



# Minutes

## ORDINARY (DECISION MAKING) MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK ON TUESDAY,  
27 SEPTEMBER 2011.

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# Ordinary Council Meeting

27 September 2011

## DISCLAIMER

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

4.06pm – The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr Ken Richardson-Newton (Deputy Shire President)
- Cr Phil Barnes
- Cr Kim Barrow
- Cr George Ebbett
- Cr Adrian Hinds
- Cr Dawn Pedro
- Cr Richard Phair
- Cr John Sampson
- Cr Alex Syme
- Cr John Wakka

STAFF:

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

APOLOGIES:

- Mr Gregg Harwood (Director of Community & Regulatory Services)

ON LEAVE OF ABSENCE:

- Cr Robert Laing

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 8
- Members of the press in attendance at the commencement of the meeting: 0

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Syme	8.4.2	Impartiality	Cr Syme is a member of the Denmark Environment Centre Inc.
Cr Pedro	8.4.2	Impartiality	Cr Pedro is not currently a member however has been and will most likely be in the future.
Cr Pedro	8.5.2	Impartiality	Cr Pedro is a community member of the Wilson Inlet Management Advisory Group.
Cr Sampson	8.4.2	Impartiality	Cr Sampson is a member of the Denmark Environment Centre Inc.
Cr Barnes	8.4.2	Impartiality	Cr Barnes is a member of the Denmark Environment Centre Inc.
Mr Bird	10.1	Financial	Mr Bird is a Senior Employee who is the subject of the report.
Mr Stewart	11.2	Financial	Mr Stewart is the Senior Employee to whom the report relates.

Mr Whooley	10.1	Financial	Mr Whooley is a Senior Employee of Council to whom the report relates.
Mr Whooley	10.2	Financial	Mr Whooley is a Senior Employee to whom the report relates.

**3. ANNOUNCEMENTS BY THE PERSON PRESIDING**

*The Shire President announced that former Elected Member, Mr Stan Ravenhill, had passed away and expressed his condolences for his family.*

*The Shire President stated that he had received a letter from the WA Governor in which he congratulated the Shire of Denmark on its centenary and commended its celebrations over the weekend.*

**4. PUBLIC QUESTION TIME**

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

Nil

**4.2 PUBLIC QUESTIONS**

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

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

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, no later than 6.00pm.

Questions from the Public

**4.2.1 Mr Paul Rhodes – Item 8.1.3 (Proposed Pylon Sign – No. 770 (Pt Lot 2238) Ocean Beach Road, Denmark)**

Mr Rhodes spoke as the Owner & Manager of the accommodation adjacent to the Ocean Beach Caravan Park stating that whilst he commended the recent development at the Caravan Park, he had concerns with the impact an illuminated pylon sign would have on his guests who generally enjoyed the quiet, natural environment of the area.

**4.2.2 Mr Jim King – Draft Local Planning Strategy**

Mr King referred to his submission on the draft Local Planning Strategy and details therein of how it conflicts with the Denmark Airfield Landuse Strategy. Mr King thanked Councillors for taking his calls in relation to the same matter.

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

Nil

**4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

*4.29pm – The Director of Infrastructure Services left the meeting.*

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 6.1
MOVED: CR WAKKA	SECONDED: CR SYME
That the minutes of the Ordinary Meeting of Council held on the 20 September 2011 be confirmed as a true and correct record of the proceedings.	
CARRIED: 11/0	Res: 050911

**6.2 SPECIAL COUNCIL MEETING**

The Chief Executive Officer advised that the Minutes from the Special Meeting of Council had not yet been finalised and therefore could not be confirmed at this meeting.

<b>COUNCIL RESOLUTION</b>	ITEM 6.2
MOVED: CR RICHARDSON-NEWTON	SECONDED: CR PEDRO
That Item 6.2, Confirmation of the Minutes from the Special Meeting of Council held on the 22 September 2011, be deferred until the October 2011 meeting.	
CARRIED: 11/0	Res: 060911

<b>OFFICER RECOMMENDATION</b>	ITEM 6.2
That the minutes of the Special Meeting of Council held on the 22 September 2011 be confirmed as a true and correct record of the proceedings.	

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

Nil

*4.33pm – The Director of Infrastructure Services returned to the meeting.*

**8. REPORTS OF OFFICERS**

The below item does not need to be considered until the meeting of the 27 September 2011 however, Councillors are encouraged to identify those Agenda Items from Item 8 (Officer Reports) through to and inclusive of Item 9 (Committee Recommendations) that they would like to discuss, debate, amend, ask questions in relation to or make comment on during that meeting.

ITEM NO.	HEADING	Declarations of Interest Yes / No	Absolute Majority Yes / No
8.1.1	ROAD NAMING REQUEST – LOT 5 CUSSONS ROAD, SHADFORTH	No	No
8.1.2	SCHEME AMENDMENT REQUEST – LOTS 85, 86, 93 & 94 LIGHTS ROAD AND LOTS 87-92 BIMBIMBI WAY, DENMARK	No	No
8.1.3	PROPOSED PYLON SIGN – NO. 770 (PT LOT 2238) OCEAN BEACH ROAD, DENMARK	No	No
8.1.4	PROPOSED VERANDAH ADDITION– SITE 136 FOURTH AVENUE, PEACEFUL BAY	No	No
8.4.1	FINANCIAL STATEMENT FOR THE MONTH ENDING 31 AUGUST 2011	No	No
8.4.2	DENMARK ENVIRONMENT CENTRE (INC) – REQUEST TO WAIVE PLANNING AND BUILDING FEES	Yes	Yes
8.4.3	WRITE OFF – OUTSTANDING SUNDRY DEBTORS	No	Yes
8.5.1	NAMING OF PARKS AND RESERVES & NAMES FOR APPROVED NAMES LIST	No	No
8.5.2	WILSON INLET MANAGEMENT GROUP (WIMAG)	Yes	No
9.1	BUSH FIRE ADVISORY COMMITTEE - ALL WESTERN AUSTRALIANS REDUCING EMERGENCIES GRANT (AWARE) 2011/12	No	No
9.2	CBD STREETScape WORKING GROUP - CBD PARKING - STRICKLAND STREET	No	Yes
9.3	CBD STREETScape WORKING GROUP - CBD STREETScape STAGE 2 WORKS	No	No
9.4	BUSH FIRE ADVISORY COMMITTEE - CAMPING & COOKING FIRES AT BOAT HARBOUR CHALETS DURING PROHIBITED BURNING PERIOD	No	No
9.5	FREE ACCESS FOR DOMESTIC LOADS OF “GREEN WASTE” AT THE DENMARK WASTE TRANSFER FACILITY	No	No
9.6	SENIORS ADVISORY COMMITTEE – COMMITTEE MEMBERSHIP	No	Yes
9.7	CENTENARY CELEBRATIONS WORKING GROUP – CENTENARIAN RECOGNITION POLICY	No	No
10.1	DESIGNATED SENIOR STAFF SALARIES	Yes	No
10.2	SENIOR OFFICER CONTRACT RENEWAL	No	No

If any of the above items are identified by Council they will be excluded from the following En-bloc recommendation.

4.34pm – Cr Hinds left the meeting.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8
MOVED: CR PHAIR	SECONDED: CR PEDRO
That the Officer Recommendations with respect to items 8.1.4, 8.4.3, 9.1, 9.4, 9.6 and 9.7 be adopted en bloc.	
CARRIED BY AN ABSOLUTE MAJORITY: 10/0	Res: 070911

## 8.1 Director of Planning & Sustainability

### 8.1.1 ROAD NAMING REQUEST – LOT 5 CUSSONS ROAD, SHADFORTH

<b>File Ref:</b>	142066
<b>Applicant / Proponent:</b>	Parry Denmark Investment
<b>Subject Land / Locality:</b>	Lot 5 Cussons Road, Shadforth
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 September 2011
<b>Author:</b>	Cindy Simpson, Senior Planning Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.1 - Approved Subdivision Layout

#### Summary:

Planning Services has received a request from Parry Denmark Investments to name the internal road created via subdivision approval 142066 over Lot 5 Cussons Road, Shadforth to "Mill Road/Place".

It is recommended that Council not support the proposed road name on the basis that the new internal road is to provide a connection through to Ruhen Place and the street name should reflect this accordingly.

#### Background:

Planning Services has received a request from Parry Denmark Investments to name the internal road created via subdivision approval 142066 over Lot 5 Cussons Road, Shadforth to "Mill Road/Place". Justification for the proposed road name is mainly based on the past historical use of the site for the old McLean's timber mill and the importance of the timber industry in Denmark's establishment. The McLean's timber mill operated from 1966 to 1992 and was the town's largest employer during that period.

#### Comment:

The Western Australian Planning Commission issued subdivision approval for Lot 5 Cussons Road, Shadforth on 20 August 2010 (refer Attachment 8.1.1). Condition 17 of the approval states:

*"Construction of the internal road reserve connecting to Ruhen Place being carried out in accordance with measures set out under Special Provision (xv) in Appendix 15 (Special Residential Area No. 12) of TPS 3."*

Special Provision (xv) of Town Planning Scheme No. 3 (TPS 3) states:

*"Construction of the internal road connecting to Ruhen Place shall have regard to objectives of retaining floristic values within the road reserve and minimising through traffic using the road as an alternative access to Cussons Road, without compromising road safety. Road design should incorporate reduced pavement widths, traffic calming features and alignment of pavement and services that maximises retention of Karri trees."*

During the engineering design approval process, the proponents and Infrastructure Services negotiated that the internal road be constructed as a 4m wide bitumen sealed road, connecting the cul-de-sac head and the property boundary of Lot 5 Cussons Road, Shadforth. This reduced pavement width road ensured that mature Karris in the road reserve were retained, through traffic was discouraged and unhindered vehicular access to the strategic firebreak is maintained. It should be noted that this final position was negotiated with the assistance of the Department of Planning.

Notwithstanding that the current Ruhen Place road and this new internal road do not formally connect at this point in time (mainly owing to the fact that the extension road required is to be contained within the existing Ruhen Place road reserve which is to the

immediate west of Lot 5 Cussons Road, Shadforth), it is recommended that the road name for the new internal road should still be Ruhen Place as opposed to introducing a new road name. Adopting this approach to the road name will require street signs located at the respective entrance points which clearly identify the house numbers that are located within each sector of Ruhen Place. Such an outcome is not recommended by the Author and would, in the opinion of the Author, be confusing to emergency service providers and the public in general.

Should Council consider that the new road should have a different road name, after reviewing the Geographic Names Committee's *Principles, Guidelines and Procedures* document, Mill Place is considered appropriate on the basis that:

- Lot 5 Cussons Road was the site of the original McLean's Mill (also known as Whittakers Mill);
- McLean's Mill is listed as a historic place in the 2011 Municipal Heritage Inventory; and
- There are no other roads named "Mill" in the Shire.

**Consultation:**

Consultation has occurred with Infrastructure Services and Planning Services.

**Statutory Obligations:**

Road naming processes are provided for in the *Land Administration Act 1997*.

**Policy Implications:**

"Mill" is not an approved name provided for in Council Policy P100603: Road & Reserve Naming Within the Shire. Notwithstanding, Council is able to propose an alternative name for consideration/approval by the Geographic Names Committee.

**Budget / Financial Implications:**

Should Council require the new internal road be "Ruhen Place", this will require street signs to be located at the respective entrance points that clearly identify the house numbers that are located within each sector of Ruhen Place. The cost of the street sign for the new internal road section of Ruhen Place would be met by the developer, however the additional information to be added to the current Ruhen Place street sign would need to be met by the Shire.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

In response to some other matters raised by Councillors, the Director of Planning & Sustainability advises the following;



- The 4m wide bitumen road from the new cul-de-sac head through to the western boundary of Lot 5 Cussons Road will not be chained off; and
- Based on the current zoning of 'Special Rural' and the associated Town Planning Scheme No. 3 provisions referencing the minimum lot size shall no less than 2 hectares, there is no further subdivision potential associated with the residential estate to the west of Lot 5 Cussons Road. Therefore, the costs to bituminise the current gravel seal portion of Ruhen Place through to the boundary of Lot 5 Cussons Road would need to be met by Council if and when deemed necessary.

OFFICER RECOMMENDATION

ITEM 8.1.1

That Council with respect to the request from Parry Denmark Investments to name the internal road created via subdivision approval 142066 over Lot 5 Cussons Road, Shadforth "Mill Road/Place" advise the proponent that:

1. The road name of "Mill" is not supported on the basis that the new internal road is to provide a connection through to Ruhen Place and the street name allocated to this new internal road should reflect this requirement accordingly; and
2. The "Ruhen Place" street sign that is to be erected by the developer associated with the new internal road needs to clearly identify the house numbers that can be accessed via the new entrance.

ITEM 8.1.1

MOVED: CR SYME

That Council defer consideration of the request from Parry Denmark Investments to name the internal road created via subdivision approval 142066 over Lot 5 Cussons Road, Shadforth "Mill Road/Place"

LAPSED FOR WANT OF A SECONDER.

**COUNCIL RESOLUTION**

ITEM 8.1.1

MOVED: CR RICHARDSON-NEWTON

SECONDED: CR BARNES

That Council with respect to the request from Parry Denmark Investments to name the internal road created via subdivision approval 142066 over Lot 5 Cussons Road, Shadforth "Mill Road/Place" advise the proponent that the road name of "Mill" is supported and that Council will seek approval from the Geographical Names Committee.

4.44pm – Cr Hinds returned to the meeting.

CARRIED: 11/0

Res: 080911

<b>8.1.2 SCHEME AMENDMENT REQUEST – LOTS 85, 86, 93 &amp; 94 LIGHTS ROAD AND LOTS 87-92 BIMBIMBI WAY, DENMARK</b>
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<b>File Ref:</b>	TPS3/135
<b>Applicant / Proponent:</b>	Sam Williams Planning on behalf of Colin and Fiona Ross
<b>Subject Land / Locality:</b>	Lots 85 (No. 124), 86 (No. 112), 93 (No. 82) & 94 (No. 94) Lights Road and Lots 87 (No. 5), 88 (No. 15), 89 (No. 19), 90 (No. 21) 91 (No. 30) & 92 (No. 16) Bimbimbi Way, Denmark
<b>Disclosure of Officer Interest:</b>	The applicant is the previous Director of Planning and Sustainability at the Shire of Denmark
<b>Date:</b>	1 September 2011
<b>Author:</b>	Duncan Ross, Senior Planning Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.2 a) Proposed Scheme Amendment Request 8.1.2 b) Site Photos

**Summary:**

Planning Services have received a Scheme Amendment Request (SAR) to amend provision (ii) of the Lights Road Special Rural Zone No. 6, which states “no lot shall be less than 2ha in area” to allow for reduced subdivision lot sizes of 1ha.

It is recommended the SAR be supported.

**Background:**The Proposal

Planning Services is in receipt of a SAR lodged by Sam Williams Planning on behalf of Colin and Fiona Ross at Lots 85 (No. 124), 86 (No. 112), 93 (No. 82) & 94 (No. 94) Lights Road and Lots 87 (No. 5), 88 (No. 15), 89 (No. 19), 90 (No. 21) 91 (No. 30) & 92 (No. 16) Bimbimbi Way, Denmark. The objective of the SAR is to undertake a textual amendment to the existing Special Rural provision to allow for subdivision with a minimum lot size of 1ha. Currently the Special Rural provisions require a minimum 2ha lot size. As part of this amendment a new Subdivision Guide Plan (SGP) has been prepared (refer 8.1.2 a).

The current proposal will result in two additional lots (12 in total) both above 1ha in size. Whilst the SAR is relevant to all 10 existing lots within the Lights Road Special Rural Zone, realistically future subdivision of these remaining lots will be limited given the difficulties and cost of establishing a scheme water supply, existing dwelling locations, mature remnant vegetation and in some cases irregular lot shape. The SAR proposal has been undertaken in a manner that allows only those lots that can realistically subdivide to be shown on the SGP.

Previous Scheme Amendment Request

A previous SAR was not initiated by Council at its meeting of 22 January 2008 (RES080108) on the grounds that:

- 1) Insufficient justification and/or planning merit for the proposed rezoning to special residential has been provided;
- 2) The subsequent development of the land for the new housing would require the removal of substantial additional areas of remnant vegetation which is not considered desirable; and
- 3) The proposed subdivision design would create additional pressure on the existing creekline area.

This previous SAR sought to provide an additional seven lots and rezone the existing land from the Special Rural Zone to a Special Residential Zone, resulting in lot sizes ranging from 4,197m<sup>2</sup> to 5,758m<sup>2</sup> across three lots subject to the SAR, resulting in a total of 17 lots within the entire subdivision. The previous SAR was not responsive to site conditions and proposed a high level of intensification in a confined area (refer Appendix A within the SAR proposal).

**Comment:**

After review of the SAR documentation by the Shire’s Development Coordination Unit the following issues are deemed to be the relevant considerations to this SAR.

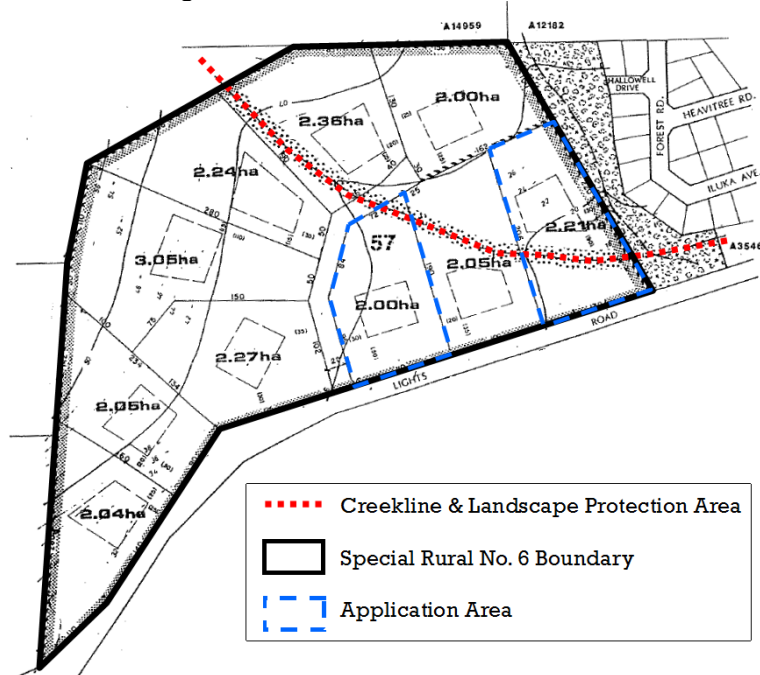
Protection of Remnant Vegetation

Should Council support this SAR the increased development potential will result in the loss of substantial internal vegetation in order to establish development areas and associated fire protection buffers. Whilst the loss of vegetation will be predominantly internal, and not overly visible from either Lights Road or Bimbimbi Way it is clear from a site inspection that visually the vegetation most likely to be removed is less well established than that on the western side of Bimbimbi Way (refer 8.1.2 b).

