



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 28 MAY 2013.

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Ordinary Council Meeting

28 May 2013

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.09pm - The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall (from 4.11pm)
- Cr David Morrell (from 4.12pm)
- Cr Dawn Pedro
- Cr Belinda Rowland
- Cr Roger Seeney
- Cr Alex Syme

STAFF:

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

APOLOGIES:

Nil

ON LEAVE OF ABSENCE:

- Cr Kelli Gillies
- Cr Ian Osborne

ABSENT:

Nil

VISITORS:

Members of the public in attendance at the commencement of the meeting: 6
 Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Mrs Harbron	8.1.2	Proximity	Mrs Harbron owns property which the Policy relates to, noting the policy relates to some 22 residential areas throughout the Shire.

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

The Shire President announced that Mr George Mumford, President of the Denmark Life Saving Club, had recently been named as Life Saver of WA and noted that there were 18,000 registered lifesavers in WA. Cr Thornton congratulated Mr Mumford on his achievement noting that it was an unbelievable effort and the first time someone from Denmark had received the award. Cr Thornton added that he believed Mr Mumford had also been nominated for Life Saver Australia and acknowledged his efforts and time over the last 40 years.

4.11pm – Cr Marshall entered the room.

The Shire President stated that Mr Mumford's wife, Kia, had been awarded the Sports person of the Year for Denmark and the Sports person of the Year for Albany in the last year.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

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

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

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

Questions from the Public

4.2.1 Ms Joss Goulden - Item 8.2.1 (Draft Gas Gun Noise Management Plan)

Ms Goulden spoke as a nearby resident to a property which used a gas gun and highlighted the number of complaints that she knew Council had received on the matter. Ms Goulden highlighted her concerns about the noise and proximity of the gas guns and encouraged Council to act to protect the rights of the community.

4.12pm – Cr Morrell entered the room

4.2.2 Mr Kamal Al-Moosa - Item 8.2.1 (Draft Gas Gun Noise Management Plan)

Mr Al-Moosa stated that he believed there to be significant opposition within the community to the use of gas guns and that there was a need for a policy on the issue to regulate their use. Mr Al-Moosa expressed concerns about the health impacts on nearby residents and that the use of the guns disturbed the peace of the area. Mr Al-Moosa noted that with any regulation there would need to be associated enforcement efforts.

4.2.3 Mr Roy Mercer - Item 8.2.1 (Draft Gas Gun Noise Management Plan)

Mr Mercer noted that the Officer's Report stated that there was only one gas gun whereas there were actually two. Mr Mercer requested that this be corrected in the Minutes.

The Director of Community & Regulatory Services advised that he had no objections with correcting the record.

4.2.4 Mr Jim Raffa - Item 8.2.1 (Draft Gas Gun Noise Management Plan)

The Chief Executive Officer advised that he had received the following comments from Mr Jim Raffa who had emailed them through as he was unable to attend the meeting.

“Thanks Robert for your reply to my response concerning the Draft Plan for Gas Gun Management in the Shire of Denmark. As am in Perth this week I will not be able to attend the council meeting tomorrow for further discussion on this issue.

However, I am stating that I do not support the plan in its current form.

I have read the proposed draft deed in its entirety and also the attached copy of the Donnybrook Shire Management Plan. As you have stated it is clear that Denmark Shire has modelled their plan on the Donnybrook plan. I don't agree that this should be a basis for developing a suitable plan for Denmark as the two localities have not built their local economies on the same fundamentals.

I list the following points as reasons for my resistance to the draft:

1. Best practice advises that gas guns should only be used when the nearest neighbour is at least 1 kilometre away. The Denmark Shire has received complaints from 9 neighbours – 3 between 300-600 metres away, 2 between 600 to 900 metres away and 4 between 900 to 1200 metres away.
2. The Denmark Shire lists 6 preferred options for the control of birds in orchards. The use of gas guns is listed at number 6 (why would you have it at all?)
3. The Denmark Shire lists that gas guns are used periodically within the shire without complaint, however, they are more remote!
4. The Denmark Shire has advised that an orchardist in the Cussons Road area had used a gas gun for many years, however, encroaching neighbours and complaints had required the council advise the orchard that it was no longer an acceptable practice to do so. Are our complaints any less important?
5. Best practices advises that gas guns should be used with several bursts in quick succession 10-15 minutes between volleys with a maximum of 6 volleys per hour. The Denmark draft allows for one every 6 minutes ie. 10 per hour.”

