriers to access and inclusion which will in turn enhance the lives of people with disability.

**Voting Requirements:**

Simple majority.

<p><b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>                  MOVED: CR ALLEN                  That the draft 2018 – 2023 Disability Access &amp; Inclusion Plan (DAIP) as per Attachment 9.1 be adopted by Council.</p>	<p>ITEM 9.1                  SECONDED: CR LEWIS</p>
<p>7.22pm – Cr Osborne left the room.                  CARRIED UNANIMOUSLY: 8/0</p>	<p>Res: 101218</p>

**10. MATTERS BEHIND CLOSED DOORS**

<p><b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>                  MOVED: CR GEARON                  That pursuant to Section 5.23 (2) (b) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors for the consideration of Item 10.1 to allow the award recipient names to remain confidential to Council until the official announcement at Council’s Australia Day Function.</p>	<p>ITEM 10                  SECONDED: CR SEENEY</p>
<p>CARRIED UNANIMOUSLY: 8/0</p>	<p>Res: 111218</p>

Prior to consideration of Item 10.1, Cr Whooley declared a financial interest on the basis that his daughter is one of the nominees.

7.24pm – Cr Whooley left the room, did not participate in discussion or vote on the matter and did not return.

7.24pm – Cr Caron left the room.

7.25pm – Cr Osborne returned to the room.

7.25pm – Cr Caron returned to the room.

## 10.1 SPORTSPERSON OF THE YEAR AWARDS 2018

<b>File Ref:</b>	PBR.1
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	N/A
<b>Disclosure of Officer Interest:</b>	The Officer and Family are members of the Denmark Surf Lifesaving Club, Denmark Netball Club, Denmark Gymnastics Club, Denmark Country Club and Denmark Basketball Association
<b>Date:</b>	28 November 2018
<b>Author:</b>	Damian Schwarzbach, Manager Recreation Services
<b>Authorising Officer:</b>	Cary Green, Director Corporate and Community Services
<b>Attachments:</b>	Nominations (CONFIDENTIAL to Councillors)

### Summary:

Council is asked to consider the Nominations received for the Shire of Denmark's annual Sportsperson of the Year Awards for 2018 and select winners for each category (where there are nominations for such). There were 15 nominations in total received across the 3 categories.

### Background:

The Sportsperson of the Year Awards are annual Council awards which are provided pursuant to Policy P040113 and are normally presented at the Shire of Denmark's Australia Day Function on the 26 January of each year, pursuant to Council Policy.

### Consultation:

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

Marketing & promotion for these awards commenced during September 2018 and included the following;

- Letters to every known local Community Sporting Group;
- Council's website;
- Council's Notice Board;
- Denmark Recreation Centre;
- Denmark Library;
- Denmark Youth Centre;
- Denmark Bulletin – September 2016; and
- Emails to Councillors & Staff.

### Statutory Obligations:

There are no statutory obligations.



**Policy Implications:**

Part B of Council Policy P040113 – Citizen & Sportspersons of the Year relates and reads as follows;

**B. SPORTSPERSONS OF THE YEAR**

The Sportspersons of the Year Awards are to be advertised commencing in September, inviting sporting organisations, community groups & organisations, schools and individuals to submit nominations for awards for the year ending 30 September, in the following categories;

- Junior Sportsperson of the Year (under 18 years of age)
- Senior Sportsperson of the Year
- Service to Sport Award

Nominations to close the last week in November.

A person may only be nominated for one category on a Nomination Form. A person may be nominated more than once on separate Nomination Forms.

Winners are to be chosen at a meeting of the Council and be kept strictly confidential until the presentation.

Winners are to receive a suitable gift at a value determined annually by Council during the budget process (GL1160752) and a grant of \$100.00 will be awarded for the winner's club or a local club nominated by the winner (should the winner not be a member of a club).

Eligibility

Nominations for a person who resides out of the Shire but participates in sport in the Shire of Denmark will be accepted however the nominee will only be judged on their achievements within the Shire of Denmark.

**Budget / Financial Implications:**

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

**Strategic & Corporate Plan Implications:**

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

Denmark 2027

L5.0 Our Local Government

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

L5.2 To have meaningful, respectful and proactive collaboration with the community.

Corporate Business Plan

C4.3.7 Continue to host the Australia Day Breakfast, including the Citizen of the Year and Sporting Awards

**Sustainability Implications:**➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

These Awards provide a way for Council & the Community to recognise and acknowledge local individuals and community sporting groups who have contributed positively to the Denmark Community

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That no nominations are received for a particular category.	Possible (3)	Insignificant (1)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Risk

**Comment/Conclusion:**

Council is requested to peruse the attached Nominations and determine a recipient for the award categories.

Nominations closed on Friday 30 November 2018 and there were 15 nominations in total received.

Junior Sportsperson of the Year Nominees

- Laura McEwan (Denmark Surf Life Saving Club)
- James Farey (Denmark Gymnastics Club)
- Bonnie Shepherd (Denmark Gymnastics Club)
- Zara Whooley (Denmark Junior Soccer Club)
- Bodie Farrow (Denmark Basketball Association)
- Kalin Lane (Denmark Basketball Association)
- Jake Harris (Denmark Dragon Boat Club)

Senior Sportsperson of the Year Nominees

- Marion Nelson (Denmark Country Club)
- Ethan Burton (Denmark Basketball Association)

Service to Sport Award Nominees

- Heather Carter (Denmark Junior Soccer Club)
- Kelly Schroeter (Denmark Netball Association)
- Natasha Lewis (Denmark Walpole Junior Football Club & Denmark Basketball Association)
- Bodie Farrow (Denmark Basketball Association)
- Bryce Edwards (Denmark Basketball Association)
- Bernie Wong (Denmark Surf Life Saving Club)

**Voting Requirements:**

Simple majority.

7.29pm – The Chief Executive Officer left the room.

**CORRECTION TO MINUTES.**  
Pursuant to Council Resolution No. 040219

7.31pm – The Chief Executive Officer ~~left~~ returned to the room.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 10.1
MOVED: CR PHILLIPS	SECONDED: CR LEWIS
<p>With respect to the Shire of Denmark 2018 Sportsperson Awards the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers of Council, Council’s Executive Assistant and Council’s Manager of Recreation Services and in addition those names also be embargoed until the Awards Ceremony on 26 January 2019;</p> <ol style="list-style-type: none"> <li>1. 2018 Senior Sportsperson of the Year to Ethan Burton;</li> <li>2. 2018 Junior Sportsperson of the Year to Laura McEwan; and</li> <li>3. 2018 Service to Sport Award to Kelly Schroeter.</li> </ol>	
CARRIED UNANIMOUSLY: 8/0	Res: 121218

<b>COUNCIL RESOLUTION</b>	
MOVED: CR GIBSON	SECONDED: CR ALLEN
That the meeting resume in public.	
CARRIED UNANIMOUSLY: 8/0	Res:131218

**11. NEW BUSINESS OF AN URGENT NATURE**

Nil

**12. CLOSURE OF MEETING**

7.34pm – There being no further business to discuss the Shire President, Cr Gearon, declared the meeting closed.

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

Signed: \_\_\_\_\_  
*Bill Parker – Chief Executive Officer*

Date: \_\_\_\_\_

These minutes were confirmed at a meeting on the \_\_\_\_\_.

Signed: \_\_\_\_\_  
*(Presiding Person at the meeting at which the minutes were confirmed.)*