The two lots identified on the SGP for subdivision have been specifically chosen as they have the least amount of mature vegetation and the removal of the vegetation for development areas can be undertaken in a manner that visually will not detrimentally affect the amenity of the location.

Effluent Disposal

The Shire’s Principal Environmental Health Officer (PEHO) has advised that should subdivision eventuate, Alternative Treatment Units (ATU) should be used to treat effluent disposal. Each ATU requires a disposal field of 150m<sup>2</sup>, and the quality of water being discharged is unlikely to be of a quality that will detrimentally affect the wider receiving environment. As advised by the PEHO the effluent disposal field should be located 30m from the existing creekline that is located as shown below:



The position of the creekline, effectively running east/west across the lots lends itself to the establishment of specific ‘building envelopes’ as shown on the amended SGP.

Water Supply

The current scheme water supply is located in the Lights Road road reserve, making it cost effective for the proposed lots to connect to the existing asset, noting the lots identified as having subdivision potential are connected to scheme water currently. This also facilitates improved fire safety through the provision of fire hydrants.

Fire Safety

The entire estate (all 10 existing lots) is bordered by a strategic firebreak, and also provides specific internal fire breaks. Bimbimbi Way is also used as a fire access into the centre of the subdivision, with sufficient manoeuvring areas at the cul-de-sac head.

The existing subdivision provides sufficient lot sizes to accommodate intensification and additional dwellings however clearing will be required to establish a suitable Building Protection Zone (BPZ). Whilst *Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas (AS-3959)* technically allows for buildings to be constructed up to a BAL-FZ and BAL-40 standard, this is not recommended by the Department of Planning (DoP), the Shire or the Fire and Emergency Services Authority of WA (FESA). The Shire commonly supports development within a BAL-19 to BAL-29 range. The following BPZ's would be required with each of the ratings:

- BAL-19 – 20 to 29m BPZ
- BAL-29 – 14 to 20m BPZ

As stated above, this will exacerbate the clearing requirements and the only way in which this could be limited would be to endorse buildings to be constructed to an AS-3959 standard of BAL-29, which would increase the construction costs associated with the dwelling and retain a small percentage of vegetation noting a smaller BPZ (and less clearing) would result.

Notwithstanding the above, a Fire Management Plan will be requested as intensification of land potentially subject to fire risk will be required, addressing how future dwellings can be constructed to a rating of BAL-29 in accordance with the requirements of AS3959.

#### Conclusion

Based on the above, the two critical issues are as follows:

- i) the amount of remnant vegetation to be cleared; and
- ii) the ability of future lots to subdivide without having to follow the same thorough process as this proposal.

In relation to vegetation clearing it is recommended the Shire endorse the Department of Environment and Conservation's (DEC) recommendation (see below) and make the applicant provide a 'Vegetation Management Plan' which specifically details the type, quality and amount of vegetation required to be removed in order to establish development areas. Whilst a site inspection visually confirms the vegetation to be removed is not mature it is of high quality and its value should be determined by a suitably qualified expert. It is noted Council refused to initiate a similar amendment request on the grounds that the *"removal of substantial additional areas of remnant vegetation which is not considered desirable"* this was based on a subdivision plan that resulted in seven additional lots (where this SAR proposes two additional lots).

In addition the SGP is responsive to the location of the more mature remnant vegetation and does not seek to allow subdivision of those lots where more established vegetation is present.

In relation to the ability of the remaining lots to subdivide, the WAPC has tended to take the position that a Subdivision Guide Plan has less weighting than a specific TPS3 scheme provision. Often the SGP is varied (allowing subdivision that is unplanned) despite no subdivision potential being shown or assessment having been undertaken. In this regard it is recommended that should Council initiate the SAR that an additional clause is provided in the Special Provisions which states:

*The total number of lots shall be 12 within the Lights Road Special Rural Zone.*

This provision will ensure that any future subdivision of lots within the Lights Road Special Rural Zone not covered by this SAR will need to be thoroughly assessed by Council via a similar SAR process.

#### **Consultation:**

The SAR was received and in accordance with the Shire's internal Policy No. P100601 'Scheme Amendment Requests' and referred to the DoP, FESA, Water Corporation and the DEC for informal assessment and comment.

The following agencies have responded and their comments are summarised below:

- **Department of Planning** – The DoP advise the SAR is not supported for the following reasons:
  - While State Planning Policy 2.5 – Agricultural and Rural Land Use Planning allows for Rural Residential lots of between 1-4ha in size, the current subdivision layout has been created in response to existing site conditions and the reference to 1ha is not a minimum that can be achieved ‘as of right’.
  - Natural resources such as existing vegetation and landscape quality need to be carefully managed by discouraging subdivision which may contribute to the environmental degradation which is likely to occur in this instance.
  - The land is not identified in the Settlement Strategy for Denmark (1998) and therefore the proposal would be contrary to the existing planning framework for the Shire.
  - The Shire’s Rural Settlement Strategy (1999) states that properties within the Little River Catchment aim to provide for environmentally responsive solutions that protect remnant vegetation and minimise the impact of effluent discharge and nutrients into sensitive receiving environments.
  - The draft Local Planning Strategy (DLPS) shows the land as Rural Small Holdings (4-40ha) and as such this assigned designation does not envisage future intensification of the lots.

Comment: It is noted the DoP is opposed to the SAR for several reasons as stated above. It is not considered at this point in time the reasons are of sufficient merit to refuse to initiate the SAR, noting the DLPS currently shows the land as being for Rural Smallholdings (4-40ha) where further review from Council Officers may likely result in the land being reclassified as Rural Residential (1-4ha), noting the existing characteristics of the land. In addition the Settlement Strategy for Denmark and the Rural Settlement Strategy are old and likely to be reviewed in the upcoming months as part of an on-going review of the Shire’s TPS3 policies.

In order to address the issues in terms of vegetation protection and landscape quality, the applicant will be asked to provide a Vegetation Management Plan (as requested by the DEC below) to detail the quality of the vegetation and how it will be affected by the proposal. The DEC will also be able to review the contents of the Vegetation Management Plan, comments which will be used to inform Councils final recommendation on the amendment proposal.

Finally there are sustainability gains to be had from supporting a proposal such as this. Firstly the land can be effectively serviced by scheme water and on-site effluent disposal systems and secondly it reduces the need to continue to develop additional peripheral areas of the Denmark townsite for a similar lot type. Intensifying existing developable areas, whilst maintaining consistency with relevant lot size requirements, in this case 1-4ha should be encouraged subject to environmental protection considerations which at this point in time have not been fully detailed.

- **FESA** – FESA does not object to the proposal and stated that the proposal and any future development must consider Edition 2 of the ‘Planning for Bushfire Protection Guidelines’, WAPC Development Control Policy 3.7 (superseded) and AS-3959.
- **Water Corporation** – The Water Corporation stated they did not object to the SAR, noting that creation of the lots would require additional water supply connections from the existing mains water supply. The Water Corporation advised the water supply network has capacity however any extension to the network would be required to be undertaken at the developers cost.
- **Department of Environment and Conservation** – The DEC stated they did not have any objections to the proposal (noting they reserve the right to reassess the proposal at the time the formal amendment document is provided) subject to the applicant demonstrating compliance with Edition 2 of the ‘Planning for Bushfire

Protection Guidelines' in terms of hazard classification, fire, emergency access, building locations and water supply etc.

In addition the DEC have stated the *Environmental Protection Act 1986* will need to be considered in terms of future vegetation clearing, noting should the amendment be approved some of this clearing may be exempt under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

DEC state the remnant vegetation on site appears to be of a good condition and consideration should be given to the provision of a Vegetation Management Plan which seeks to retain as much vegetation as possible. It is also noted the property is located in the vicinity of known populations of endangered invertebrates and priority listed flora. A feature survey should be undertaken of the remnant vegetation prior to any clearing with any rare species protected.

Given the proximity of the Wilson Inlet, stormwater run-off and effluent disposal need to be carefully managed, and that potential impacts on the Inlet have been considered.

The comments received from the responding government agencies are generally supportive of the proposal with the exception of those from the DoP as commented above.

**Statutory Obligations:**

The SAR process is not a statutory process under any planning legislation. It is used by the Shire (and other adjoining Local Governments in the region) as a precursor to the formal scheme amendment process. It is designed to provide a proponent with a simple and informal assessment of a proposal to gauge the views and comments of the Shire and other Government agencies on the merits and likely support to be expected.

Should Council support the SAR proposal, it will progress to a formal scheme amendment; which undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

**Policy Implications:**

Policy No. P100601 'Scheme Amendment Requests' – This SAR has been submitted and processed in accordance with the Policy.

**Budget / Financial Implications:**

Fees associated with the SAR have been paid as per Councils 2010/11 Fees and Charges Schedule applicable at the time of lodgement.

**Strategic Implications:**

Council's decision on the SAR proposal should be consistent with the DLPS as the principal land use planning strategy for the Shire. The DLPS, at time of writing, is currently having submissions considered, with future changes to the draft document expected. The DLPS shows the land as Rural Small Holdings (4-40ha). Given the characteristic of the current subdivision on lots of between 2.0 and 2.3ha a Rural Residential (1-4ha) classification is considered more appropriate than that shown in the DLPS currently and is one of the modifications that will be recommended by Planning Services when Council consider the DLPS in due course.

**Sustainability Implications:**

➤ **Environmental:**

The significant environmental implications relating to the proposal include land capability/suitability, remnant vegetation protection, creekline management, bushfire protection/management, filling/drainage and clearing controls. These issues will need to be addressed in the Scheme Amendment documentation.

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

At the meeting held on the 20 September 2011, Cr Syme referred to a comment within the Officer’s Report which referred to the remnant vegetation being immature stating that in his view the vegetation was mature.

**OFFICER RECOMMENDATION**

ITEM 8.1.2

That Council, with respect to the Scheme Amendment Request to amend provision (ii) of the Lights Road Special Rural Zone No. 6 to allow for reduced subdivision lot sizes of 1ha, advise the proponent that:

1. The proposal is supported subject to the following matters being addressed in the formal Scheme Amendment document:
  - i) Land Capability Study demonstrating the site is suitable for development and effluent disposal fields relative to the Wilson Inlet and internal creekline.
  - ii) Measures to retain/protect significant remnant vegetation.
  - iii) Preparation of a Fire Management Plan in accordance with *Edition 2 of Planning for Bushfire Protection Guidelines (May 2010)*, including the details of future design requirements to allow for housing to be constructed to a rating of BAL-29.
  - iv) Provision of a Vegetation Management Plan incorporating a Flora and Fauna survey detailing the known populations of endangered invertebrates and priority listed flora. A feature survey should be undertaken of the remnant vegetation prior to any clearing with any rare species protected prevalence of identified endangered species and design outcomes intended to minimise disruption on these species.
  - v) A proposed scheme provision which states “The total number of lots shall be 12 within the Lights Road Special Rural Zone”.
2. The Department of Planning have indicated they do not support the SAR request at this point in time, therefore it is recommended that the proponent should liaise with the Department of Planning prior to lodgement of the formal Amendment documentation with the Shire.

**COUNCIL RESOLUTION**

ITEM 8.1.2

MOVED: CR SYME

SECONDED: CR RICHARDSON-NEWTON

That Council, with respect to the Scheme Amendment Request to amend provision (ii) of the Lights Road Special Rural Zone No. 6 to allow for reduced subdivision lot sizes of 1ha, advise the proponent that the proposal is not supported as it would ultimately result in most of the vegetation within the special rural zone being cleared.

**DEFERRAL MOTION**

MOVED: CR EBBETT

SECONDED: CR BARNES

That the item be deferred pending a site inspection by Council.

CARRIED: 6/5

Res: 090911

### 8.1.3 PROPOSED PYLON SIGN – NO. 770 (PT LOT 2238) OCEAN BEACH ROAD, DENMARK

<b>File Ref:</b>	A865
<b>Applicant / Proponent:</b>	Michael Barton on behalf of Phobos Nominees Pty Ltd
<b>Subject Land / Locality:</b>	No. 770 (Pt Lot 2238) Ocean Beach Road, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	31 August 2011
<b>Author:</b>	Duncan Ross, Senior Planning Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.3 – Plans of Proposed Sign

#### Summary:

Michael Barton is seeking Planning Approval to erect a Pylon Sign at No. 770 (Pt Lot 2238) Ocean Beach Road, Denmark.

Notwithstanding that the proposal does not comply with Town Planning Scheme Policy No 32 – Signs (Policy 32), the Pylon Sign is considered to have merit and is deemed appropriate, thus it is recommended that Planning Approval be granted subject to appropriate conditions.

#### Background:

##### Current Application

Pylon Sign's are not permitted within the Tourist Zone as stated in Policy 32. As such the application has been deferred to Council for consideration and determination.

The proposed Pylon Sign measures 1.240m in width by 900mm in height (1.116m<sup>2</sup>) and is mounted on a single pole (4m total height with 3.1m clearance). The pylon sign is also proposed to be illuminated (refer 8.1.3).

##### Existing Approved Sign

On the 25<sup>th</sup> August 2011, a 9.2m long by 300mm high 'Part of Roof Sign' was approved by the Director of Planning and Sustainability. This sign is proposed to be placed on the roof facade associated with the new reception/laundry building (Planning Approval 2010/214) and complied with all relevant Policy 32 provisions.

The original application was provided in accordance with the requirements of a Total Site Signage Plan as required by Policy 32.

#### Comment:

Policy 32 states the following in relation to Pylon Signs:

#### 11.1 Pylon Signs

- 11.1.1 *This is an advertising sign, which is fixed to a structure which has one or more supports. The overall height (including supports) is greater than the sign's width (horizontal dimension), and portion of the sign is greater than 1.2m above natural ground level.*
- 11.1.2 *Pylon signs shall have a minimum clearance of 2.4m from ground level, shall not be more than 4.0m above ground level, shall not exceed 2.0m measured either vertically or horizontally across the face of the sign. Pylon signs shall not be greater than 2.0m<sup>2</sup> in area and shall be limited to one sign per street frontage on any one lot.*
- 11.1.3 *Pylon signs are only permitted in the Commercial and Industrial Zones once an application incorporating a Total Site Signage Plan is submitted and approved.*





The proposed pylon sign is consistent with the above policy requirements in terms of size and location; however a Pylon Sign is not permitted in the Tourist Zone.

There are two issues that require consideration, the first being whether or not the amount of and type of signage associated with the Ocean Beach Caravan Park is appropriate and the second is the need for the sign to be illuminated.

In relation to the first point it is noted the original signs associated with the Caravan Park have been removed, with the applicant proposing to provide only two signs.

These two signs represent a small level of signage that could be expected with such a large development and attraction and the provision of a Pylon Sign adjacent to Ocean Beach Road is to a certain extent expected and unlikely to result in visual clutter or driver confusion. The Pylon Sign is not overly large, and is provided in a professional manner and overall can be considered to be an appropriate entrance to the Caravan Park.

The second issue that requires consideration is the need for the sign to be illuminated. Illumination is not supported, as this has the potential to detrimentally affect the on-going amenity and character of the immediate locality. There are few businesses in the vicinity of the Caravan Park along Ocean Beach Road and the need for an illuminated sign is not warranted. In addition the Caravan Park is a well known destination within the Shire for both locals and visitors, and the use of illumination is not necessary as the Caravan Parks location is very obvious. An illuminated sign in this location will be highly visible from Ocean Beach Road, from the Nullaki Peninsular to the east, from the Wilson Inlet and some existing residential areas to the north, it is therefore recommended that Council not support the Pylon Sign being illuminated.

Overall from a planning perspective the Pylon Sign is considered to have merit bearing in mind it is located wholly on the subject lot, and represents only the second sign on site which is consistent with the signage expectations for such an activity.

**Consultation:**

Planning Services.

**Statutory Obligations:**

Town Planning Scheme No. 3 and related Policy 32 specify the pertinent development requirements for the site. Clause 8.2.5 of the TPS No. 3 states:

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

**Policy Implications:**

Town Planning Scheme Policy No. 32 – Signs is relevant to this application.

**Budget / Financial Implications:**

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

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

**OFFICER RECOMMENDATION**

**ITEM 8.1.3**

That with respect to the development application for the proposed Pylon Sign at No. 770 (Pt Lot 2238) Ocean Beach Road, Denmark, Council resolve to grant Planning Approval subject to the following conditions:

1. The Pylon Sign being erected and displayed as shown on the attached stamped approved plans dated 5 August 2011, subject to the following modification:
  - a) The Pylon Sign shall not be illuminated in any way.
2. The Pylon Sign shall be kept clean and maintained free of dilapidation at all times to the satisfaction of the Shire of Denmark (Planning Services).

**Advice Notes:**

- i) A building licence is required to be obtained from the Shire of Denmark (Building Services) for the Pylon Sign.
- ii) No additional signage will be approved on-site without further Council assessment and the provision of a Total Site Signage Plan as required by Town Planning Scheme Policy No 32 – Signs.

**COUNCIL RESOLUTION**

**ITEM 8.1.3**

MOVED: CR EBBETT

SECONDED: CR SAMPSON

*5.03pm – Cr Syme left the meeting.*

*5.04pm – Cr Syme returned to the meeting.*

That with respect to the development application for the proposed Pylon Sign at No. 770 (Pt Lot 2238) Ocean Beach Road, Denmark, Council resolve to refuse Planning Approval on the following grounds:

1. A pylon sign is not permitted in the Tourist Zone as per Town Planning Scheme Policy No. 32 – Signs; and
2. The illuminated signage proposal is not considered to be of low impact or sympathetic to the surrounding environment including Prawn Rock Channel.

CARRIED: 9/2

Res: 100911

<b>8.1.4 PROPOSED VERANDAH ADDITION – SITE 136 FOURTH AVENUE, PEACEFUL BAY</b>
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<b>File Ref:</b>	A1943 (2011/102)
<b>Applicant / Proponent:</b>	SP Matthews Superannuation
<b>Subject Land / Locality:</b>	Site 136 Fourth Avenue, Peaceful Bay
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	30 August 2011
<b>Author:</b>	Duncan Ross, Senior Planning Officer
<b>Authorising Officer:</b>	Annette Harbron, Director of Planning & Sustainability
<b>Attachments:</b>	8.1.4 a) – Plans of Proposed Development 8.1.4 b) – Photos of the Site

**Summary:**

SP Matthews Superannuation are seeking Planning Approval to construct a verandah addition (33.6m<sup>2</sup>) to the front of the existing 'holiday cottage' at Site 136 Fourth Avenue, Peaceful Bay.

Notwithstanding that the proposal does not comply with the provisions of Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines, it is recommended that Council approve the proposal subject to the verandah being reduced in size.