4.2.5 Mrs Julie Lax - Item 8.2.1 (Draft Gas Gun Noise Management Plan)

Mrs Lax spoke as a nearby resident to a working gas gun and stated that she was glad that the issue was being looked at. Mrs Lax read out a letter from Mrs Julie & Mr Nigel Marsh who were also nearby residents to a working gas gun. Mr & Mrs Marsh stated that there were many more smaller blocks now as opposed to large, rural, farming properties and that noise management needed to reflect each neighbourhood.

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

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

OFFICER RECOMMENDATION ITEM 6.1

That the minutes of the Ordinary Meeting of Council held on the 7 May 2013 be confirmed as a true and correct record of the proceedings.

COUNCIL RESOLUTION ITEM 6.1
 MOVED: CR SYME SECONDED: CR MARSHALL

That the minutes of the Ordinary Meeting of Council held on the 7 May 2013 be confirmed as a true and correct record of the proceedings, subject to the following amendments;

1. Item 6.1 – re-inclusion of the original Officer Recommendation and deletion of the words “& OFFICER RECOMMENDATION” from the heading of Resolution No. 020513.
2. Item 6.2 – re-inclusion of the original Officer Recommendation and deletion of the words “& OFFICER RECOMMENDATION” from the heading of Resolution Numbers 030513 & 040513.

CARRIED: 10/0 Res: 110513

REASONS FOR CHANGE

Council requested that two corrections be made as detailed in per parts 1 & 2 of the Resolution.

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 REQUEST TO RENAME JON GLADE TO STATE FARM ROAD OR RESEARCH STATION ROAD

File Ref:	R30436; ORG.15
Applicant / Proponent:	Denmark Historical Society
Subject Land / Locality:	Jon Glade Road Reserve
Disclosure of Officer Interest:	Nil
Date:	13 May 2013
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1 a) – Site Plan Showing ‘Jon Glade’ Road Reserve 8.1.1 b) – List of Suitable Road Types 8.1.1 c) – Kwoorabup Community Park Concept Plan

Summary:

The Denmark Historical Society have requested Council’s consideration to rename Jon Glade to either State Farm Road or Research Station Road.

Assessment of the proposal having regard to the road renaming criteria as referenced in the *Policies and Standards for Geographical Naming in Western Australia (Version 1.2)* document demonstrates that the proposal does not meet the renaming criteria, thus it is recommended that the renaming proposal not be supported.

Notwithstanding, it is acknowledged that the State Farm and Research Station played an important role in the development of Denmark and that this should be recorded appropriately – noting that the provision of heritage interpretation within the Kwoorabup

Community Park and listing in the Shire's Municipal Heritage Inventory are considered more appropriate than renaming of the current road.

Background:

Request

The Denmark Historical Society is requesting Council's consideration to rename Jon Glade to either State Farm Road or Research Station Road. The justification for the request is as follows:

"This community owes a great deal to the State Farm and the Research Station which was located where the hospital and Community Park is now and because of these two things any connection to the research station is lost. When the town was re-established in 1909 the State Farm established in 1912 provided advice, help and stud animals for the farmers to use. In the Group Settlement Years in the 1920s it was the then Research Station that discovered the lack of trace elements in the soil that caused the Denmark Wasting Disease. In 1942 the Ag School was relocated to Denmark from Narrogin because the Research Station was here".