**Background:**

An application for Planning Approval was lodged with Planning Services in June 2011 (signed by the A/CEO of the Shire of Denmark as the landowner in July 2011) for a verandah addition to the front of the existing 'holiday cottage' at Site 136 Fourth Avenue, Peaceful Bay (refer Attachment 8.1.4 a)).

**Comment:**

The proposal has been assessed having regard to the provisions of the Peaceful Bay Heritage Precinct Conservation Plan (PBHPCP), the 2011 Municipal Heritage Inventory and Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan and Development Guidelines (Policy 35), and generally complies with the exception of the following provisions:

- Clause 4.5.5 Front Additions and Setbacks of Policy 35, being:

*There should be no addition to the front of the buildings, apart from small verandah additions, and houses which are set at the rear of the lots. This will conserve the variety of setbacks that contribute to the informal atmosphere of the precinct.*

Officer Comment: The proposal is generally consistent with this requirement however the verandah is significantly larger than associated with the traditional holiday cottage design within the Peaceful Bay Settlement. It is therefore recommended that the verandah be reduced to 3m wide in lieu of the proposed 4m. This will ensure the verandah remains situated behind the front face of the adjacent residences maintaining street setback consistent with that expected by Policy 35, particularly in terms of its size and relationship with the existing holiday cottage.

- Clause 4.5.7 New Verandahs and Balustrading of Policy 35, being:

*The addition of small simple verandahs is permitted, but care should be taken not to introduce balustrading unless required by the BCA or for other reasons of safety, in which case it should be simple and unobtrusive.*

Officer Comment: As referenced above it is recommended that the verandah addition be reduced to 3m wide in lieu of the proposed 4m, thus ensuring the

verandah is 'small' in scale and size relative to other front verandahs in the Peaceful Bay settlement.

The proposal seeks to erect a timber rail balustrade on the balcony. As per the Building Code of Australia (BCA), Balustrading is only required where the finished floor level is 1m above natural ground level – in this instance the verandah is approximately 0.65m above natural ground level. Notwithstanding a site inspection of the area confirms that the provision of simple open style balustrading will be consistent with the existing development that has occurred in the area (refer Attachment 8.1.x b). It is therefore recommended that the balustrading as proposed is acceptable, noting that the Heritage Council of Western Australia also did not object to the proposal (refer Consultation section of the report).

- Clause 4.5.10 Size of Buildings of Policy 35, being:

*Most of the houses are small, and this is an important characteristic which enables the informal character of the place to be retained by allowing the space between the houses for the large areas of lawn and mature peppermints which also contribute to the character of the place.*

*It is recommended that the size of the houses be limited to a plot ratio of .3 of the lots. The lots are 456 m<sup>2</sup>; a plot ratio of .3 limits the house size to 137 m<sup>2</sup>.*

Officer Comment: The existing approved development on-site already equates to 142m<sup>2</sup>, and this proposal would result in the overall development footprint being 175.6m<sup>2</sup> (based on the proposed 4m x 8.4m verandah; it is recommended that the verandah is reduced to 3m x 8.4m and this would result in a development footprint of 167.2m<sup>2</sup>).

As the verandah is essentially located at ground level there is little bulk and dominance generated by this proposal, thus subject to the verandah being reduced in depth by 1m it is considered that the proposal is appropriate. In order to ensure that the design of the dwelling and its associated bulk is minimised, it is recommended that a condition be imposed on the Planning Approval stating that the verandah addition is not be enclosed by solid walls.

### **Consultation:**

#### External Consultation

In accordance with Appendix VII of Town Planning Scheme No. 3 (TPS No. 3), the original Peaceful Bay Settlement is identified as a Place of Heritage Value, thus as part of the assessment process this planning application was required to be advertised for a period of 21 days in accordance with Clauses 7.3 and 6.4 of TPS No. 3.

In this regard, letters were sent to the adjoining leaseholders (5 in total) and the Heritage Council of Western Australia seeking comments on the proposal. At the end of the advertising period, no comments were received from the adjoining leaseholders, with the Heritage Council of Western Australia providing the following comments:

*Many of the houses in the Settlement have had lightweight skillion additions made to the front and rear elevations. Although houses that have had such verandahs introduced to their front elevations have been nominated at a lower level of authenticity, the policies of the Conservation Plan still allow for the construction of lightweight verandahs to the front of houses. However, they are to be of a simple design with no decorative elements and are to be of a similar authentic form, scale and material to the existing house.*

*A Conservation Officer has assessed the development referral in the context of the identified heritage significance of the place. We confirm that we have no objection to the proposed verandah addition due to its simple design and utilisation of lightweight materials of construction.*

Internal Consultation

- Development Co-ordination Unit

**Statutory Obligations:**

Town Planning Scheme No. 3 and related policies specify the pertinent development requirements for the site. Clause 8.2.5 of the TPS No. 3 states:

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

**Policy Implications:**

Town Planning Scheme Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines applies to the development proposal for Site 136 Fourth Avenue. A Town Planning Scheme Policy does not bind the Council in respect of any application, but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

**Budget / Financial Implications:**

There are no known financial implications upon the Council’s current Budget or Plan for the Future.

**Strategic Implications:**

The Peaceful Bay Heritage Precinct Conservation Plan states the entire Peaceful Bay Heritage Precinct is considered to be a zone of considerable significance, with the intention being to protect and enhance the unique special character of the Peaceful Bay original leasehold settlement as a relaxed, informal low key holiday location.

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The heritage values of the Peaceful Bay Heritage Precinct are recognised by the community of the precinct and by the wider community.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.1.4</b>
<p>That with respect to the development application for the Proposed Verandah Addition at Site 136 Fourth Avenue, Peaceful Bay, Council resolve to grant Planning Approval subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Development to be in accordance with the attached stamped approved plans dated 8 June 2011 subject to the verandah being reduced in depth to 3 metres (refer notations in red on approved plans); and</li> <li>2. The verandah addition is not to be enclosed with the use of solid walls at any time.</li> </ol> <p>CARRIED BY EN BLOC RESOLUTION No. 070911</p>	

**8.2 Director of Community & Regulatory Services**  
Nil

**8.3 Director of Infrastructure Services**  
Nil

5.15pm – Cr Barnes left the meeting.

## 8.4 Director of Finance & Administration

### 8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 AUGUST 2011

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	12 September 2011
<b>Author:</b>	Garry Bird, Director of Finance and Administration
<b>Authorising Officer:</b>	Garry Bird, Director of Finance And Administration
<b>Attachments:</b>	8.4.1 - Monthly Financial Report

#### Summary:

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

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

#### Background:

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

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

#### Comment:

Shire Trust Funds have been invested for thirty days with the National Bank, maturing 30 September 2011 at the quoted rate of 5.00%

Reserve Funds have been invested with Members Equity Bank, placed in an on call cash account at the rate of 5.60%.

There are no surplus municipal funds available for investment.

It should be noted that as the 2011/12 Municipal Budget has only recently been adopted, some of the attached financial reports have not yet been completed. The finalisation of the Monthly Financial report will be completed for the September 2011 reports.

#### Key Financial Indicators at a Glance

The following comments and/or statements are provided to provide a brief summary and/or assist in the interpretation and understanding of the attached Financial Statement.

- Municipal cash funds reserves have been fully depleted and Council is relying on other funds to manage cashflow requirements. This situation will improve rapidly over coming weeks as municipal rates are paid by property owners and several large outstanding grants are received.

**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 relates as follows;

*MATERIAL VARIANCES IN BUDGET AND ACTUAL EXPENDITURE*

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

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

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

**Budget / Financial Implications:**

As the Financial Report is for the second month of the new financial year, there are no significant trends or issues to be reported.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.4.1
MOVED: CR RICHARDSON-NEWTON	SECONDED: CR SYME
That with respect to Financial Statements for the month ending 30 August 2011, Council;	
1. Receive the financial report, incorporating the Statement of Financial Activity, Adopted Budget Amendments and Variations Report and other supporting documentation.	
2. Endorse the Accounts for Payment as listed.	
CARRIED: 10/0	Res: 110911

*Cr Syme, Cr Sampson & Cr Barnes are members of the Denmark Environment Centre Inc and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Syme, Cr Sampson & Cr Barnes declares that they will consider this matter on its merits and vote accordingly.*

*Cr Pedro is not currently a member of the Denmark Environment Centre Inc however she is a former member and it is likely that she will be a member in the future and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Pedro declares that they will consider this matter on its merits and vote accordingly.*

**8.4.2 DENMARK ENVIRONMENT CENTRE (INC) – REQUEST TO WAIVE PLANNING AND BUILDING FEES**

<b>File Ref:</b>	Org 19 & A2622
<b>Applicant / Proponent:</b>	Denmark Environment Centre Inc
<b>Subject Land / Locality:</b>	1/35 Strickland St, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	12 September 2011
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	Attachment 8.4.2 – Denmark Environment Centre Inc correspondence

**Summary:**

Correspondence has been received from the Denmark Environment Centre Inc (DEC) requesting Council waive the balance of town planning and building fees payable on the redevelopment of their office premises at 1/35 Strickland St Denmark, following a fire on 7 July 2009 that severely damaged the building.

A 50% subsidy has already been applied to these fees, as per Council Policy P100606, with the request relating to the balance of these fees.

**Background:**

As a result of fire, severe damage was caused to the Denmark Environment Centre premises on 7 July 2009. These premises are now about to be rebuilt at a total cost of \$950,000. Such a development is subject to the following planning and building fees;

<b>Town Planning</b>	
Development Application Fee	\$2,675.00
<b>Building License and associated fees</b>	
Building License Fee	\$1,727.29
BCITF Levy	\$1,900.00
BRB Levy	\$41.50
<b>Total Fees</b>	<b>\$6,343.79</b>

Council Policy P100606 "Payment of Planning and Building Fees by Not for Profit Community Organisations" is applicable to this development, with staff applying a 50% subsidy to the Development Application and Building License Fee as per the Policy (total subsidy value being \$2,201.15).

Policy P100606 states as follows;

*When assessing planning and building applications received from not for profit community organisations on land not owned by or vested in Council, a reduction of 50% in the application fees payable shall be granted.*

*Where such an application relates to land owned by or vested in Council, a reduction of 100% shall apply.*



**Notes:**

1. *All statutory charges levied by the State Government are to be paid in full by the applicant and are not subject to the provisions of this Policy.*
2. *Organisation Wide Procedure Manual topic titled "Council Approved Discounts, Donations, Waivers or Reduced Fees" is to be implemented when applying this policy.*

It should be noted that DEC have paid the Development Application Fee on 6 September 2011, however have yet to submit their building license application and as such no fees have been raised for the building licenses.

**Comment:**

The redevelopment proposes a mixture of community and educational facilities, associated with the day to day operations of the DEC.

**Statutory Obligations:**

Local Government Act 1995

**Policy Implications:**

Council Policy P100606 "Payment of Planning and Building Fees by Not for Profit Community Organisations" is applicable to the request from the DEC.

If Council was to approve the request from DEC, a precedent would be created for all not for profit community organisations to seek a 100% subsidy of such fees from Council, which is clearly not the intent of the Policy.

**Budget / Financial Implications:**

If Council was to approve the request from DEC, there would be a total of \$4,402.29 in lost revenue, including the 50% subsidy of \$2,201.15 already applied.

**Strategic Implications:**

There are no strategic implications arising from the request from the DEC to waive/refund planning and building fees applicable to the redevelopment of their premises.

**Sustainability Implications:****➤ Environmental:**

DEC is an active community organisation that promotes environmental awareness and partners Council in several environmental initiatives and projects.

In their request, DEC has stated that "it is envisaged that the new building will be a landmark for Denmark that showcases sustainable design and construction".

**➤ Economic:**

There are no economic implications arising from the DEC request.

**➤ Social:**

In addition to their environmental projects, DEC provide a valuable social opportunity for local residents to meet and interact.

**Voting Requirements:**

Absolute majority.

At the meeting held on the 20 September 2011, Cr Richardson-Newton requested that the exact amount that is requested to be waived be included in the Officer Recommendation. The Officer Recommendation has been amended accordingly.

FORMER OFFICER RECOMMENDATION

ITEM 8.4.2

That with respect to the request from the Denmark Environment Centre (Inc) for the waiving of building and planning fees applicable to their development at 1/35 Strickland St, Council;

1. Confirm the 50% subsidy applied to these fees as per Council Policy P100606.
2. Deny the request for an additional 50% subsidy on the basis that it contradicts Policy P100606 and would create a precedent for all other local not for profit community organisations to seek such a subsidy.

At the meeting held on the 20 September 2011, Cr Richardson-Newton requested that the exact amount that is requested to be waived be included in the Officer Recommendation. The Officer Recommendation has been amended accordingly.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 8.4.2</b>
MOVED: CR BARROW	SECONDED: CR HINDS
That with respect to the request from the Denmark Environment Centre (Inc) for the waiving of building and planning fees applicable to their development at 1/35 Strickland St, Council;	
<ol style="list-style-type: none"> <li>1. Confirm the 50%, being \$2,201.15, subsidy applied to these fees as per Council Policy P100606.</li> <li>2. Deny the request for an additional 50% subsidy on the basis that it contradicts Policy P100606 and would create a precedent for all other local not for profit community organisations to seek such a subsidy.</li> </ol>	
CARRIED BY AN ABSOLUTE MAJORITY: 10/0	Res: 120911

**8.4.3 WRITE OFF – OUTSTANDING SUNDRY DEBTORS**

<b>File Ref:</b>	FIN.32
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 September 2011
<b>Author:</b>	Jason Young, Finance Officer Accounts
<b>Authorising Officer:</b>	Garry Bird, Director of Finance and Administration
<b>Attachments:</b>	No

**Summary:**

This report reviews six unpaid sundry debtor invoices which are recommended to be cancelled and written-off.

**Background:**

Sundry Debtors records two unpaid invoices, totalling \$47.30 (GST inclusive), which are considered unrecoverable. Four other unpaid invoices, totalling \$520.00 (GST Exempt) are considered to be licence fees that were not valid charges at the time.

**Comment:**

The six unpaid invoices that are requested to be cancelled and written-off are (GST inclusive, where applicable):

Debtor	Inv No	Amount (\$)	Date	Description
30810	11214	130.00	13/08/2007	Fee for Liquid Waste Transport for Carrier/Driver/Vehicle for 1 year
30810	14030	130.00	21/06/2010	2008-2009 Liquid Waste Annual Licensing – Renewal of Licence as a Carrier/Driver/Vehicle

30810	14031	130.00	21/06/2010	2009-2010 Liquid Waste Annual Licensing – Renewal of Licence as a Carrier/Driver/Vehicle
30810	15092	130.00	30/06/2011	Liquid Waste Fee – Annual Renewal of Licence 2010/2011 – for a Carrier/Driver/Vehicle
31911	LB44	11.00	27/06/2005	Payment for Lost Library Book – Go Ask Alice by Anonymous
32859	14639	36.30	13/04/2011	Denmark Public Library – Lost Library Items borrowed – Actual Replacement/Repair Cost/Admin Fee

Following is an explanation of why each invoice is recommended to be cancelled and written-off:

**Debtor 30810 – Invoices 11214, 14030, 14031, 15092**

- Currently, the *Health Act 1911 - Shire of Denmark Health Local Laws 1998 – As Amended (Part 4 Division 1)* [“Liquid Waste Local Laws”] requires “a carrier [to] apply in writing to the local government for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.” Additionally, the Liquid Waste Local Laws state that “any conditions imposed by the local government...shall be... specified in the written approval of the local government; and in addition to any conditions imposed by the Executive Director of Public Health or conditions applying under any other law... The local government may from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom approval was given.”
- To provide for the ongoing cost of approving licences and monitoring adherence to the Liquid Waste Local Laws, the Council has previously endorsed fees in the Schedule of Fees and Charges for the Annual Renewal of Liquid Waste Licences. Since 2007/2008, the endorsed fees applying to the outstanding invoices have been:

Fee Type	Amount (\$) (GST Exempt)
Annual Renewal of Licence for a Carrier	60.00
Annual Renewal of Licence for a Driver	20.00
Annual Renewal of Licence for a Vehicle	50.00

- On 6 February 2009, Samantha West, Project Manager, Controlled Waste Tracking and Permitting Section, Department of Environment and Conservation [“the DEC”], provided advice to the Shire of Denmark, stating that the DEC “regulates controlled waste transporters through the Environmental Protection (Controlled Waste) Regulations 2004... [by licensing] carriers, bulk liquid vehicles/tanks and bulk liquid drivers. The licence allows the Licensee to transport controlled waste on a road in Western Australia.” The advice goes on to say that the DEC “also conducts inspection/compliance activities.” Samantha West stated that the DEC “rolled out the information [about the new Regulations] and licensing across the State” in early 2004. Samantha West stated that she was “not aware of any other Councils/Shires that continue to charge fees for waste carriers...” Rather, “the bulk of the Councils/Shires do continue to hold a contractual type of arrangement with their local carrier and request from the carrier a copy of their relevant controlled waste licenses prior to providing them access to their septage ponds.”
- Information provided by Samantha West, at the DEC, listed the Debtor as holding an annual Controlled Waste Licence as a Carrier, Vehicle, and Driver, for a fee of \$225.00.
- On 27 March 2009, the Shire of Denmark advised the Debtor, that “there never was an agreement that the Shire of Denmark would cease charging liquid waste disposal licence fees and that the Environmental Protection (Controlled Waste) Regulations

2004 do not prohibit Council from charging [a] licence fee to Contractors who are seeking to operate in its area.”

This statement was reiterated in a debt recovery letter to the Debtor, by the Shire of Denmark, dated 29 December 2010.

- A recent review of the advice from the DEC has resulted in a conclusion that annual liquid waste collection fee licences would cease to be charged by the Shire of Denmark; as such fees are a duplication of the DEC licensing system. Subsequently, Council adopted the 2011/2012 Schedule of Fees and Charges with a \$0 fee for all Liquid Waste Annual Licence Renewals.
- Therefore, Invoices 11214, 14030, 14031, and 15092 are recommended to be cancelled and written-off, as they were a duplication of the DEC licensing system, and therefore not required to be charged to the Debtor.

**Debtor 31911 – Invoice LB44**

- Invoice LB44 was issued in June 2005, for a lost library book. Between 7 January 2010 and 15 February 2010, three debt recovery notices were issued. In March 2010, the Debtor was subsequently blacklisted from borrowing Library items.
- In June 2010, contact with the Customer was lost. A statement sent in October 2010 was returned to sender. No contact could be made by phone.
- In August 2011, the Senior Librarian recommended that the invoice be written off, due to there being no trace of this Debtor, and therefore the recoverability of this invoice being virtually nil.