Additional commentary from the request letter states:

- *State Archives show no reason why the road was named such.*
- *Renaming of the road will have no impact on anyone as no-one's address is Jon Glade.*

History of "Jon Glade"

"Jon Street" was originally gazetted on 21 February 1980 and was regazetted to "Jon Glade" on 11 June 1990 – refer Attachment A for locality reference. There is no other information available in Shire and/or Landgate records as to the origin of "Jon" – noting that the relevant descriptor pertaining to the use of "Glade" is a 'roadway usually in a valley of trees'.

Comment:

The Geographic Names Committee, under delegation from the Minister for Lands, approves road naming proposals having regard to the document titled *Policies and Standards for Geographical Naming in Western Australia (Version 1.2)*.

Relevant extracts from the document pertaining to the renaming proposal are as follows:

1. *Section 3.17 Unnecessary Name Changes*

Proposals to change the name of a road, administrative boundary or topographic feature may be submitted to Landgate, however there must be a compelling reason for such a submission as names are intended to be enduring.

Any change to an existing name shall be discouraged unless it has been deemed to be in the public interest or for safety reasons. The changing of a name merely to correct or re-establish historical usage shall not be considered in itself a reason to change a name.

Officer Comment: The basis for this proposal is merely to recognise historical usage of the area, which as referenced above is not considered in itself a reason to change a name.

2. *Section 8.5 Road Naming Amendments*

Road names are intended to be enduring. The renaming of any road is discouraged unless there are good reasons for a change of name. Reasons that may be considered in support of a name change are:

- *Redesign of a road layout;*
- *Changed traffic flow;*
- *Mail delivery problems;*
- *The misspelling of a name in the original application;*
- *Name duplication issues; and*
- *Property street addressing issues.*

Where a change to the name of a road is proposed, the new name selected shall conform to all the necessary naming policies and standards.

For regional roads the change of name must have broad community support, and for local roads, there must be majority support from the affected landowners and residents.

Submissions for road name changes deemed to be non-essential or unnecessary shall incur a service charge.

Officer Comment: None of the reasons referenced above are relevant to the renaming proposal.

3. *Section 8.3.1 Road Name Elements*

Every road name shall consist of a single name element followed by a road type eg. Smith Road, Jones Street etc not Black Swan Drive, John Smith Avenue.

4. *Section 8.3.2 Road Types*

All road names shall include a road type. The road type must be selected from the list as shown in AS/NZS 4819:2011 Rural and Urban Addressing – Appendix A, Road Types – Australia. A copy of this road types list has been provided in this document.

Officer Comment: The proposal as currently presented is a 'double name' element (i.e. State Farm; Research Station) and provides for a road type (i.e Road) that is not relevant in this instance as the road is effectively a closed/cul-de-sac road and not an open ended road. For Council's information/consideration, attached at Attachment 8.1.1 b) is the list of suitable road types.

Having regard to the above and the Kwoorabup Community Park Working Group's non-support for the proposal (refer 'Consultation' section of this report), it is considered that the proposal to rename Jon Glade to State Farm Road or Research Station Road not be supported.

Notwithstanding the above, the local heritage significance of the former usage of the area is acknowledged and it is considered important that it should be captured and recorded accordingly via other mechanisms/avenues, being:

1. Heritage interpretation within the Kwoorabup Community Park Area – noting that the adopted Concept Plan (refer Attachment 8.1.1 c)) makes the following reference:

Interpretation:

Interpretive material to be displayed along the paths and on lookouts and boardwalks.

Interpretation shall address indigenous heritage, European settlement history, past land use and natural history.

Introductory material shall be displayed on the western wall of the public toilets.

Given the above reference, it would be recommended that the Denmark Historical Society need to progress discussions with the Kwoorabup Community Park Working Group.

2. Inclusion within the Shire's Municipal Heritage Inventory – noting that in the 2011 Municipal Heritage Inventory the Kwoorabup Community Park has been identified on the Review List.

Should Council consider that the proposal to rename the road has merit, in the first instance it is considered that the road name(s) as proposed are not relevant and due consideration needs to be given to:

- a) An appropriate road name given the preference for single names; and
- b) An appropriate road type on the basis that the current road is a closed/cul-de-sac type road.