**Debtor 32859 – Invoice 14639**

- Both the July 2011 Debtor Statement and a Reminder, dated 10 August 2011, were returned to sender. Further attempts to find a valid address, or phone number, have been to no avail.
- The invoice is of small value, at \$36.30, and not considered recoverable.

**Consultation:**

Nil

**Statutory Obligations:**

**Local Government Act 1995**

Section 6.12 of the Local Government Act 1995 provides that a Local Government may “write off any amount of money”.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

The financial implication upon the Council’s current Budget is a net reduction of \$563.00 from the estimated Sundry Debtors payments for the year. Total income in the following General Ledger Account Numbers will be reduced to reflect the loss of income.

GL Account	Income Reduced by (\$)
1737223 Health Licenses Other	520.00
1147113 Fines Penalties & Charges	43.00

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Absolute majority pursuant to section 6.12 of the Local Government Act 1995.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 8.4.3

That Council authorise the write-off of the six unpaid Sundry Debtors Invoices tabled in the officers report, totalling \$563.00 (ex GST).

CARRIED BY EN BLOC RESOLUTION No. 070911

## 8.5 Chief Executive Officer

### 8.5.1 NAMING OF PARKS, RESERVES & ROADS

<b>File Ref:</b>	ORG.64
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Various Locations within the Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 September 2011
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	Yes

#### Summary:

This report recommends that Council adopt the names for a number of parks & reserves (which have been advertised) and consider the inclusion of a number of names and additional categories (codes) in Council's Road & Reserve Names Policy (P100603).

#### Background:

At its meetings held in May 2011, Council considered a recommendation from the Centenary Celebrations Working Group to advertise its intention to name a number of parks & reserves within the Shire of Denmark. On the 24 May 2011, Council resolved as follows;

*"That with respect the parks & reserves selected by the Centenary Celebrations Working Group, as detailed on the list attached, for naming, signage and plaques, Council;*

1. *Advertise the intention to name the following parks & reserves for dedication during the Shire of Denmark Centenary of Local Government and subject to there being no adverse submissions, seek the approval of the Geographical Names Committee;*
  - a. *Portion of Reserve 14376 (South of old Rail Bridge) intended to be named "Smith Brothers Park"; and*
  - b. *7230 Campbell Road, Reserve No. 32279 intended to be named Walters Reserve.*
2. *Authorise the Chief Executive Officer to approve the names (confidential until the unveiling) recommended by the Parry Beach Voluntary Management Group, for portions of Reserve 20928, being the Parry Beach Caretakers Cottage & the Parry Beach Picnic Area, for dedication during the Shire of Denmark Centenary of Local Government.;*
3. *Advertise the intention to name parks & reserves as follows and, subject to there being no adverse submissions, seek the approval of the Geographical Names Committee;*
  - a. *Reserve 22518, Brazier Street, 'Fyfe Park';*
  - b. *Reserve 33093, 1054 Horsley Road, 'Bayley Park';*
  - c. *Reserve 46542, Sheoak Drive, 'Glover Park';*
  - d. *Reserve 30277, Crellin Street, 'Denmark No. 3 Railway Station Reserve';*
  - e. *Road Reserve, Hollings Road/ Karri Glen Lane, 'Hockley Park';*
  - f. *Reserve No. 36714, Inlet Drive (Yacht Club), 'Ricketts Reserve';*
  - g. *Reserve No. 45473, 12 Clarke Close, 'Kingdon Park';*
  - h. *Reserve No. 28922, Cnr Gilbert Road & Weedon Hill Road, 'Peter Gros Park';*
  - i. *Reserve No. 42586, 27 Maloney Close, 'Atkinson Park';*
  - j. *Reserve No. 14271, 706 South Coast Highway, 'Frank Read Reserve';*
  - k. *Reserve No. 42724, Tysoe Close, 'Harry & Fred Tysoe Park';*
  - l. *Reserve No. 43931, 10 Zimmerman Street, 'Nockolds Park';*
  - m. *Reserve No. 46256, Between South Coast Highway & Mt Shadforth Road, 'Hamilton Reserve'; and*
  - n. *Reserve No. 45377, 104 Ocean Beach Road, 'Laing Park'.*
4. *Consider including in the 2011/12 Budget the installation of park/reserve name signs (only) at an estimated cost of \$5,600;*

5. *Identify in conjunction with the Denmark Historical Society appropriate grants to assist fund a Park/Reserve Name History Project and to assist fund the installation of the 22 identified parks, recommended by the Chief Executive Officer for naming in the list appended, which require origin of name plaques at a total estimated cost of \$11,000 and that a Council contribution of up to 50% be considered in the 2011/12 Budget."*

Advertising commenced in July 2011 and submissions closed on the 19 August 2011.

**Comment:**

With respect to part 1 of Council's resolution:

There were no submissions, positive or negative, with relation to the suggested names. A letter has been sent to the Geographical Names Committee requesting their approval. Should such approval be forthcoming in 2011, the Centenary Celebrations Working Group will be requested to arrange for the official naming, the installation of a Centenary Plaque detailing the origin of the name and an appropriate unveiling ceremony.

With respect to part 2 of Council's resolution:

The Parry's Beach Voluntary Management Group (PBVMG) advised that they did not believe that the naming of either the cottage or picnic area at Parry Beach were preferable at this point in time and after discussions with the Denmark Historical Society, long term residents of the area and the Brenton and Pinniger families, the PBVMG recommended the following;

**Brenton reserve:** *currently called Reserve # 19925 which is the 2.05 Ha (reserve surrounding the Parryville Hall on South Coast Hwy). This was an old school and was attended by most (if not all) of the Brenton siblings in the era. Members of the Brenton family owned land adjacent to the reserve and the Hall has much historical family significance (weddings, birthdays etc).*



Picture 1 - Parryville Hall Reserve No. 19925

**The Bill Pinniger Walk Trail & Lookout:** *This is located within Reserve # 20928 (Parry Beach) and follows the old Lime Pit road. It's a half hour return trip walk to the lookout and the views from the top are spectacular (map and photo below) Les Pinniger recommended that it be called after his father, the late Bill Pinniger, as he was 'one of the real pioneers' rather than the entire Pinniger family.*

Further information about the late Bill Pinniger, as provided by his descendants.

- *Bill Pinniger held commercial fishing licences at Parry Beach, Irwin, Wilson & Broke Inlets from 1930.*

- *His Family still hold the commercial fishing licence at Parry Beach.*
- *Bill cut the original tracks into Greens Pool, Lights Beach, Madfish Bay and Parry Beach.*
- *He would regularly walk along the coastline fishing between Ocean Beach and Eagles Nest and was consequently given the role of watching for enemy ships during World War II.*
- *Bill Pinniger passed away in 1998 – aged 93.*
- *He never held a motor vehicle licence so it's fitting that a walk trail should be named after him.*



Picture 2 - Proposed Bill Pinniger Walk Trail & Lookout (within Reserve no. 20928)



Picture 3 - View from the Lookout (Hillier Bay)

The Denmark Historical Society have provided their written support for both of the PBVMG's suggestions, noting that Brenton Reserve will "...honour the Group Settlement family and all their descendants, three of whom served on the Road Board / Shire..."

Officer comment

Council have the option to endorse the recommendations of the PBVMG or decline the suggestions. It was the view of the Centenary Celebrations Working Group that it was important to include the west end of the Shire in their naming project. The Author suggests that "Brenton Reserve" be advertised for public comment and "The Bill Pinniger Walk Trail & Lookout" be referred to Council's Paths & Trails Advisory Committee for consideration and should they be in agreement, Council authorise the CEO to advertise the intention to name the area.

With respect to part 3 of Council's resolution:

Ten of the names advertised have already been allocated to road reserves and two are on Council's approved road reserve name list however, there is nothing that precludes Council from using the same names to identify particular parks & reserves.

Ministerial approval through the Geographical Names Committee is required for proposed names for Parks & Reserves which are over 1ha.



Six submissions were received with respect to the advertised names.

### Summary of Submissions Received

- 2 x Residents of Sheoak Drive, Denmark
  1. *Not too fond of Reserve 46542 (Sheoak Drive) being called "Glover Park". Would be happy for it to be called "Sheoak Reserve" or "Sheoak Park/Waters".*
  2. *Would prefer Reserve 46542 (Sheoak Drive) not to be named after a past member of the Denmark community and should Council wish to name it that it be named after a woman who has contributed voluntarily to the community. Would also strongly support the park/lake to named either "Sheoak Park" or "Sheoak Waters".*

#### Officer comment

Council have the option to proceed with naming the Reserve "Glover Park" however it is the Author's view that given that there were two submissions supporting the name "Sheoak Park", the name "Sheoak Park" could be advertised, should Council still wish to proceed with the naming of this reserve.

This is also supported by advice from the Denmark Historical Society that Council resolved in December 1999 as follows;

*"That a plaque in memory of Mr Harry Glover be placed on the current fire station site".*

The suggestion came from the Historical Society to honour the late Harry Glover who was in charge of the Shire owned power plant on the fire station site for some 25 years.

The recommended wording for the plaque is as follows;

*"In memory of Harry Glover (1885 – 1982) who managed the Denmark Shire's Direct Current Power Plant on this site for 25 years until its closure in the late 1950s."*

The Fire Station land is managed by the WA Fire Brigades Board as Crown Land in Trust and for this reason it is recommended that the plaque be placed on the footpath adjacent and facing the land.

- Local Resident

*Was disappointed that there were no indigenous naming of any of the parks. Suggested consulting with a suitable elder for a suggestion. Would prefer Reserve 14376 (Rivermouth) to be named Korabup Park or similar. Believes that sufficient settlers have been recognised and that Indigenous Australians should also be acknowledged.*

#### Officer comment

Council's current policy includes a name category for "Aboriginal Name or local landform, river etc... (A)". It is suggested that should Council agree with the thread of the Submitters comments, a letter be sent to the Department of Indigenous Affairs encouraging them to consider, and recommend to Council, appropriate indigenous names which could be used within the Shire of Denmark for roads, reserves or parks.

It is also noted that Reserve 41456 has recently been named Kwoorabup Community Park and a nearby reserve includes the "Mokare Walk Trail".

- Denmark Historical Society

- a) *That the shop at Parry's be called 'Old Tucker's Shoppe' as this was its original name when it was built in the late 1950's by Mr Douglas Tucker. The tucker family have been in Denmark since the 1910's. Jean Brenton took it over in the early 1970's and this prevented its demolition and is still used today.*

Officer Comment

The Author is of the view that, as the Parry's Beach Voluntary Management Group have discussed the naming of this building and concluded that at this time it should not be named, it is suggested that this not be considered at this time.

- b) *We would like to suggest the reserve around the Kentdale school be named 'Poyser Reserve'. Albert Poyser, group settler donated the land for the Kentdale School. The site also had an oval at the back, an RSL Hall and also the Kentdale Branch of the Denmark Co-op. This reserve was annexed from the Poyser farm for this purpose.*

Officer Comment:

Reserve 27490 is vested in the Shire of Denmark for the purpose of "Hall Site" and contains the Kentdale Hall, parking area and an ablution block. The reserve is surrounded by three other reserves which are vested in the Shire which are Reserve 21199 (Recreation), Reserve 21200 (Recreation) and Reserve 27491 (Community Purposes). The Kentdale Hall Management Committee oversee the management of the Hall and it is suggested that should Council endorse the name "Poyser Reserve" that this Committee be invited to comment, in addition to seeking public comment through advertising.



Picture 4 - Reserve 27490, Kentdale Hall Site

- Local Resident & Historian
  1. *Support "Frank Read Reserve", "Peter Gros Park", "Laing Park", "Bayley Park" and "Denmark No. 3 Railway Station Reserve".*
  2. *It could be confusing, to visitors and locals alike, to use names already in existence in other places (eg streets and roads), and quite unnecessary when there are many other worthy names not yet selected.*
  3. *There seems to be little logic for any duplication when there are equally worthy candidates who have either given dedicated service to the Community and/or served/died in World Wars 1 & 2. A few of these, in no special order are;*
    - i. *Nurse Florence Mackenzie – ran a hospital in Denmark and served in Egypt WW1;*

- ii. *Nurse Nellie Saw – served in France WW1 and subsequently died from gas-poisoning sustained there;*
- iii. *Daniel Clark – killed in action WW1;*
- iv. *Ralph Fowler – killed in action in WW1;*
- v. *Charles Stuart Henderson – killed in action WW1;*
- vi. *Other worthy nominees who served and/or died in World Wars 1 & 2 and whose names have not yet been used for streets, roads or parks and reserves;*
- vii. *Mumford – various local achievements by family members over much of the town's history;*
- viii. *Rickey – One of Denmark's early businesses from saddler to garage etc..*
- ix. *Pashley – pioneer's grandson was author of a history of Denmark;*
- x. *Hopson – various local achievements;*
- xi. *Salmon – town plumber; and*
- xii. *Gillingham – St John Ambulance.*

#### Officer comment

With respect to comments 1 & 2, support for some of the advertised names is noted. Names proposed for parks which are already in existence for road reserves within the Denmark Shire are as follows; (noting that this does not preclude Council from using the same names for parks or reserves);

- Fyfe – Fyfe Street;
- Bayley – Bayley Street;
- Glover – Glover Street;
- Hockley – Hockley Close;
- Kingdon – Kingdon Street;
- Tysoe – Tysoe Close;
- Nockolds – Nockolds Place;
- Hamilton – Hamilton Road; and
- Laing – Laing Road & Laing Street.

The names 'Gros' and 'Read' are listed as approved names within Council's Policy P100603 but not as Peter Gros or Frank Read however the Geographical Names Committee states that these listings are named after these persons.

With respect to comment 3, The names suggested above that are;

- Not currently approved for use in the Road & Reserve Name Policy or in use are - Mackenzie, Clark, Fowler, Henderson, Pashley and Salmon.
- Already approved or in use - Saws (used), Mumford & Rickey (allocated to Horsley Rd/Rockford Rd subdivision), Hopson and Gillingham (approved in 2004 by Geographical Names Committee).

Frank Pashley was a Road Board Member from 1920 to 1921 and given the timing of this report, being the Shire of Denmark's Centenary year, it seems fitting that Council perhaps include a category/code within the existing naming Policy for the names of former (deceased) Councillors & Road Board Members. The Officer Recommendation includes provision for Council Staff to include the names of former (deceased) Elected Members/Councillors within Council's Policy for Road & Reserve Names.

Council has the option to support the additional names and advertise them for public comment or not support the names.

Should Council agree to support the names and the thread of the Submitters comments it is suggested that the Denmark RSL be encouraged to provide comment, on the proposed names, and a list of any other names, not currently approved or in use within the Shire, of deceased, local war veterans (but not limited to just the two World Wars – it is the Author's view that veterans of all declared wars should be honoured. eg. Vietnam and Gulf etc..). It is suggested that Council's Road & Reserve Naming Policy (P100603)

key be amended to include reference to names which reflect war veterans, with a code of WV.

The following names have been referred to the Geographical Names Committee for endorsement / advisement as there were no adverse submissions (pursuant to part 3 of Resolution 040511 / May 2011).

- Reserve 33093, 1054 Horsley Road, 'Bayley Park';
- Reserve 30277, Crellin Street, 'Denmark No. 3 Railway Station Reserve';
- Reserve No. 28922, Cnr Gilbert Road & Weedon Hill Road, 'Gros Park';
- Reserve No. 14271, 706 South Coast Highway, 'Frank Read Reserve'; and
- Reserve No. 45377, 104 Ocean Beach Road, 'Laing Park'.

Following the close of submissions, a letter was also received from the Denmark Historical Society on the 25 August 2011, which requests that Council consider and add the following names to its approved names list (Policy P100603) for future subdivisions.

- Morrison;
- Pashley;
- Whittaker;
- Nichols;
- Caporn; and
- Buckingham.

None of these names are already approved or in use. Further information has been requested from the Denmark Historical Society in relation to the names suggested and this will be provided in the following week's Agenda if received in time.

On the 9 September 2011, a letter was received from Mrs Lesly Bayley requesting that Council name a currently unnamed creek, Bayley Creek. A copy of the letter is attached which provides background about the creek and the relevance to the Bayley family.



Picture 5 - Proposed 'Bayley Creek'

#### **Consultation:**

Public consultation was undertaken for a period of 21 days for the names endorsed by Council in May 2011 and should Council support and endorse the additional names, further public consultation will be undertaken.

The Geographical Names Committee (WA) Principles, Guidelines and Procedures informs that Parks and Reserves under 1ha are not required to be approved by the Minister, however Landgate must be advised of all names assigned.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

Policy P100603 – Road & Reserve Naming within the Shire relates and a copy of the Policy is attached.

**Budget / Financial Implications:**

There are no known significant budget or financial implications associated with this report or officer recommendation.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Naming of parks & reserves provides an opportunity to commemorate former local identities who have made significant contributions towards making Denmark what it is today.

The addition of the names of War Veterans, Indigenous Persons and former (deceased) Road Board Members and Councillors assists in promoting and acknowledging our district's history for present and future generations.

**Voting Requirements:**

Simple majority.

FORMER OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to suggested names for a number of Council's Parks & Reserves, Council,

1. Authorise the Chief Executive Officer to seek the approval of the Geographical Names Committee for;
  - a) Reserve 22518, Brazier Street, 'Fyfe Park';
  - b) Road Reserve, Hollings Road/ Karri Glen Lane, 'Hockley Park';
  - c) Reserve No. 36714, Inlet Drive (Yacht Club), 'Ricketts Reserve';
  - d) Reserve No. 45473, 12 Clarke Close, 'Kingdon Park';
  - e) Reserve No. 42586, 27 Maloney Close, 'Atkinson Park';
  - f) Reserve No. 42724, Tysoe Close, 'Harry & Fred Tysoe Park';
  - g) Reserve No. 43931, 10 Zimmerman Street, 'Nockolds Park'; and
  - h) Reserve No. 46256, Between South Coast Highway & Mt Shadforth Road, 'Hamilton Reserve'.
2. Amend Council Policy P100603 to include a category/code for "War Veterans (WV)" and "Former Councillors (CR)" and authorise the Chief Executive Officer to cross reference existing road / reserve / park names against the names of former deceased Shire of Denmark Councillors or Road Board Members and add any

- names that have not been used or approved to Council's Approved Names List within Policy P100603;
3. Advertise the intention to name the following Reserves and there being no adverse submissions, authorise the Chief Executive Officer to seek approval from the Geographical Names Committee;
    - a) Whole of Reserve 46542, Sheoak Drive – "Sheoak Park";
    - b) Whole of Reserve 27490, Kentdale which contains the Kentdale Hall 'Poyser Reserve' and liaise with the Kentdale Hall Management Committee; and
    - c) Whole of Reserve 19925, surrounding Parryville Hall on South Coast Highway – "Brenton Reserve".
  4. Refer the Parry's Beach Voluntary Management Group's suggestion of "The Bill Pinniger Walk Trail & Lookout", at the location shown within the report on Reserve 20928 (Parry Beach) to Council's Paths & Trails Advisory Committee and should they be in agreement, authorise the Chief Executive Officer to advertise the intention to name the area.
  5. Advertise the intention to add the following names to Council's Road & Reserve Naming Policy (P100603) as approved Open Space / Public Reserve names and there being no adverse submissions authorise the Chief Executive Officer to seek approval from the Geographical Names Committee;
    - a) Florence Mackenzie (Category WV);
    - b) Nellie Saw (Category WV);
    - c) Daniel Clark (Category WV);
    - d) Ralph Fowler (Category WV);
    - e) Charles Henderson (Category WV); and
    - f) Alfred Salmon (Category LI);
  6. Advertise the intention to add the following names to Council's Road & Reserve Naming Policy (P100603) as approved Road names and there being no adverse submissions authorise the Chief Executive Officer to seek approval from the Geographical Names Committee;
    - a) Morrison (Category LI);
    - b) Pashley (Category CR);
    - c) Whittaker (Category LI);
    - d) Nichols (Category LI);
    - e) Caporn (Category LI); and
    - f) Buckingham (Category LI).
  7. Write to the Department of Indigenous Affairs encouraging them to provide a list of indigenous names, complying with the principles of the Geographical Names Committee's Guidelines, which could be used within the Shire of Denmark for roads, parks and/or reserves and following receipt of any names, request the Chief Executive Officer to refer those names back to Council for consideration;
  8. Write to the Denmark RSL encouraging them to provide a list of names, not currently approved or in use within the Shire, of deceased war veterans of the Shire (but not limited to just the two World Wars) and following receipt of any names, authorise the Chief Executive Officer to include those names on Council's Approved Names List.

At the meeting held on the 20 September 2011, Cr Syme requested that the Reserve identified with respect to the Kentdale Hall site be clarified as it incorporated more than one reserve and also requested that the matter of whether Council receives any remuneration for the tree plantations which encroach onto the reserve be investigated.

The report has been amended to include all of the reserve numbers association with the Kentdale Hall site and the Chief Executive Officer will endeavour to provide information relating to the tree plantations at the meeting.

At the previous meeting the Chief Executive Officer was granted permission to include reference within the report and Office Recommendation relating to an additional request which had been received, from Mrs Lesly Bayley for Council to consider naming an

unnamed creek, Bayley Creek. Information has been included within the report under the comment section and the Officer's Recommendation has been amended.

5.18pm – Cr Barnes returned to the meeting.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION** ITEM 8.5.1  
**MOVED: CR RICHARDSON-NEWTON** **SECONDED: CR WAKKA**

That with respect to suggested names for a number of Council's Parks & Reserves, Council,

1. Authorise the Chief Executive Officer to seek the approval of the Geographical Names Committee for;
  - a) Reserve 22518, Brazier Street, 'Fyfe Park';
  - b) Road Reserve, Hollings Road/ Karri Glen Lane, 'Hockley Park';
  - c) Reserve No. 36714, Inlet Drive (Yacht Club), 'Ricketts Reserve';
  - d) Reserve No. 45473, 12 Clarke Close, 'Kingdon Park';
  - e) Reserve No. 42586, 27 Maloney Close, 'Atkinson Park';
  - f) Reserve No. 42724, Tysoe Close, 'Harry & Fred Tysoe Park';
  - g) Reserve No. 43931, 10 Zimmerman Street, 'Nockolds Park'; and
  - h) Reserve No. 46256, Between South Coast Highway & Mt Shadforth Road, 'Hamilton Reserve'.
2. Amend Council Policy P100603 to include a category/code for "War Veterans (WV)" and "Former Councillors (CR)" and authorise the Chief Executive Officer to cross reference existing road / reserve / park names against the names of former deceased Shire of Denmark Councillors or Road Board Members and add any names that have not been used or approved to Council's Approved Names List within Policy P100603;
3. Advertise the intention to name the following Reserves & Creek and there being no adverse submissions, authorise the Chief Executive Officer to seek approval from the Geographical Names Committee;
  - a) Whole of Reserve 46542, Sheoak Drive – "Sheoak Park";
  - b) Whole of Reserves 27490, 21199, 21200 & 27491, Kentdale which contains the Kentdale Hall 'Poyser Reserve' and liaise with the Kentdale Hall Management Committee;
  - c) Whole of Reserve 19925, surrounding Parryville Hall on South Coast Highway – "Brenton Reserve"; and
  - d) Whole of Creek which runs from the North West corner of Horsley Road, across Scotsdale Road and South East towards, and into, the Denmark River – "Bayley Creek" and in addition undertake direct consultation with the adjoining landowners on the matter.
4. Refer the Parry's Beach Voluntary Management Group's suggestion of "The Bill Pinniger Walk Trail & Lookout", at the location shown within the report on Reserve 20928 (Parry Beach) to Council's Paths & Trails Advisory Committee and should they be in agreement, authorise the Chief Executive Officer to advertise the intention to name the area.
5. Advertise the intention to add the following names to Council's Road & Reserve Naming Policy (P100603) as approved Open Space / Public Reserve names and there being no adverse submissions authorise the Chief Executive Officer to seek approval from the Geographical Names Committee;
  - a) Florence Mackenzie (Category WV);
  - b) Nellie Saw (Category WV);
  - c) Daniel Clark (Category WV);
  - d) Ralph Fowler (Category WV);
  - e) Charles Henderson (Category WV); and
  - f) Alfred Salmon (Category LI);
6. Advertise the intention to add the following names to Council's Road & Reserve Naming Policy (P100603) as approved Road names and there being no adverse submissions authorise the Chief Executive Officer to seek approval from the Geographical Names Committee;
  - a) Morrison (Category LI);

- b) Pashley (Category CR);
  - c) Whittaker (Category LI);
  - d) Nichols (Category LI);
  - e) Caporn (Category LI); and
  - f) Buckingham (Category LI).
7. Write to the Department of Indigenous Affairs encouraging them to provide a list of indigenous names, complying with the principles of the Geographical Names Committee's Guidelines, which could be used within the Shire of Denmark for roads, parks and/or reserves and following receipt of any names, request the Chief Executive Officer to refer those names back to Council for consideration;
  8. Write to the Denmark RSL encouraging them to provide a list of names, not currently approved or in use within the Shire, of deceased war veterans of the Shire (but not limited to just the two World Wars) and following receipt of any names, authorise the Chief Executive Officer to include those names on Council's Approved Names List.

CARRIED: 11/0

Res: 130911

**COUNCIL RESOLUTION**

ITEM 8.5.2

MOVED: CR SYME

SECONDED: CR RICHARDSON-NEWTON

That the closed Road Reserve adjacent Reserves numbered 21200 & 21199 on Parker Road be incorporated into either of those Reserves on the advice and approval of State Land Services.

CARRIED: 11/0

Res: 140911



*Cr Pedro is a community member of the Wilson Inlet Management Advisory Committee and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Pedro declared that she will consider this matter on its merits and vote accordingly.*

### 8.5.2 WILSON INLET MANAGEMENT ADVISORY GROUP (WIMAG)

<b>File Ref:</b>	ORG41
<b>Applicant / Proponent:</b>	Department of Water
<b>Subject Land / Locality:</b>	Wilson Inlet, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 September 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	Yes

#### Summary:

The Department of Water seeks Council's consideration to their suggestion that the Wilson Inlet Management Advisory Group (WIMAG) should be disbanded effective the end of December 2011 on the basis that the Group is no longer seen as being necessary given all necessary protocols are now in place and the issues being dealt with by the group are now regularly going over matters for which direction has already been well established and set. The officer canvasses the issues' surrounding this request and suggests that the priority should be the joint acknowledgment that for the ultimate health of the Inlet, a quality, fully consulted Management Plan should be the shared 'end goal'.

#### Background:

Council has previously responded to a request of the Department of Water (DoW) in February 2009 to change the purpose of WIMAG to be the Shire of Denmark Estuarine Management Advisory Group (DEMAG) incorporating the Wilson Inlet as well as the Parry and Irwin Inlets (Resolution No. 080209). The officer recommendation at the time and resultant motion supporting this was lost however and the Department of Water no longer supports the need for a Department supported relating to Wilson Inlet individually nor across the three (3) inlets of the Shire. They do indicate that their preference would be an estuarine group covering the many estuaries of the South Coast. The Acting Regional Manager has verbally indicated that he believes that the parochial committees that exist for many of these inlets / estuaries would probably not wish to relinquish their autonomy to centralised coordination by an organisation such as the Department or the South Coast Management Group for example.

Without the author having done extensive research on the subject, the Wilson Inlet is believed to have been managed pursuant to a statutory authority (between 1994 and 2001) known as the Wilson Inlet Management Authority (WIMA), constituted under the Waterways Conservation Act 1976 and administered by the Department of Water (known as the Water & Rivers Commission at the time). Sometime about 2001 the Wilson Inlet Management Advisory Group (WIMAG) was formed following the removal of the WIMA and all of the other waterways management authorities that existed at that time.

The officer is aware that there are few estuaries or water bodies in the State that have overarching specific legislative protection afforded to it by gazette. Irwin, Broke and Parry do not and never have for example. Wilson Inlet on the other hand does as it did when it was managed by WIMA.

As far as the officer is aware, Management Authorities existed for the Harvey-Peel Estuaries at Mandurah (Peel Inlet Management Authority or PIMA), the Leshenault Estuary (Australind, Bunbury) (Leschenault Inlet Management Authority or LIMA), the Swan / Canning Rivers (the Swan River Trust - formerly the Swan River Management Authority), the Avon River Management Authority (ARMA) formed in 1994 and the

Albany Waterways Management Authority (AMWA) formed in 1993. The Wilson Inlet Management Authority (WIMA) was created in 1991 and was de-gazetted by Government in 2001 due to a governmental review of quangos and boards. All of the waterways management authorities were removed at that time. WIMAG was created immediately after that.

Although slightly different, there also exists managed Marine Parks with, as far as the officer is aware, the only estuarine marine park being the Walpole and Nornalup Inlets Marine Park. A comprehensive community consulted Management Plan exists for these inlets, managed by the Department of Environment and Conservation (DEC), under the Conservation and Land Management Act.

As far as can be ascertained, the officer believes that there appears to be overarching Management Plans for all of the areas under the control of a gazetted management area but one has never been developed for the Wilson Inlet. There exists several 'plans' but no overarching and Strategic 'Management Plan'. In a gazetted area (such as Wilson Inlet is), section 35 of the Waterways Conservation Act states that a responsible authority must "prepare a management programme for the area under its control".

The former Albany Waterways Management Authority's management area comprises all waters of the Princess Royal Harbour, Oyster Harbour, part of King George Sound and the land and waters within the Albany harbours catchment. The Authority's mission statement was "To maintain the waterways in the management area as functional, healthy systems, in order to facilitate sustainable uses, for the benefit of the whole community." This area is now managed by the Albany Harbours Planning Group, comprising technical officers from Government Agencies including the Port. A possibility perhaps is that Wilson Inlet could be included under the planning jurisdiction of this group and it be rebadged to recognise its broader role.

Over the past decade (since the demise of WIMA), the Council has effectively relied on the advice and support of the WIMAG, DoW and WICC regarding management of the inlet.

In 2009 the DoW initiated a review of WIMAG and tasked it with the challenge of developing a Management Plan. The Department apparently now has the view that the Group is unable to achieve that task and indeed the Department advises that it no longer sees the need for such a Plan (as a current priority of the agency).

The Terms of Reference of WIMAG is "*an independent group, supported primarily by the Department of Water, committed to promoting the sustainable management of Wilson Inlet.*"

*"The group provides a forum for discussing issues in relation to the Inlet, and provides community input to agency proposals and decisions. WIMAG is an advisory group and has no decision making responsibilities. The group is dependent on decision making agencies bringing items of relevance to the group and taking on board advice from other members of the group. WIMAG works as a conduit between agencies and the community, therefore, adding value through community input into agency decisions, and ensuring the community is made aware of agency initiatives relating to the Inlet. The roles of the group are to:*

- Pro-actively promote the protection and enhancement of Wilson Inlet and its foreshores.*
- Promote research and understanding of Wilson Inlet.*
- Ensure the community is well informed about Wilson Inlet, its values, threats, condition and management.*
- Provide a forum for encouraging integrated planning and management of Wilson Inlet through participation of key agencies and the community.*
- Encourage funding and projects that will enhance or protect the values of Wilson Inlet.*

- *Encourage a balanced approach to the management of Wilson Inlet, and to ensure that environmental, social and economic needs are properly considered.*
- *Encourage the preparation and implementation of plans and policies aimed at protecting or enhancing the Inlet's values.*
- *To act as a referral body for government agencies for decision making by those agencies and management of Wilson Inlet by those agencies.*
- *Provide an effective link between technical information and agency roles and the local community.*
- *Promote the role and function of WIMAG in the community, and increase the capacity of the community to be involved in the management of Wilson Inlet."*

The Mission of WIMAG is to "encourage a balanced and sustainable approach to the protection and management of Wilson Inlet in consideration of environmental, social, cultural and economic needs."

Membership consists of a range of community, industry and government representatives who are involved with matters relevant to the management of Wilson Inlet:

- Department of Water x 1
- Fisheries x 1
- Shire of Denmark x 2 (1 councillor, 1 officer)
- City of Albany x 2 (1 councillor, 1 officer)
- Department of Planning and Infrastructure x 1
- Water Corporation x 1
- Wilson Inlet Catchment Committee x 1
- Community representatives x 7.

Community representatives are generally selected based on criteria relating to;

- personal skills
- linkages with the local community
- knowledge/experience in matters relevant to the management of the Wilson Inlet

Areas of knowledge/experience expected to be covered by community membership include:

- Local fishing (commercial and/or recreational)
- Foreshore management
- Tourism
- Recreation
- Conservation groups
- Boating
- Natural Resource Management and catchment management
- One community member to be appointed that represents indigenous interests.

**Comment:**

Refer to 'Strategic Implications' for detailed comment.

**Consultation:**

The author has consulted the Acting Regional Manager of the Department of Water, the DoW officer servicing WIMAG, the Chair of WIMAG, Cr G Ebbett and Cr D Pedro (who serves as a Community Member). These discussions all demonstrated (to the author) that the primary concern was that WIMAG was no longer serving its intended original purpose and was now seen as ineffectual as its discussion mostly centred around debate about the opening location and in doing so, detracting it from achieving its broad and strategic roles stated in its Terms of Reference. The members felt that they could not see this changing or able to be changed (with community membership). Accordingly the DoW has come to the conclusion that it longer wishes to continue to invest departmental resources in servicing it.

The author is not aware of any consultation with the Wilson Inlet Catchment Committee Inc. (WICC) nor the general membership of WIMAG or the City of Albany. The author understands that a meeting of WIMAG is being held on the 21 September 2011 where the issue will be discussed by the DoW.

The author sees no benefit in seeking community opinion on the issue of whether WIMAG should be retained or not. Whilst the DoW have asked for a response ideally by the end of September, the Council, if it saw as appropriate to do so, could seek public comment on the proposal prior to informing the DoW of its view.

**Statutory Obligations:**

Management of the Wilson Inlet (the water body) rests under the primary jurisdiction of the DoW pursuant to the Waterways Conservation Act 1976 and the fact that it is a gazetted water body for the purposes of specific control, and to a lesser extent, the Water Corporation, pursuant to the Land Drainage Act 1925 (regarding drainage of land and specifically the artificial opening function).

**Policy Implications:**

The demise of the WIMAG will require slight administrative amendments to the terminology referred to in the joint Wilson Inlet Opening Protocol 2009 (removing reference to WIMAG).

**Budget / Financial Implications:**

There are no present financial implications upon the Council's current Budget or Plan for the Future. Administratively the Advisory Group was serviced by the DoW, however the role of Chair was always a Councillor of the Shire of Denmark. The meetings were also attended by a Council Officer. The Group generally met every two (2) months. Of more recent times the Group had two (2) Councillors of the Shire of Denmark as representatives (one filling one of the community roles).

The development of a Wilson Inlet Management Plan, recommended by the officer, may well require a contribution by the Shire of Denmark and this cost would be considered on its merits and subject to budget constraints.

**Strategic Implications:**

WIMAG was the host body that coordinated and convened (on Council premises) an annual forum of Wilson Inlet initiatives called 'Report to the Community'. Without a WIMAG this function would probably have to revert to either the Council and or DoW. It is fair to say that the report itself was always produced by the staff of the DoW.

The officers view is that the primary strategic issues or threats associated with the demise of the WIMAG include the following;

- Loss of a coordinating community based organisation fulfilling the role of coordinating an annual update to the community on issues relating to the Inlet;
- Loss of a community based organisation being able to receive and solicit community feedback about important issues with respect to management of the Inlet;
- Loss of a community based organisation facilitating and advocating for the improvement of knowledge and understanding of the management of the Inlet and;
- Loss of a representative organisation advocating for the development of an overarching management plan for the Inlet.

The arguments to counter these threats include;

- An annual update to the community can be managed by the DoW in conjunction with WICC and the Council;
- Council comprises 12 Councillors from a variety of backgrounds that through either individual community feedback and or more formal processes through the Council, can solicit community feedback through normal mechanisms (surveys, advertisements, forums etc);

- The fact that DoW have stated that they do not shy away from their continuing role in improving understanding, research and knowledge of the Inlet as a key role of the Department.
- The fact that the DoW has stated that they are not currently actively pursuing the development of a Management Plan for the Inlet and without WIMAG having the support of their auspicing agency advocating for a Management Plan, the likelihood of it being developed by WIMAG is remote. This argument tends to support the theory that if the Council and or community wished to pursue the goal of a comprehensive management plan for the Inlet then it will need to bypass WIMAG and the DoW (lobbying to Government).

In summary, whilst there are no doubt many positives and contributions made to the knowledge base of understanding of the Inlet achieved by WIMAG over the past 10 or so years of its existence, it would appear that of recent years the organisation has struggled to find ongoing relevance and be able to lift itself out of the debate of east versus west rather than focusing on development of a management plan and/or at least advocating for research and analysis.

The officer's view in his short experience of the operation of the organisation over the past 4 years is that its effectiveness is limited to being one akin to a 'whipping boy'. Often the debate and energy being concentrated on the issue of opening location (east versus west) amongst its membership, rather than;

- concentrating on continuing to build knowledge of and about the ecosystem and the community's expectation of the Inlets 'performance' and sustainability and;
- being a vehicle of choice, of the Council and the DoW, to report on the 'pulse' of the community relating to the Inlet.

It should be emphasised that neither the Department of Water nor Council or its officers are diminishing the value and benefits achieved by WIMAG over the years.