Consultation:

As per the Geographic Names Committee's *Policies and Standards for Geographical Naming in Western Australia (Version 1.2)*, community consultation is required for all road naming proposals – with the required extent of community consultation dependent on the nature of the proposal.

In this instance, should Council consider the renaming request is appropriate for consideration, consultation should at least involve formal referral of the proposal to all adjoining landowners and a notice in the Denmark Bulletin inviting public comment on the proposal.

Comments from Kwoorabup Community Park Working Group

The renaming request was discussed at an on-site meeting of the Kwoorabup Community Park Working Group on 2 May 2013 and whilst supportive of the names proposed they are of the view that in the absence of any information supporting the basis of naming Jon Glade, the name should remain for at some point in time the name must have meant something to the community.

Statutory Obligations:

The Geographic Names Committee, under delegation from the Minister for Lands, approves road naming proposals having regard to the *Policies and Standards for Geographical Naming in Western Australia*.

Proposals normally require the support of local government, but the Minister for Lands is the final authority in all such matters.

Policy Implications:

Council Policy *P100603: Road & Reserve Naming Within the Shire* comprises a list of road names that have been approved by Council and/or the Geographic Names Committee for use when naming roads and reserves within the Shire.

Budget / Financial Implications:

Should Council consider that the request to rename Jon Glade is appropriate for consideration, public advertising of the proposed road name will be required to be undertaken – noting such advertising costs can be provided for in the 2012/13 Municipal Budget.

When the road name change request is lodged with Geographic Names Committee for approval, a service charge (currently \$257.00 GST inclusive) will be incurred as based on advice provided to date this request would be considered a non-essential road name change.

Strategic Implications:

The State Farm and Research Station both played an important role in the development of Denmark and it is acknowledged that the local heritage significance of the former usage of the Kwoorabup Community Park area should be recognised.

It is however considered that renaming an existing road to achieve such reference is not the most appropriate form – refer ‘Comment’ section of this report for other mechanisms/avenues that are considered appropriate to pursue.

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The State Farm and Research Station both played an important role in the history of Denmark and should be appropriately recorded/captured.

Voting Requirements:

Simple majority.

4.52pm – *The Director of Finance & Administration left the room.*

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1
MOVED: CR MARSHALL	SECONDED: CR SEENEY
<p>That with respect to the request to rename “Jon Glade” to “State Farm Road” or “Research Station Road”, Council advise the Denmark Historical Society that:</p> <ol style="list-style-type: none"> 1. The road renaming proposal is not supported on the basis that the renaming criteria as provided for in the Geographic Names Committee’s document titled Policies and Standards for Geographical Naming in Western Australia (Version 1.2) is not met nor are the names proposed compliant with the road naming requirements; and 2. The local heritage significance that the State Farm and Research Station played in the history of Denmark is acknowledged and it is considered more appropriate for such local heritage significance to be recorded, captured and/or interpreted via: <ol style="list-style-type: none"> a) Heritage interpretation within Kwoorabup Community Park; and b) Inclusion within the Shire’s Municipal Heritage Inventory. 	
<p>4.57pm – <i>The Director of Finance & Administration returned to the room.</i> 4.57pm – <i>The Director of Infrastructure Services left the room.</i> 4.58pm – <i>The Director of Infrastructure Services returned to the room.</i></p>	
LOST: 2/8	Res: 120513

COUNCIL RESOLUTION	ITEM 8.1.1
MOVED: CR THORNTON	SECONDED: CR MORRELL
That with respect to the request to rename “Jon Glade” to “State Farm Road” or “Research Station Road”, Council advertise the suggested name of “Research Glade” for a minimum period of 30 days and should there be no objections, the Chief Executive Officer be authorised to submit the name to the Geographic Names Committee.	
AMENDMENT	
MOVED: CR SYME	SECONDED: CR PEDRO
That the word “Station” be placed between the words “Research” and “Glade”.	
CARRIED: 10/0	Res: 130513
AMENDMENT	
MOVED: CR HINDS	SECONDED: CR LEWIS
That the word “Glade” be replaced by the word “Avenue”.	
CARRIED: 9/1	Res: 140513
AMENDED MOTION	
That with respect to the request to rename “Jon Glade” to “State Farm Road” or “Research Station Road”, Council advertise the suggested name of “Research Station Avenue” for a minimum period of 30 days and should there be no objections, the Chief Executive Officer be authorised to submit the name to the Geographic Names Committee.	
THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WHICH WAS PUT AND CARRIED: 9/1	
	Res: 150513