Important strategic document that have been developed in the life of the WIMAG include;

- The Wilson Inlet Nutrient Reduction Action Plan 2003 (WINRAP);
- The Wilson Inlet Opening Protocol 2009;
- The Wilson Inlet Drainage Review 2009;
- Wilson Inlet Foreshore Reserves Management Plan 2008; and
- Wilson Inlet (Annual) Reports to the Community 1998 – 2010 (numbered 1 to 10).

Strategically it is the officer's view that Wilson Inlet is recognised by the community as one of its primary natural assets for economic, social and environmental reasons. The value of the asset is also obviously recognised by the State through its responsible agency in the DoW as a key asset in its region.

The key strategic issue that the officer has in answering the question of whether to support the demise of the WIMAG is what if anything should take its place?

The officer submits that the simple answer is - a management plan!

Wilson Inlet has;

- a functional and active land based community group in WICC
- a responsible legislative authority in the DoW - that sees no pressing need for a management plan (possibly due to funding constraints but also possibly due to the inherent difficulty of implementing a plan when the debate always turns to east versus west, rather than the inputs, outputs and outcomes)
- a foreshore management plan overseen by the Council predominantly (due to it being the dominate landowner abutting the Inlet)
- fisheries management (Department of Fisheries)(but no known Fisheries Plan)
- drainage management (Water Corporation) and an opening protocol (informing at what season and height it should be opened and finally;

- a planning authority in the DoW than can manage and authorise dredging and activities affecting the water and ecology.

But no 'Plan' to manage all of this.

So, if this argument is accepted, then the next question to be asked is, who should drive the need for a Plan?

The answer to this question should be the responsible agency that can implement it and has the legal responsibility to do so - the Department of Water. How an agency such as the DoW finances, manages the development of such a Plan, etc, is the responsibility of that agency. But it would appear that the States response to such concerns in the past (from 1976 to 2001) was to gazette areas deemed vulnerable and with development pressures and place them under the control of a responsible authority called an Inlet Management Authority (WIMA, LIMA, AWMA, ARMA, PIMA and SRMA) pursuant to the Waterways Conservation Act 1976. Since 2001 the Department of Water have managed their responsibilities more directly and with support of a representative advisory group (WIMAG). DEC has created a Marine Park (with respect to the Nornalup and Walpole Inlets).

It should be noted than an alternative to accepting the demise of the WIMAG is that the Council assume responsibility for administering the group. Given the primary legal authority for the management of the water body rests with the Department of Water and that Department has verbally advised that its preference would be to no longer provide ongoing technical advice or support to the Group (in terms of officer attendance), the author questions the benefit of this approach.

#### **Sustainability Implications:**

##### ➤ **Environmental:**

There are potentially significant environmental considerations relating to the loss of an effective local organisation advocating for the health of the Wilson Inlet. In the absence of WIMAG, that task will have to be more closely monitored by the Council and WICC.

##### ➤ **Economic:**

There are significant economic implications relating to the report or officer recommendation.

##### ➤ **Social:**

There are significant social considerations relating to the health and management of the Wilson Inlet.

#### **Voting Requirements:**

Simple majority.

#### OFFICER RECOMMENDATION

ITEM 8.5.2

That Council in response to the request of the Department of Water advise that;

1. It accepts that the Wilson Inlet Management Group (WIMAG) is no longer seen as being required to achieve the aims and objectives originally set out for it and accepts that the Department wishes to discontinue funding and supporting its ongoing role effective the end of December 2011;
2. It does not wish to accept the task or responsibility of administering WIMAG;
3. The legislative power relating to the management of the Wilson Inlet water body primarily rests with that Department and Council hereby resolves that it requests the Department as a priority issue in its region, to strongly advocate and drive the development of a comprehensive and fully consultative Management Plan for the Wilson Inlet with the principle of maintaining and or improving the waterway and management area as a functional, healthy ecosystem, in order to facilitate sustainable uses, for the benefit of the whole community.
4. The Shire of Denmark believes that Wilson Inlet is one of the community's most

important natural assets and therefore on behalf of the current and future generations of the Shire, it hereby makes the commitment that it will assist the Department in achieving a Management Plan for the Inlet as much as is practically and fiscally responsible to do so and provide elected member and officer representatives on any project management group established to oversee its development.

5.28pm – The Director of Finance & Administration left the meeting.

**COUNCIL RESOLUTION**

ITEM 8.5.2

MOVED: CR HINDS

SECONDED: CR RICHARDSON-NEWTON

That Council in response to the request of the Department of Water advise that;

1. It accepts that the Wilson Inlet Management Group (WIMAG) is no longer seen as being required to achieve the aims and objectives originally set out for it and accepts that the Department wishes to discontinue funding and supporting its ongoing role effective the end of December 2011;
2. It does not wish to accept the task or responsibility of administering WIMAG;
3. The legislative power relating to the management of the Wilson Inlet water body primarily rests with that Department and Council hereby resolves that it requests the Department as a priority issue in its region, to strongly advocate and drive the development of a comprehensive and fully consultative Management Plan for the Wilson Inlet with the principle of maintaining and or improving the waterway and management area as a functional, healthy ecosystem, in order to facilitate sustainable uses, for the benefit of the whole community.
4. The Shire of Denmark believes that Wilson Inlet is one of the community's most important natural assets and therefore on behalf of the current and future generations of the Shire, it hereby makes the commitment that it will assist the Department in achieving a Management Plan for the Inlet as much as is practically and fiscally responsible to do so and provide elected member and officer representatives on any project management group established to oversee its development.
5. It requests that the City of Albany be involved in any Management Plan for the Wilson Inlet.

**AMENDMENT**

MOVED: CR SYME

SECONDED: CR SAMPSON

That parts 3, 4 & 5 be deleted.

CARRIED: 9/2

Res: 150911

**AMENDED MOTION**

That Council in response to the request of the Department of Water advise that;

1. It accepts that the Wilson Inlet Management Group (WIMAG) is no longer seen as being required to achieve the aims and objectives originally set out for it and accepts that the Department wishes to discontinue funding and supporting its ongoing role effective the end of December 2011; and
2. It does not wish to accept the task or responsibility of administering WIMAG.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED: 11/0

Res: 160911

## 9. COMMITTEE REPORTS & RECOMMENDATIONS

### 9.1 BUSH FIRE ADVISORY COMMITTEE - ALL WESTERN AUSTRALIANS REDUCING EMERGENCIES GRANT (AWARE) 2011/12

<b>File Ref:</b>	ORG. 20
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Peaceful Bay, Nornalup and Kenton
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	30 August 2011
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Garry Bird, Director of Finance & Administration
<b>Attachments:</b>	No

#### Summary:

The AWARE Program (All Western Australians Reducing Emergencies) is a grant scheme developed in consultation with local government to enhance Western Australia's emergency management arrangements by building local level emergency management capacity.

AWARE funding facilitates the undertaking of the emergency management risk process to identify risk leading to the development of a risk register. Once this is in place local government is then in the position to apply further emergency management mitigation measures based on the identified risk.

The report recommends that Council supports the AWARE grant to conduct the emergency management risk process in the outlying settlements of Peaceful Bay, Nornalup and Kenton.

#### Background:

With the assistance of AWARE funding the urban area of the Denmark town site and its surrounding rural zone were recently assessed (Dec 2010) and a risk register for the Denmark town site was prepared.

The December 2010 assessment however did not include the outlying settlements of Peaceful Bay, Nornalup and Kenton which would also benefit from undergoing a similar risk management process.

At the March 2011 Local Emergency Management Committee (LEMC) meeting support was given by the Committee for an application to be lodged for AWARE funding to a sum of \$20,000.00, to conduct an emergency management risk profiling process to identify and produce a register of the risks facing the localities of Peaceful Bay, Nornalup and Kenton.

*"That the Local Emergency Management Committee supports a grant application for AWARE funding to conduct an emergency management risk profiling process to identify and produce a register of the risks facing the localities of Peaceful Bay, Nornalup and Kenton."*

#### Comment:

On the 16<sup>th</sup> June 2011 the Fire and Emergency Services Authority notified the Shire of Denmark that it had been successful in its grant application and had obtained the requested \$20,000.00 grant.

For the grant application to be finalised and the project to be completed Council is required to make an in-kind funding contribution of \$6,601.00, being for officer salaries and the use of Council's resources.

The budget for the project would total \$26,601.00 which would be used for officer time, WALGA consultation fees, facility hire, advertising, printing, community consultation and catering.



**Consultation:**

The Local Emergency Management Committee was consulted in the application for AWARE grant.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The cost to Council would be \$6,601.00, which would be made up of in-kind payments for officer time and use of Council resources. The AWARE grant application of \$20,000.00 has been approved by FESA which has been include in the 2011/12 Council Expenditure Budget.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

Should the AWARE grant be approved the emergency management risk process could assist in protecting significant environmental assets.

➤ **Economic:**

Should the AWARE grant be approved the emergency management risk process could assist in protecting economic assets within the Shire of Denmark, for example loss of business from a disaster.

➤ **Social:**

Should the AWARE grant be approved the emergency management risk process could assist in protecting the social values within the Shire of Denmark by building a more resilient and knowledgeable community in regards to emergency management.

**Voting Requirements:**

Simple majority.

**FORMER OFFICER RECOMMENDATION**

**ITEM 9.1**

With respect to the \$20,000.00 AWARE grant and emergency management risk process for the localities of Peaceful Bay, Nornalup and Kenton, Council;

1. Approve the AWARE project to conduct an emergency management risk process for the localities of Peaceful Bay, Nornalup and Kenton;
2. Contribute \$6,601.00 of in-kind payments towards the project; and
3. Accept the \$20,000.00 AWARE grant as offered by FESA and amend the 2011/12 Budget accordingly.

At the meeting held on the 20 September 2011, the Chief Executive Officer advised that the amount had already been included in the 2011/12 Budget and provides the following amended Officer Recommendation accordingly.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

**ITEM 9.1**

With respect to the \$20,000.00 AWARE grant and emergency management risk process for the localities of Peaceful Bay, Nornalup and Kenton, Council;

1. Approve the AWARE project to conduct an emergency management risk process for the localities of Peaceful Bay, Nornalup and Kenton;
2. Contribute \$6,601.00 of in-kind payments towards the project; and
3. Accept the \$20,000.00 AWARE grant as offered by FESA.

CARRIED BY EN BLOC RESOLUTION No. 070911

Res: 160911A

<b>9.2</b>	<b>CBD STREETScape WORKING GROUP - CBD PARKING - STRICKLAND STREET</b>
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<b>File Ref:</b>	Strickland Street
<b>Applicant / Proponent:</b>	Shire of Denmark – CBD Streetscape Working Group
<b>Subject Land / Locality:</b>	Strickland Street
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	12 <sup>th</sup> September 2011
<b>Author:</b>	Rob Whooley, Director of Infrastructure Services
<b>Authorising Officer:</b>	Rob Whooley, Director of Infrastructure Services
<b>Attachments:</b>	No

**Summary:**

*This item recommends Council amend the Parking & Parking Facilities Local Law, Deemed Parking Stations as gazetted Tuesday 29<sup>th</sup> May 2001 and amended Government Gazette of Friday 14<sup>th</sup> November 2008.*

**Background:**

*Council resolved in February 2011 (Res: 220211) to amend the Fourth Schedule after the CBD Streetscape Working Group met on the 11<sup>th</sup> January 2011.*

The CBD Streetscape Working Group met again on the 16<sup>th</sup> June 2011 and discussed the issue of the Town Square being used as a loading zone by vehicles. The use of the Town Square as a loading zone is generally occurring throughout the day and is not creating any significant traffic issues or concerns. The Working Group agreed that:

*'The 'No Parking' signs on the Town Square should be replaced with 'Loading Zone 15min'.*

*And:*

*'That the bay outside of Denmark Hair Studio be changed to 15min parking.'*

**Comment:**

With respect to the Town Square being used as a de-facto loading zone, it is apparent that many areas within the CBD are being used for the convenience of loading and unloading.

The use of these "convenience" areas usually breaches either a local or road traffic law eg: obstructing a pathway, or parking too close to an intersection.

Where these breaches occur, one of the main concerns is the reduced sight distances. For both traffic and pedestrians sight distances are critical to safety.

Delivery drivers that commit these breaches are taking big risks if an incident were to occur because of reduced sight distances and subsequent reaction times.

By committing the Town Square to a formal loading zone sight distances for traffic and pedestrians will be greatly reduced. Pedestrians will have to maneuver around vehicles, potentially stepping out behind stationary vehicles, reducing reaction times for motorists.

There are no legal impediments to Council permitting the Town Square to be used as a loading zone. The loading zones would need to be clearly marked out in order to organise those larger vehicles in such a way that pedestrian walkways and sight distances were adequately maintained. One parallel 10 metre long loading zone would fit on each side of the Town Square. This would accommodate a 4-6 wheeler truck but not a semi-trailer size truck.

The clear marking of the loading zone bays would detract from the paved design.

It is the authors opinion that the safe operation of the Town Square depends upon the following:

- Clear sight distances for pedestrians and motorists
- It's appearance as a pedestrian zone
- Removal of as many distractions and conflicting activities as possible

For those reasons it is not recommended that loading zones be formalized into the Town Square.

**Consultation:**

CBD Streetscape Working Group.

**Statutory Obligations:**

Local Government Act 1995,

Shire of Denmark Parking and Parking Facilities Local Law as gazetted Friday 14<sup>th</sup> November 2008, see following.

*PARKING AND PARKING FACILITIES LOCAL LAW*

*PART 2 – PARKING STALLS AND PARKING STATIONS*

**2.1 Determination of parking stalls and parking stations**

*The local government may by resolution constitute, determine and vary and also indicate by signs -*

- (a) *parking stalls;*
- (b) *parking stations;*
- (c) *permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
- (d) *permitted classes of vehicles which may park in parking stalls and parking stations;*
- (e) *permitted classes of persons who may park in specified parking stalls or parking stations; and*
- (f) *the manner of parking in parking stalls and parking stations.*

**“parking stall”** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

**“parking station”** means any land, or structure provided for the purpose of accommodating vehicles;

Council will need to ratify the parking arrangements before Councils Ranger Services will be able to enforce parking limitations.

**Policy Implications:**

Town Planning Scheme Policy No. 26.1 – South Coast Highway Commercial Developments objectives and also the Local Planning Strategy 6.3 – CBD Commercial document.

**Budget / Financial Implications:**

Any proposed changes can be accommodated within Councils current budget.

**Strategic Implications:**

Nil

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Absolute majority.

COMMITTEE RECOMMENDATION

ITEM 9.2

That Council approve an amendment to the Fourth Schedule of the Parking and Parking Facilities Local Law by altering the parking arrangements in Strickland, in addition to the existing CBD Parking Base Plan and Parking Signs Audit which currently make up the Fourth Schedule, such that:

1. 'The 'No Parking' and "No Standing" signs on the Town Square be replaced with 'Loading Zone 15min', and
2. 'That the bay outside of Denmark Hair Studio be changed to a maximum 15min parking duration.'

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 9.2

MOVED: CR BARNES

SECONDED: CR BARROW

That Council approve an amendment to the Fourth Schedule of the Parking and Parking Facilities Local Law by altering the parking arrangements in Strickland Street, in addition to the existing CBD Parking Base Plan and Parking Signs Audit which currently make up the Fourth Schedule, such that:

1. 'The 'No Parking' signs on the Town Square be replaced with "No Standing" signs; and
2. That the bay outside of Denmark Hair Studio be changed to a maximum 15min parking duration.

CARRIED BY AN ABSOLUTE MAJORITY: 9/2

Res: 1000911

<b>9.3</b>	<b>CBD STREETScape WORKING GROUP – CBD STREETScape STAGE 2 WORKS</b>
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<b>File Ref:</b>	Strickland Street
<b>Applicant / Proponent:</b>	CBD Streetscape Working Group
<b>Subject Land / Locality:</b>	Strickland Street
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 September 2011
<b>Author:</b>	Rob Whooley, Director of Infrastructure Services
<b>Authorising Officer:</b>	Rob Whooley, Director of Infrastructure Services
<b>Attachments:</b>	Yes

**Summary:**

This item recommends that Council endorse the CBD streetscape plan as shown in attachment SO14b.

**Background:**

In June 2006 Plan-E Landscape Consultants were engaged to produce a redevelopment plan for Strickland Street.

The aim of the redevelopment plan was to upgrade the living and working environment for residents and visitors while recognising the Town's special, natural and cultural heritage.

The main governing reasons for undertaking townscape improvements were to:

- develop and promote Denmark's identity and image.
- improve the economic viability of the CBD.
- retain places of heritage values and promote Denmark's uniqueness to visitors and guests.
- improve pedestrian comfort, amenity and safety.

The principles that were applied to the concept plan brief were:

- Encouraging shopping, but deterring through traffic;
- Prioritising pedestrian movements freely from side to side;
- Accommodate cyclists;
- Allows "alfresco" dining with wide pavements;
- Decorative street lights and signs;
- Street trees and landscaping; and
- Greater disability access.

Other points of importance that will be included in the concept plan brief are:

- Carparking;
- Weather protection for pedestrians;
- Landscaping & Colours;
- Trees and Hanging Baskets;
- Linemarking & Delineation;
- Traffic calming, crossing points;
- Physical appearance (paths, planting lighting);
- Town square area, bollards;
- Cycle Shelter; and
- Street furniture.

Stage One of the works have been substantially completed and a concept plan for Stage 2 is attached.

**Comment:**

A meeting of the CBD Streetscape Working Group was held on Tuesday 6<sup>th</sup> September 2011.

The committee considered two concept plans for the CBD Stage 2 upgrade works.

Those plans are attached as SO14a and SO14b.

Discussion centred around the proposed parking at the northern end of Strickland Street.

The committee supported the concept plan SO14a for the following reasons:

- It formalised the northern parking;
- The parking was contained within Shire land; and
- There was little impact to the existing waterway.

The author, whilst supporting concept plan SO14a, feels there was merit to SO14b in that it:

- Provides for caravan parking;
- Has the capacity to assist with the seasonal and event based parking pressures created within the CBD;
- Sits at the same relative level as the rest of Strickland Street which helps minimise access issues;
- Is relatively “out of sight” as opposed to occupying the centre of town; and
- Caters for the parking needs associated with future activities, development and use of the hospital site.

*One of the main impacts of the concept plan SO14b is that it would require undergrounding of a portion of the existing waterway.*

*An artist's impression of the expanded carpark as shown in SO14b is attached.*

**Consultation:**

CBD Streetscape Working Group

The original streetscape plans were:

- Displayed for public comment
- Submitted to Councils Development Control Unit
- Tabled at the Roadwise Committee meeting
- Passed on to Main Roads WA for their input.