REASONS FOR CHANGE

The Council believed sufficient justification existed to seek to change the name to Research Station Avenue.

5.13pm – The Director of Infrastructure Services left the room.

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

The Director of Planning & Sustainability declares a proximity interest on the basis that she owns property that Policy 2.5 currently relates to, noting the policy relates to some 22 residential areas throughout the Shire.

Mrs Harbron declares that she will consider this matter on its merits and advise Council accordingly.

5.15pm – Cr Sampson left the room.

5.16pm – Cr Sampson returned to the room.

8.1.2 RESCISSION OF TOWN PLANNING SCHEME POLICY 2.5: RESIDENTIAL AREAS

File Ref:	PLN.70
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	17 May 2013
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.2 – Town Planning Scheme Policy No. 2.5

Summary:

Planning Services have undertaken a review of Town Planning Scheme Policy 2.5: Residential Areas (Policy 2.5) and as a result of the review consider that the provisions of the policy are adequately addressed in the Residential Design Codes and other associated subdivision and development processes.

As a result, Planning Services are recommending that Policy 2.5 be rescinded as per Clause 8.2.3 of Town Planning Scheme No. 3 (TPS No. 3).

Background:

Policy 2.5 was adopted by Council at its meeting of 25 November 2008 (Res No: 151108) in accordance with Clause 8.2 of TPS No. 3 (refer Attachment 8.1.2).

Comment:

Planning Services have undertaken a review the provisions of Policy 2.5 against the Residential Design Codes and associated subdivision and development processes (refer Table 1 below) and from this review it is evident that each of the policy provisions are adequately addressed via other appropriate mechanisms, thereby negating the need for Policy 2.5.

Policy Provision	Other Documents Where Provision is Addressed
Subdivision	<ul style="list-style-type: none"> • WAPC Development Control Policy documents • Liveable Neighbourhoods • Residential Design Codes • Town Planning Scheme No. 3 - i.e. density coding provisions • Structure plans
Building Envelopes	<ul style="list-style-type: none"> • Residential Design Codes – i.e. building setbacks • Subdivision conditions
Vegetation Protection	<ul style="list-style-type: none"> • Town Planning Scheme No. 3 • Structure plans • Subdivision conditions
Landscaping	<ul style="list-style-type: none"> • Structure plans • Subdivision conditions
Amenity	<ul style="list-style-type: none"> • Residential Design Codes

	<ul style="list-style-type: none"> • Planning Policies – i.e. Outbuildings
Water Supply/Effluent Disposal/Stormwater Runoff	<ul style="list-style-type: none"> • WAPC Development Control Policy documents • Liveable Neighbourhoods • Residential Design Codes • Town Planning Scheme No. 3 • Health Act 1911 • Subdivision conditions • Development approval conditions
Fire	<ul style="list-style-type: none"> • State Planning Policy 3.4 Natural Hazards and Disasters • Planning for Bush Fire Protection Guidelines • Town Planning Scheme No. 3 – Clause 5.37 • Town Planning Scheme Policy No. 36 – Building Design for Fire Safety in Specified Areas
Energy Efficient Design	<ul style="list-style-type: none"> • Residential Design Codes – Design Element 6.9: Design for Climate Requirements • Building Code of Australia • Liveable Neighbourhoods • WAPC Development Control Policy documents
Weedon Hill Structure Plan	<ul style="list-style-type: none"> • Town Planning Scheme No. 3 • Subdivision conditions
Lot 371 Horsley Road, Denmark	<ul style="list-style-type: none"> • Residential Design Codes (noting however that a minimum dwelling size is not a provision and nor should it be to encourage housing diversity).

Consultation:

As per Clause 8.2.3 b) of TPS No. 3, a formal notice of rescission in a newspaper circulating in the area is required.

Statutory Obligations:

Clause 8.2.3 of TPS No. 3 sets out the requirements for altering or rescinding a Town Planning Scheme policy.

Policy Implications:

Upon the formal notice of rescission being published, the policy will be removed from the Shire’s Planning Policy Manual.

Budget / Financial Implications:

Advertising costs are provided for within the 2012/13 Budget (Account No: 1040302).

Strategic Implications:

There are no known significant strategic implications relating to the report or 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:**

The Residential Design Codes incorporate a range of design elements that include addressing the impacts of any developments on adjoining lots and the wider locality.

Where a proposal seeks to vary the Acceptable Development Criteria provisions of the Residential Design Codes (i.e. deemed to comply if these provisions are met), then the proposal is referred to adjoining/affected landowners for comment.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.2
MOVED: CR MARSHALL	SECONDED: CR ROWLAND
That Council with respect to Town Planning Scheme Policy 2.5: Residential Areas rescind it on the basis that the provisions of the policy are adequately addressed via the Residential Design Codes provisions and/or other subdivision and development processes, with a formal notice of rescission to be published in the Denmark Bulletin as per Clause 8.2.3 of Town Planning Scheme No. 3.	
CARRIED UNANIMOUSLY: 10/0	Res: 160513

8.2 Director of Community & Regulatory Services

8.2.1 DRAFT GAS GUN NOISE MANAGEMENT PLAN

File Ref:	HLTH.7
Applicant / Proponent:	Director of Community & Regulatory Services
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	14 May 2013
Author:	Gregg Harwood, Director of Community & Regulatory Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
	8.2.1 a) – Draft Shire of Denmark Noise Management Plan
	8.2.1 b) – Best Practice Guidelines for Bird Scaring in Orchards
	8.2.1 c) – Ranger File Note
Attachments:	8.2.1 d) – Shire of Donnybrook – Noise Management Plan
	8.2.1 e) – Audible Bird Scaring Devices, Environmental Noise Guidelines

Summary:

The officer report discusses the attached “Draft Shire of Denmark Gas Gun Noise Management Plan” and recommends that it be advertised for public comment for a period of 60 days prior to its referral back to Council for consideration in the light of any comments that have been received.

Background:

In January of 2013 Council officers began receiving complaints that a gas gun was operating in a recently established commercial boutique brewing apple orchard in Glenrowan Rd.

The Acting Senior Ranger was the first officer to visit the property having been called out on a weekend and found that the two gas guns had been set to fire continuously and at a reasonably high fire rate. She asked the manager of the orchard to reduce the firing frequency of the device which he did immediately and the matter was then passed onto the Principal Environmental Health Officer for further follow up.