If option SO14b was preferred it would be recommended that Council would need to consult widely including specifically with the;

- Adjoining business owners – particularly the Supa IGA;
- Old Hospital Working Group (disbanded);
- Denmark Chamber of Commerce;
- Denmark Volunteer Fire & Rescue Service
- Wilson Inlet Catchment Committee;
- Department of Water and;
- Department of Environment.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

Council's current budget includes completion of Stage 2 CBD Streetscape works.

The additional carpark works shown in SO14b can be accommodated within the current budget.

**Strategic Implications:**

Strategically the officers view is that option SO14b achieves a longer term strategic benefit for the development and linkage of the Old Hospital Site with the CBD and provides for greater opportunity to provide for long term and longer vehicle (such as cars with caravans) parking, particular with the development of the Old Hospital. There plan indicated would however possibly need to be slightly amended to cater for access to the Old Hospital Site.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to option S014a however if option SO14b was preferred then it would be recommended that the Council undertake community and Government consultation on the proposed changes to the management of Millar's Creek. The creek would need to be culverted and there would be loss of approximately a dozen planted trees. The Wilson Inlet Catchment Committee (WICC) have a sign at the site erected some years ago (date unknown) stating that it is a future restoration and planting project. The site at present is significantly overgrown with grass and weeds. Depending upon the level of consultation that Council would wish to see, this aspect of the CBD works may have to be delayed pending conclusion of this consultation. It is envisaged that this would still be able to be accommodated within the financial year and satisfy the grant requirements.

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

At the meeting held on the 20 September 2011;

- Cr Hinds requested that a plan be provided which delineates where the parking is proposed to be, particularly with respect to disabled parking areas, and also showing how people will exit from the existing Supa IGA car park.
- Cr Thornton flagged that perhaps the report needs to refer to the fact that a lot of the proposed parking bays will be for the Morgan Richards Community Centre.
- Cr Syme asked that the drawings be super imposed on an aerial photograph for next week's meeting.

Most of the information requested will be provided at the meeting on Tuesday, 27 September 2011. In relation to the question of parking bays required for the proposed Morgan Richards Community Centre, the Director of Planning & Sustainability advises that a building comprises approximately 1,150sqm, used predominately for office type activities, would need to provide one car bay for every 40sqm. Thus, it would be expected that the Council should provide in the order of approximately 29 car bays, specifically for this development.

The Shire President and Chief Executive Officer met with the proprietor of the Supa IGA on Wednesday, 21 September 2011 to discuss aspects of the proposed design and, subject to minor modifications, the proprietor is supportive of the principle.

5.47pm – Cr Richardson-Newton left the meeting.

5.49pm – Cr Richardson-Newton returned to the meeting.

COMMITTEE RECOMMENDATION

ITEM 9.3

That Council endorse the CBD streetscape plan as shown in attachment SO14a.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 9.3
MOVED: CR SAMPSON	SECONDED: CR BARROW
That Council endorse the CBD streetscape plan for the proposed North Street carpark as shown in attachment SO14b in principle and advertise the plan for general community comment for 21 days and also to the identified business, community groups and government agencies identified within the officer report.	
<b>AMENDMENT</b>	
MOVED: CR HINDS	SECONDED: CR BARNES
That “SO14b” be changed to “SO14a”.	
CARRIED: 6/5	Res: 170911
<b>AMENDED MOTION</b>	
That Council endorse the CBD streetscape plan for the proposed North Street carpark as shown in attachment SO14a in principle and advertise the plan for general community comment for 21 days and also to the identified business, community groups and government agencies identified within the officer report.	
THE AMENDED MOTION THEN BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT & CARRIED: 9/2	
	Res: 180911

**6.10pm - Public Question Time**

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

**Mrs Guthrie – Item 9.6 (Seniors Advisory Committee Membership)**

Mrs Guthrie stated that she agreed with the Officer’s Recommendation in that it was difficult to find a single representative who was a member of both the Peaceful Bay Progress Association and the Nornalup Residents & Ratepayers Association.

*The Shire President noted that the Officer’s Recommendation had already been carried by an en bloc resolution previously in the meeting.*

6.11pm – *The Shire President & the Director of Infrastructure Services left the meeting and did not return.*

*The Deputy Shire President assumed the Chair as the Presiding Person.*



<b>9.4</b>	<b>BUSH FIRE ADVISORY COMMITTEE - CAMPING &amp; COOKING FIRES AT BOAT HARBOUR CHALETS DURING PROHIBITED BURNING PERIOD</b>
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<b>File Ref:</b>	Fire.1
<b>Applicant / Proponent:</b>	Brett Forrest
<b>Subject Land / Locality:</b>	171 Boat Harbour Road
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 September 2011
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Damian Schwarzbach, A/Director of Community and Regulatory Services
<b>Attachments:</b>	No

**Summary:**

This report seeks Council's permission to allow camping and cooking fires to be lit at the Boat Harbour Chalets, 171 Boat Harbour road Denmark, during the prohibited burning period as per section 25(1)(a) of the Bush Fires Act 1954 and Council's Policy P050102.

**Background:**

On the 23<sup>rd</sup> August 2011 Mr Brett Forrest wrote to the Shire seeking permission to have the Boat Harbour Chalets at 171 Boat Harbour road Denmark relisted as a property that has permission for camping and cooking fires during the prohibited burning period.

The Boat Harbour Chalets were previously approved for camping and cooking fires during the prohibited burning period in 2009, however due to Mr Forrest's health the chalets were closed down and the property was removed from the register of properties in 2010.

Mr Forrest is in the process of reopening the Chalets and has requested that his property be once again be listed to allow camping and cooking fires during the prohibited burning period.

**Comment:**

Community Emergency Services Manager Nathan Hall inspected the property on the 31<sup>st</sup> August 2011 and noted that sufficient water supplies had been installed on the property within the area that the camping and cooking fires were to be lit and that fire fighting equipment was available on the property.

**Consultation:**

Community Emergency Services Manager Nathan Hall consulted with the CEO Dale Stewart in the preparation of this report.

**Statutory Obligations:**

There are statutory obligations as per section 25 (1)(a) of the Bush Fires Act 1954 which states;

*a fire for the purpose of camping or cooking shall not be lit within 3 metres of a log or stump and unless and until a space of ground around the site of the fire having a radius of at least 3 metres from the site as the centre, is cleared of all bush and other inflammable material, and when for any day, or any period of a day, the fire danger forecast by the Bureau of Meteorology in Perth in respect of the locality wherein it is desired to light or use a fire for such purpose is "catastrophic", "extreme", "severe" or "very high", such fire shall not be lit on that day or during that period unless and until the approval in writing of the local government for that locality has been obtained so to do.*

**Policy Implications:**

There are policy implications as per Council Policy P050102 which states;

*Pursuant to the powers under Section 25 (1a) of the Bush Fires Act 1954, the Shire of Denmark hereby prohibits the lighting of fires in the open air in its district for the purpose of camping or cooking during the prohibited burning times, unless the fire is:*

- a) at a person’s home; or*
- b) in an area which –*
  - (i) is set aside for that purpose by the State Authority or local government responsible for the care, control or management of the land; and*
  - (ii) bears the State Authority’s or local government’s sign denoting that purpose; and*
  - (iii) all combustible material is cleared from within a 5 metre radius of the fire; and*
  - (iv) the fire danger rating today indicates “high or low-moderate”.*

**Budget / Financial Implications:**

There is no known financial implication upon the Council’s current Budget or Plan for the Future.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 9.4</b>
<p>That Council includes 171 Boat Harbour road known as the “Boat Harbour Chalets” as a property that has permission for camping and cooking fires during the prohibited burning period.</p> <p>CARRIED BY EN BLOC RESOLUTION No. 070911</p>	

<b>9.5</b>	<b>FREE ACCESS FOR DOMESTIC LOADS OF “GREEN WASTE” AT THE DENMARK WASTE TRANSFER FACILITY</b>
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<b>File Ref:</b>	FIRE.1
<b>Applicant / Proponent:</b>	Bush Fire Advisory Committee
<b>Subject Land / Locality:</b>	Shire of Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	13 September 2011
<b>Author:</b>	Nathan Hall, Community Emergency Services Manager
<b>Authorising Officer:</b>	Damian Schwarzbach, A/Director of Community and Regulatory Services
<b>Attachments:</b>	No

**Summary:**

The Bush Fire Advisory Committee requests that Council considers allowing free access for domestic loads of “Green Waste”, tree pruning’s and leaf litter, at the Denmark Waste Transfer Facility to encourage people to clean up their yards to reduce potential fire hazards and smoke nuisances within the Shire.

Given the complexity of the request and the potential implications on Council’s budget the Shire’s Community Emergency Services Manager recommends that the request be first considered by the Waste Management Advisory Committee and relevant Council Officers, to provide a detailed report back to Council.

**Background:**

At the September 2011 Bush Fire Advisory Committee (BFAC) meeting the Committee discussed potential solutions to encourage property owners to decrease the amount of “green waste” build up on private property which would result in a reducing fire hazards as well as minimising smoke issues from people burning “green waste” in residential areas.

Following deliberation, BFAC made the following recommendation to Council;

*“That the Bush Fire Advisory Committee recommends to Council that consideration be given to allowing free access for domestic loads of “Green Waste” at the Denmark waste transfer facility.”*

**Comment:**

The build up of fire fuel and “green waste” on private properties in the Shire of Denmark is an ever increasing hazard, especially in the heavily forested residential areas where fire fuel and “green waste” accumulate rapidly.

The build up of fire fuel and “green waste” on private has recently been addressed in both the Shire of Denmark 2011 Customer Satisfaction and Community Needs Survey and the 2011 Perth Hills Bush Fire Review titled “A shared responsibility” compiled by Mr Keelty.

The 2011 Customer Satisfaction and Community Needs Survey clearly identified that the local community sees Bush Fire protection as the priority for the Shire of Denmark after it was ranked number one in importance for the future planning and Council’s direction.

Recommendation 17 of the 2011 Perth Hills Bush Fire Review states that “Local governments consider increasing the number of green waste collections carried out each year to encourage a more proactive approach to property (and vegetation) maintenance by residents.

Up to 2008 the Shire did offer residents a mulching service as a means to reduce a build up of “green waste” on private properties and earlier this year a trial “green waste” collection was conducted in parts of Ocean Beach.

Both of the above mentioned activities appear to have been quite cost prohibitive. The recommendation from BFAC to allow “free access for domestic loads of Green Waste at the Denmark waste transfer facility” may be a more cost effective solution that would need to be researched.

Other than the initial tipping fee, the current practice is to burn the collected “green waste” at the waste transfer site which attracts a minimal cost to Council that being having staff available to ensure the fire is kept under control.

It is the Author’s view that there is a need for the Shire to consider assisting private property owners to reduce the amount of “green waste” on their land, especially in residential areas and therefore it is recommended that the Shire conducts research into BFAC’S recommendation.

**Consultation:**

Consultation has been undertaken with the Bush Fire Advisory Committee and the CEO Dale Stewart.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

Council Policy P050101 Burning of Garden Refuse reads as follows;

1. *No burning of garden refuse is permitted in the restricted burning season without a permit.*
2. *No burning of garden refuse is permitted throughout the entire prohibited fire season.*
3. *All garden waste that is burnt is to be thoroughly dry so as to not cause a smoke nuisance to neighbouring properties.*

**Budget / Financial Implications:**

There are financial implications upon the Council’s current Budget in that there is currently a fee of \$12.50 for a Ute or trailer load of “green waste” to be taken to the waste transfer facility.

The effect of the implications on Council’s budget will have to be one of the factors to be considered.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

There are environmental implications in the current practice of the Shire burning the “green waste” at the waste transfer site and the burning of “green waste” on private properties in the form of pollution from smoke.

➤ **Economic:**

There are known significant economic implications relating to the report or officer recommendation.

➤ **Social:**

There are social considerations relating to the report in regards to the effects of smoke on people’s health.

**Voting Requirements:**

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.5

That Council allows free access for domestic loads of “Green Waste” at the Denmark waste transfer facility.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION** ITEM 9.5  
 MOVED: CR SAMPSON SECONDED: CR PHAIR

That Council requests the Chief Executive Officer to have prepared for consideration of the Council’s Waste Management Advisory Committee a report on the feasibility of allowing free access for domestic loads of “Green Waste” at the Denmark Waste Transfer Facility.

CARRIED: 10/0 Res: 200911

**9.6 SENIORS ADVISORY COMMITTEE – COMMITTEE MEMBERSHIP**

<b>File Ref:</b>	SER.3
<b>Applicant / Proponent:</b>	Seniors Advisory Committee
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 September 2011
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	No

**Summary:**

The Seniors Advisory Committee recommends that Council amend the Committee’s Charter to separate the combined membership of the Peaceful Bay Progress Association & the Nornalup Residents and Ratepayers Association.

**Background:**

The current Seniors Advisory Committee Charter’s membership is listed as follows;

*“Membership of the Committee will comprise of a total of 6 members consisting of;*  
 1 x Councillor  
 1 x Denmark Over 50s Association Representative (President)  
 1 x Denmark Over 50s Association Representative (Member)  
 1 x Denmark Lions Club Representative  
 1 x Denmark Health Service Representative  
 1 x Peaceful Bay Progress Association & Nornalup Residents & Ratepayers Association Representative”

**Comment:**

Following the resignation of the Peaceful Bay Progress Association / Nornalup Residents and Ratepayers representative, a letter was sent to both Associations requesting them to nominate a replacement representative.

Whilst the Peaceful Bay Progress Association wrote back to the CEO recommending Mrs Jo Walker as their representative, the Nornalup Residents and Ratepayers Association (NRRA) advised verbally that they felt it to be too difficult to find a representative who was a member of both organisations and therefore suggested that perhaps they could be listed as a separate member position.

The NRRA have suggested that the Committee Charter be reviewed to amend the joint position to make it two separate positions and include a proxy member for each.

The Seniors Advisory Committee members considered the request and at their meeting held on the 8 August 2011 made the following recommendation;

*“That the Seniors Advisory Committee recommend to Council that the Membership Section of the Seniors Advisory Committee Charter be amended to read as follows; Membership of the Committee will comprise of a total of seven (7) members consisting of;*

- 1 x Councillor*
- 1 x Denmark Over 50s Association Representative (President)*
- 1 x Denmark Over 50s Association Representative (Member)*
- 1 x Denmark Lions Club Representative*
- 1 x Denmark Health Service Representative*
- 1 x Peaceful Bay Progress Association (plus proxy)*
- 1 x Nornalup Residents & Ratepayers Association Representative (plus proxy)*
- 1 x Community Representative.”*

Committee Members believed that it was appropriate that provision also be made for a Community Representative, especially given the high percentage of ageing persons residing in Denmark.

**Consultation:**

- Seniors Advisory Committee
- Nornalup Residents & Ratepayers Association
- Peaceful Bay Progress Association.

**Statutory Obligations:**

Local Government Act 1995, Section 5.8.

**Policy Implications:**

There are no known Policy Implications.

**Budget / Financial Implications:**

There is no known financial implication upon the Council's current Budget or Plan for the Future.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Council Committee's are established to assist the Council in matters relating to its functions as a local government and the membership consists of persons and/or external organisation representatives who have an interest in the Committee's objectives. They provide an invaluable conduit between Council and the community.

**Voting Requirements:**

Absolute majority.

**COUNCIL RESOLUTION & COMMITTEE & OFFICER ITEM 9.6  
RECOMMENDATION**

That Council amend the Membership Section of the Seniors Advisory Committee Charter as follows;

*Membership of the Committee will comprise of a total of eight (8) members consisting of;*

- 1 x Councillor*
- 1 x Denmark Over 50s Association Representative (President)*
- 1 x Denmark Over 50s Association Representative (Member)*
- 1 x Denmark Lions Club Representative*
- 1 x Denmark Health Service Representative*
- 1 x Peaceful Bay Progress Association (plus proxy)*
- 1 x Nornalup Residents & Ratepayers Association Representative (plus proxy)*
- 1 x Community Representative.*

CARRIED BY EN BLOC RESOLUTION No. 070911

**9.7 CENTENARY CELEBRATIONS WORKING GROUP – CENTENARIAN POLICY**

<b>File Ref:</b>	ORG.64 / ADMIN.2
<b>Applicant / Proponent:</b>	Centenary Celebrations Working Group
<b>Subject Land / Locality:</b>	Kwoorabup Community Park
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 September 2011
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	No

**Summary:**

The Centenary Celebrations Working Group recommends that Council adopt a new Policy to acknowledge residents who turn 100 years of age.

**Background:**

One of the Projects for the Centenary Celebrations is the planting of a Grove of Ficus Trees within the Kwoorabup Community Park. The Denmark Historical Society have advised that two local residents were turning 100 years of age this year and suggested that it would be fitting to acknowledge their milestone, especially given it is the Centenary Year.

The Working Group agreed to allow both residents to plant a Ficus Tree at the same location as the Centennial Grove and to install an appropriate plaque marking the occasion.

**Comment:**

The Working Group discussed whether acknowledgement of local centenarians by the Shire of Denmark could be a permanent Policy of Council and it was agreed that reaching the age of 100 was rare, in general, let alone in Denmark.

It was suggested that perhaps the Grove of Trees, being planted in Kwoorabup Community Park as a permanent commemoration of the Shire’s Centenary, could become the ‘Centennial Grove’ where Council could permit local centenarians to plant a tree in recognition of them achieving 100 years of age.

Subsequently the Working Group made the following recommendation;  
 “That the Centenary Celebrations Working Group recommend that Council adopt a Policy relating to centenarians which reads as follows;  
*That Council acknowledge local residents in the 100<sup>th</sup> year of age by initiating a ceremonial tree planting within the Centenary Grove of Trees and the installation of a plaque.”*

In writing this report the Author considered that Council is not usually advised of residents turning 100 and therefore the words “should Council be advised of the milestone” are suggested to be added to the draft Policy.

A suggested Policy could read as follows;

*“P110707      RECOGNITION OF LOCAL CENTENARIANS*

*That Council acknowledge local residents in the 100<sup>th</sup> year of age by initiating a ceremonial tree planting within the Centenary Grove of Trees at the Kwoorabup Community Park and the installation of a plaque, should Council be advised of the milestone.*

*Responsibility for Implementation: Chief Executive Officer”*



**Consultation:**

Centenary Celebrations Working Group.

**Statutory Obligations:**

There are no known Statutory Obligations.

**Policy Implications:**

Should Council agree to adopt a Centenarian Recognition Policy, it will be included in Council's Policy Manual.

**Budget / Financial Implications:**

There are no budget or financial implications on Council's current Budget and it is the Author's view that should the policy be implemented at any time in the future that that any costs associated with the acknowledgement and plaque would be able to be funded from Council's existing Civic Receptions Budget line.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

In recent years Council has acknowledged, upon request, milestones such as 50<sup>th</sup> wedding anniversaries of long term local residents and it is the Author's view that reaching the age of 100 is a rare and special milestone as well.