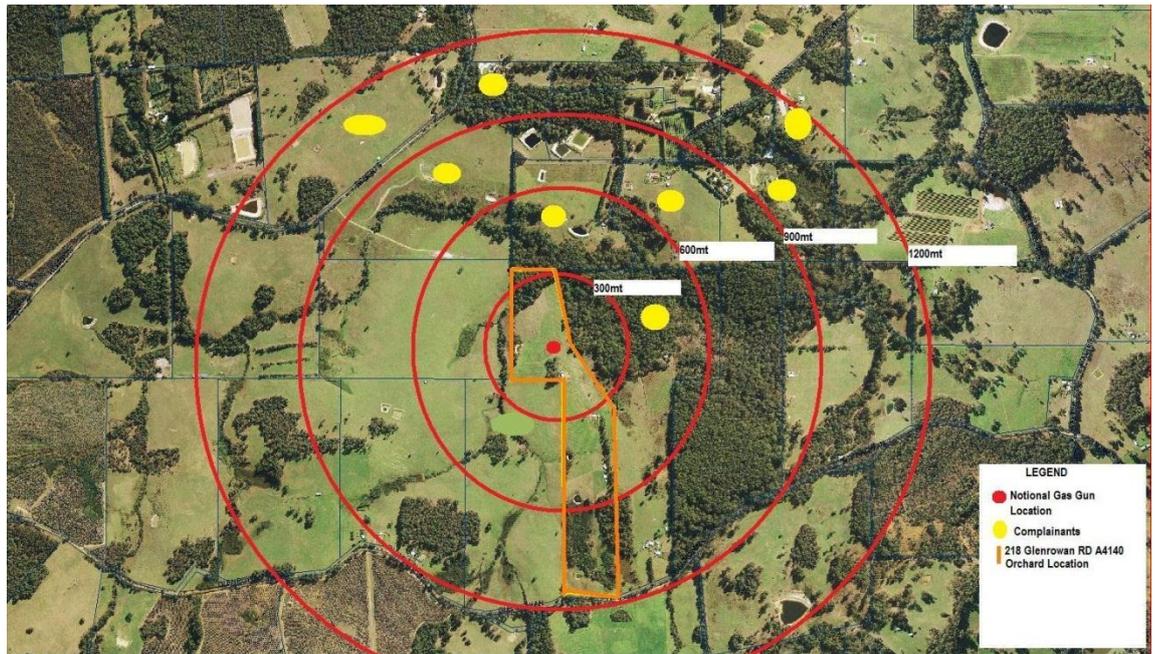
The Principal Environmental Health Officer communicated with the complainants and the owner of the orchard and succeeded in first getting the firing frequency and duration of the gas gun further reduced and subsequently in obtaining a commitment from the orchard owner to cease using the device until he had assessed its compliance with the Environmental Protection Noise Regulations 1997.

Consideration of this matter is somewhat complicated by the fact that the orchard has only recently been planted and is just getting to the point where it will be picked commercially and bird control is needed while at the same time the closest neighbour was preparing to build a house on the prime building location of their property which is only some 300m away the gas gun’s location. There is also a home holiday accommodation unit at 198 Glenrowan Rd that is a similar distance away.

A further complication in writing and the consideration of this policy is that some of the established orchards and vineyards in the more remote parts of the Shire do operate a small number of gas guns without complaint and that any across the board decision has the ability to affect these operations as well.

In the last three years Council staff have only responded to one other substantive gas gun complaint. This was in relation to a gas gun on a long established orchard in the Cussons Road area and the Principal Environmental Health Officer was in this instance able to resolve this situation by getting the owner of the orchard to recognise that the encroachment of the special residential development onto the land adjacent to his orchard meant that gas gun usage was no longer an acceptable practice.

Locality Map:



Comment:

The “Draft Shire of Denmark Gas Gun Noise Management Plan” (refer attachment) has been written using the Shire of Donnybrook’s plan which is also attached as its base. The fundamental difference between the two plans is that one of Donnybrook’s main industries is orcharding and its plan has been written as a licence to use gas guns within close proximity to dwellings while preventing the absolute abuse of that privilege. The Draft Denmark plan however has been written from the perspective of achieving sustainable gas gun usage by stipulating distances that should achieve Noise Regulation compliance and acceptable levels at adjoining residences while also protecting orchardists from unreasonable neighbourhood expectations.

The Draft Denmark plan is also more sophisticated in that it contains relaxations for existing commercial orchards that have been picking commercially for the last 10 years and have used a gas gun for at least one week per season for 3 out of the last 5 years. It also allows orchardists to seasonally negotiate reduced distances with affected neighbours and takes into account bird control guidelines which have been produced by the Department of Environment and Conservation and the collective experience in the developed countries around the world that typically a buffer of at least 500 – 600m is required between gas guns and or intensive horticulture general and residential developments with a buffer of 700-1000m being the point at which valid noise complaints are not likely to be received.