**Voting Requirements:**

Simple majority.

WORKING GROUP RECOMMENDATION

ITEM 9.7

That Council adopt the following Policy;

*"P110707 RECOGNITION OF LOCAL CENTENARIANS*

*That Council acknowledge local residents in the 100<sup>th</sup> year of age by initiating a ceremonial tree planting within the Centenary Grove of Trees at the Kwoorabup Community Park and the installation of a plaque.*

*Responsibility for Implementation: Chief Executive Officer"*

FORMER OFFICER RECOMMENDATION

ITEM 9.7

That Council adopt the following Policy;

*"P110707 RECOGNITION OF LOCAL CENTENARIANS*

*That Council acknowledge local residents in the 100<sup>th</sup> year of age by initiating a ceremonial tree planting within the Centenary Grove of Trees at the Kwoorabup Community Park and the installation of a plaque, should Council be advised of such a milestone.*

*Responsibility for Implementation: Chief Executive Officer"*

At the meeting held on the 20 September 2011, Cr Richardson-Newton suggested that perhaps it should be named the Centenary Walk instead of a Grove, given that the trees were now being planted either side of a footpath.

The Chief Executive Officer agreed and provides the following amended Officer Recommendation.

<p><b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b></p>	<p>ITEM 9.7</p>
<p>That Council adopt the following Policy;  <i>"P110707 RECOGNITION OF LOCAL CENTENARIANS</i></p> <p><i>That Council acknowledge local residents in the 100<sup>th</sup> year of age by initiating a ceremonial tree planting within the Centenary Walk of Trees at the Kwoorabup Community Park and the installation of a plaque, should Council be advised of such a milestone.</i></p> <p><i>Responsibility for Implementation: Chief Executive Officer"</i></p> <p>CARRIED BY EN BLOC RESOLUTION No. 070911</p>	

**10. MATTERS BEHIND CLOSED DOORS**

Prior to consideration / discussion of Items 10.1 & 10.2, the Chief Executive Officer recommends that Council proceed behind closed doors pursuant to Section 5.23 (2).

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10</b>
MOVED: CR BARROW	SECONDED: CR WAKKA
That Council proceed behind closed doors, pursuant to section 5.23 (2) (a) of the Local Government Act, to consider the annual remuneration review of designated senior staff, the time being 6.18pm.	
CARRIED: 10/0	Res: 210911

6.19pm – *The Director of Finance & Administration, the Director of Planning & Sustainability, the Acting Director of Community & Regulatory Services and the Executive Assistant left the meeting and did not return.*

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

*The Director of Finance & Administration and the Director of Infrastructure Services declare financial interests on the basis that they are Senior Employees to whom the report relates .*

**10.1 DESIGNATED SENIOR STAFF SALARIES**

<b>File Ref:</b>	Personnel Files
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 September 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	Yes – Confidential Appendix

**Summary:**

Provision has been made in the 2011/12 Budget for senior staff salary increases.

This report recommends a Council resolution to authorise the adjustment to Senior Officers’ salaries.

**Background:**

The officers contracts are the same with respect to provision in the contract that;

*“The remuneration package shall be reviewed annually by the Chief Executive Officer.”*

This notwithstanding, Council Delegation D040225 states;

*“The Chief Executive Officer is delegated authority to alter salaries payable to all staff who are not employed on performance based term contracts. The alteration may be within the employee’s assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.*

*In exercising this delegated authority the Chief Executive Officer shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available in Council’s budget. If any salary change is likely to involve over budget expenditure, the change will require endorsement of Council.”*

Current relativities with senior staff salaries are as detailed in Item 10.1 (Confidential Attachment).

**Comment:**

Funds have been included in the 2011/12 Budget for an increase of approximately 4% in increases in senior staff salaries with a greater percentage budgeted for the Director Community & Regulatory Services to bring that officers salary into parity with the other Directors.

The CEO authorises the adjustments to all staff salaries apart from those applicable to Senior Officers. All Senior Staff, including the CEO, are on employment contracts. The increase proposed takes into account the assessment criteria and performance matters associated with the contracts.

The larger than average increase for the Director of Community & Regulatory Services position reflects the CEO's belief that the level of remuneration is reflective of demonstrated performance, ensuring the salary is competitive to industry standards and also to bring about some parity / relativities within the organisations senior staff salary levels and responsibilities.

By way of comparison, the outside employees of the Shire have recently received a 4% increase pursuant to their Enterprise Bargaining Agreement and the Salaries and Allowances Tribunal in its determination on 24 June 2011 has recommended a salary increase of 4.1% to Local Government CEO's.

**Consultation:**

Not applicable.

**Statutory Obligations:**

There are no relevant legal obligations on Council to grant any salary increase to Senior Officers. The process relates to employee retention and recognition of service / performance and achievement of objectives.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The 2011/12 Budget allows for the increases recommended.

**Strategic Implications:**

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

**Sustainability Implications:****➤ Environmental:**

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

**➤ Economic:**

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

**➤ Social:**

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

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION** ITEM 10.1

MOVED: CR SYME

SECONDED: CR PEDRO

That Council approve the following increases to the cash component of the designated senior staff employment packages, with payment with effect from their annual anniversary date;

1. Director of Finance & Administration 4%;
2. Director of Infrastructure Services 4%;
3. Director of Community & Regulatory Services 16.48%;
4. Note that given the Director of Planning & Sustainability was appointed in January 2011, this officer is not yet due for a salary review.

**AMENDMENT**

MOVED: CR HINDS

That the percentages stated in parts 1 & 2 be changed from 4% to 3% and that "16.48%" be amended to read "the equivalent percentage that would generate the same effective salary.

LAPSED FOR WANT OF A SECONDER

THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 9/1

Res: 220911

Prior to consideration of Item 10.2 the Chief Executive Officer, through Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

The Director Infrastructure Services declares a financial interest on the basis that his is the Senior Employee to whom the report relates .

<b>10.2 SENIOR OFFICER CONTRACT RENEWAL</b>
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<b>File Ref:</b>	Personal File
<b>Applicant / Proponent:</b>	Dale Stewart
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	14 September 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	No

**Summary:**

The CEO recommends that a renewal of employment contact be offered to the current incumbent of the position of Director of Infrastructure Services and seeks the support of Council to do so.

**Background:**

The officer’s current employment contract expires 17 October 2011 and a decision is required prior to this date.

**Comment:**

Council has the option of rejecting the author’s recommendation in accordance with section 5.37 of the Local Government Act 1995 or suggesting variations to the intended recommendation.

The officer’s recommendation is that the existing incumbent be offered a new 5 year contract based on the same principles and terms and conditions as the existing contract. The incumbent has indicated his desire to be offered a 5 year contract contract.

**Consultation:**

Nil

**Statutory Obligations:**

Parts of the Local Government Act 1995 Sections 5.37 and 5.39 relates;

*5.37. Senior employees*

- 1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- 2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), *and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- 3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position *where a contract referred to in section 5.39 is renewed.*

### 5.39. *Contracts for CEO and senior employees*

- 1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
  - a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
  - b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
  - a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
  - b) in every other case, *cannot be for a term exceeding 5 years*.
- (3) A contract under this section is of no effect unless —
  - a) the expiry date is specified in the contract;
  - b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
  - c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

Parts of the Local Government Administration Regulations 1996 Section 18B also relate;

### *18B. Matters to be included in contracts for CEO's and senior employees — s. 5.39(3)(c)*

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- a) the value of one year's remuneration under the contract; or
- b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

#### **Policy Implications:**

There are no policy implications.

#### **Budget / Financial Implications:**

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

#### **Strategic Implications:**

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

#### **Sustainability Implications:**

##### ➤ **Environmental:**

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

##### ➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 10.2
MOVED: CR WAKKA	SECONDED: CR EBBETT
That Council authorise the CEO to offer a renewal of employment contract with Mr Rob Whooley in the designated senior officer position of Director of Infrastructure Services with the conditions of that contract being in accordance with the officers existing contract and for a term not exceeding 5 years.	
<b>AMENDMENT</b>	
MOVED: CR HINDS	
That the contract term be amended to 3 years.	
LAPSED FOR WANT OF A SECONDER.	
THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 10/0	Res: 230911

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	
MOVED: CR BARROW	SECONDED: CR PEDRO
That Council now proceed in public.	
CARRIED: 10/0	Res: 240911

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

OFFICER RECOMMENDATION ITEM 11  
 That Council accept an Item of New Business relating to the Denmark High School.

<b>COUNCIL RESOLUTION</b>	ITEM 11
MOVED: CR SYME	SECONDED: CR PEDRO
That Council accept 2 Items of New Business relating to the;	
1. Denmark High School; and	
2. Consideration of renewal of Employment Contract for the Chief Executive Officer.	
CARRIED: 10/0	Res: 250911

REASONS FOR CHANGE

Council added an additional item of New Business.



**11.1 DENMARK HIGH SCHOOL LIBRARY**

<b>File Ref:</b>	A3121 / A3116
<b>Applicant / Proponent:</b>	Education Department
<b>Subject Land / Locality:</b>	Denmark High School, Reserve 26565
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	22 September 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	No

**Summary:**

The Shire President and the author met with officers from the Department of Education Facilities Program Delivery Branch in August 2011 to learn about the proposed \$7m investment announced by the State Government in the 2011/12 Budget for a new Library, Design and Technology and Science building(s).

The Department of Education has advised that it is prepared to build a joint Public and School Library at the South Coat Hwy frontage of the High School if the Council indicated it wished to enter into a memorandum of understanding regarding a joint facility.

**Background:**

Council has a resolution on its books that it would consider contributing towards a joint Library and/or Performing Arts Facility at the High School from October 2010 (Resolution No. 201010) as follows;

*“That Council defer the opportunity to participate in a joint Library / Performing Arts Facility with the Denmark High School at present until Council has given consideration of:*

- 1. The proposed reuse plans for the old hospital; and*
- 2. The concept plans for the revitalisation and refurbishment of the Civic Centre and Library.”*

Subsequent to that the Council has resolved to proceed with the Old Hospital redevelopment and has included provision in the current budget to undertake revitalisation and refurbishment of the Civic Centre. These plans have not yet commenced and are not scheduled to be concluded before approximately August 2012.

**Comment:**

The author in discussion with the Education Department Officers indicated that he was particularly concerned that the existing Library expansion that occurred last year (with Federal funds) cost \$750,000 for approximately 70 sqm which equated to an effective \$11,000 per sqm. The Department Officers replied by asserting that they had also heard this rumour and this was not the case in that there were other factors involved which they did not elude to.

This notwithstanding, they did confirm was that the project, being on Education Department land, must be undertaken by and through the Government's Building Manager, being Building Management & Works (BMW). That being the case, BMW charge a percentage for their project administration and overheads of indicatively 14%. The consultant architect (Michael Roberts) would charge in the order of 9% and the Department of Education Facilities Program Branch would, in addition, charge another project management fee of undisclosed percentage. The author iterated his concern that it sounded like the sqm cost for a library on the above basis would be well in excess of what Council would be able to negotiate and achieve through normal public tendering if it was on its land and its control.

The Officers indicated that their first task was to work out where the buildings should be designed in terms of a master plan for the site and they acknowledged that if a public library was proposed in conjunction with a school library that the only foreseeable, acceptable site, from a logistics, infrastructure, child safety and property security perspective, would be the site of the current Design Technology shed abutting the current public car park. The Shed would have to be relocated.

There would be an expectation that the Council would contribute on a sqm basis at their cost to its portion of the building used for a public library and there would need to be a long term agreement in place sharing ongoing maintenance, consumable costs and the like. Council would employ its Librarians, as required, and the Department of Education would employ its Librarian and there should not be any crossover of service between the two.

It was also confirmed that there was no funding for any Performing Arts Facility as was previously the stated desired intention as indicated by the School Principal, approximately 12 months ago.

The likely timing for the project had not been definitively set out at this point in time with, from their perspective, a need for the Council to get back to them within the next month (September 2011) with a definitive decision on whether Council wished to be included in the design, construction and ongoing support for a joint library facility. The Shire President and author indicated that such a decision would be reasonably contentious within our community in that the Library was a much loved public service, in the heart of our CBD, and the concept of relocating that service and entering into an arrangement with the Department of Education, at the Denmark High School, would be one that the Council would need to widely consult on and at best this could be achieved in a matter of 2 – 3 months with both of us indicating that there would a fairly strong likelihood that any decision to relocate would divide the community.

There was also the problem of not being able to define the likely construction costs nor ongoing operating costs/contribution to assist in the decision making process.

They indicated that public access to the site was critical in terms of managing the public on Education Department land with the presence of children.

Management of the facility would be by a joint management committee set up pursuant to the agreement. The agreement would predominantly be based on the Department's and WALGA's preferred models.

The meeting concluded with the author indicating that he would be in touch with the Department following liaison with the Council but indicatively he could not see how the Council could or would provide an indication that it would seek to enter into a joint arrangement for the construction of a library with the anticipated cost constraints and time constraints, even if the community supported the principle.

**Consultation:**

The Shire President and the author met with officers from the Department of Education Facilities Program Delivery Branch on the 23 August 2011 at our request to learn about the proposed \$7m investment announced by the State Government in the 2011/12 Budget for a new Library, Design and Technology and Science building(s).

There has been no consultation undertaken with the community in general nor users of the Public Library given time constraints. If Council was inclined to support the principle of a joint library with the Department of Education it is recommended that it develop a Community Consultation Plan to solicit the views of the community, prior to making any commitments. It is emphasised that the Department of Education are awaiting a decision now, in order to commence design and contractual works for their desired work scheduling.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

Council's existing Library is in the order of 270 sqm and on initial indications a new facility for Council of say 400 sqm, on Building Management and Works rates of say \$8,000 p/sqm, would cost the Council in the order of \$3,200,000 up front. The indicative cost of refurbishing the Civic Centre to cater for the Libraries expanding needs as well as give the Civic Centre its 20 year 'make over' is approximately \$1,000,000 (based on the Council's indicative pricing of \$2,500 per sqm).

**Strategic Implications:**

The Public Library is one of the Council's most loved and utilised services.

The additional cost of a new construction has not been factored into the Council's Draft Long Term Financial Plan whereas the lesser value associated with refurbishing the Civic Centre and expanding the Library as its current location has been. If the Library relocated to the High School the Council would still have a need to refurbish the Civic Centre but on the other hand it would free up the existing Library Building and Community Resource Centre Building (once they relocate to the Refurbished Old Hospital).

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

It could be expected that a relocation of the Public Library from its current central CBD location to one located within the grounds of the Denmark High School would cause some community angst and consternation. Certainly the issue would need to be widely canvassed and consulted with the public in general and specifically the current users of the facility.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 11.1</b>
MOVED: CR SAMPSON	SECONDED: CR WAKKA
That Council advise the Department of Education that it does not wish to participate in the construction of a joint School and Public Library at the Denmark High School at this time as it has insufficient information to make an informed decision on and would need approximately 6 months to adequately consult its community on.	
CARRIED: 10/0	Res: 260911

6.35pm - Prior to consideration of Item 11 through Presiding Person the Chief Executive Officer brought to the attention of the meeting that he declares a financial interest on the basis that he is the employee to whom the report relates. Mr Stewart left the meeting and did not return.

There being no members of the public in attendance the Council did not resolve to proceed behind closed doors for the next item.

<b>11.2 CHIEF EXECUTIVE OFFICER (CEO) CONTRACT RENEWAL</b>
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<b>File Ref:</b>	Personal File
<b>Applicant / Proponent:</b>	Dale Stewart
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Yes – a financial interest is declared by the officer
<b>Date:</b>	14 September 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	No

**Summary:**

The CEO asks that the current Council give consideration to a renewal of employment contract be offered to the present incumbent of the position of Chief Executive Officer on similar terms and conditions as the existing contract and for a period of 5 years and asks that Council consider this request at its meeting of 27 September 2011 as a late item behind closed doors with other senior staff matters.

**Background:**

The officer’s current employment contract expires on 10 October 2012 and pursuant to clause 5 of that contract;

*“There is no compulsion on either the Council or the CEO to agree to a new Contract. The Council and or CEO shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new contract for a further term with the Council making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract. In the event that the Council and the CEO agree to a new Contract, a new contract will be executed.”*

The CEO seeks a renewal of the contract for a period of 5 years on the same terms and conditions of the existing contract noting that he is prepared to consider opting out of a Council vehicle being provided by the employer in exchange for a higher negotiated salary (essentially a vehicle allowance) and the ability to purchase a novated lease of a vehicle through Council through salary sacrifice (permitted by law and taxation law).

**Comment:**

For the deliberation of Council.

**Consultation:**

Nil

**Statutory Obligations:**

Parts of the Local Government Act 1995 Sections 5.37 and 5.39 relates;

**5.36. Local government employees**

- 1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

- 2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.  
*\* Absolute majority required.*
- 3) A person is not to be employed by a local government in any other position unless the CEO —
  - a) believes that the person is suitably qualified for the position; and
  - b) is satisfied with the proposed arrangements relating to the person's employment.
- 4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- 5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- 5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

### **5.39. Contracts for CEO and senior employees**

- 1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
  - 1a) Despite subsection (1) —
    - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
    - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
  - 2) A contract under this section —
    - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
    - (b) in every other case, cannot be for a term exceeding 5 years.
  - 3) A contract under this section is of no effect unless —
    - (a) the expiry date is specified in the contract;
    - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
    - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
  - 4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
  - 5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
  - 6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
  - 7) A report made by the Salaries and Allowances Tribunal, under section 7A of the *Salaries and Allowances Act 1975*, containing recommendations as to the

remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

**Parts of the Local Government Administration Regulations 1996 Section 18B also relates;**

18B. Matters to be included in contracts for CEO’s and senior employees — s. 5.39(3)(c)

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year’s remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

There are no known financial implications upon the Council’s current Budget or Plan for the Future.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 11.2
MOVED: CR WAKKA	SECONDED: CR EBBETT
That Council authorise the Shire President and Deputy Shire President to negotiate and offer a renewal of employment contract with Mr Dale Stewart, from the 22 October 2012, in the designated position of Chief Executive Officer with the conditions of that contract being in accordance with the officers existing contract and for a term not exceeding 5 years.	
<b>AMENDMENT</b>	
MOVED: CR HINDS	
That the term of the renewed contract not exceed 3 years.	
LAPSED FOR WANT OF A SECONDER	
THE ORIGINAL MOTION WAS THEN PUT & CARRIED: 10/0	
	Res: 270911

**12. CLOSURE OF MEETING**

6.55pm – There being no further business to discuss the Deputy Shire President, Cr Richardson-Newton, declared the meeting closed.

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

Signed: \_\_\_\_\_  
*Dale Stewart – Chief Executive Officer*

Date: 3 October 2011

These minutes were confirmed at the meeting of the \_\_\_\_\_

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