In considering these distances Councillors should note that the perception of a nuisance noise’s volume is affected by the topography, the attitude of the recipient in terms of the need or reason for the noise and level and the lack of competing back ground noises. In the case of the most recent complaint these factors combine to make 700-1000m the most acceptable outcome from the complainants’ perspective.

It should also be noted that while the draft plan will not have any statutory power as such it will act as a guide for residents and orchardists in terms of what Council and the community it represents accepts as reasonable. Once adopted the plan will be of use as an advice note on new intensive agriculture planning scheme consents and will assist both Council officers and members of the general public in initiating legal action in regards to excessive gas gun noise emissions.

Ultimately the statutory powers to deal with unwanted noise are found in the Environmental Protection Act 1986 and the Environmental Protection (Noise)

Regulations 1997 and the existence of a Shire gas gun policy would be supporting evidence as to the accepted community standard in such actions and would potentially be an important factor in determining what constitutes unreasonable interference with a person's wellbeing.

In terms of bias the draft plan clearly recognises the gentrification that has been slowly occurring in Denmark's rural areas through the acquisition of smaller farms by new owners for largely lifestyle (tree change) purposes. While it is acknowledged that this could be seen as contrary to the intent of the "Rural" zoning in Council's town planning scheme it is reflective of the expectations of many rural land holders and is consistent the development pattern that Council has been approving by allowing activities such as chalets, home holiday accommodation approvals, riding schools and the like in rural zoned areas.

A secondary factor that the policy seeks to address is some of the consequences arising from the fact that the gentrification of Denmark's inner rural areas has pushed property values to the point where it cannot be viably farmed using conventional extensive grazing methods. These elevated values mean that the only way a new purchaser can hope to viably operate and pay off a farm is to grow high value crops using intensive agriculture which in most cases attracts birds leading to a desire to use gas guns resulting in conflicts with adjoining landowners that have elevated residential expectations.

In considering the draft plan as it currently reads, Council is essentially:

- 1) Subject to the previously stated legal limitations limiting the usage of new gas guns to orchards which are on properties that are sufficiently large to enable buffers that will ensure that there should not be a significant noise problem at adjoining houses.
- 2) Allowing a reduced buffer distance to existing orchards that have been using gas guns for a considerable period without complaint.
- 3) Moving toward a policy stance that it is acceptable for the buffer (impact/ foot print) of a rural activity in a rural zoned area to cross the land of an adjoining or nearby property but that it is not appropriate for that buffer (impact/ foot print) to affect the house(s) or chalets on that property.
- 4) Communicating to those performing due diligence on future intensive farming operations that gas guns are not an acceptable bird control solution on smaller lots.

If however elected members are of the opinion that broadly speaking all rural activities should be permissible on most sized lots in a rural area and that offsite impacts should be recognised as being part of living in a rural area then it would also be quite appropriate from a land use perspective to resolve to:

- 1) Advise the complainants that it is of the opinion that all rural activities should be permissible on most sized lots in a rural area and that offsite impacts should be recognised as being part of living in a rural area.
- 2) Resolve not to release "Draft Shire of Denmark Gas Gun Noise Management Plan" for public comment as it does not support the distances and requirements contained in it.
- 3) Advise the complainants that it considers the usage of a gas guns in orchard to be a reasonable activity in a rural area and that it will not be pursuing action against the property owner under the Environmental Noise Protection Regulations 1997 and that if they desire a remedy section 79 of the Environmental Protection Act 1986 is open to them and instruct the CEO to draft a policy to this effect.

A third option would be for Councillors to request the CEO to direct staff to amend the document and for it to be returned with the as of right buffer distances reduced by either 25% or 50%. It is estimated that at 25% buffer reduction will achieve regulatory compliance in most cases and at 50% achieve regulatory compliance in some cases. Resolutions that would achieve this outcome are as follows:

- a) That the CEO be requested to direct staff to amend the "Draft Shire of Denmark Gas Gun Noise Management Plan" and for it to be returned to Council for consideration and release for public comment with the as of right buffer distances reduced by or 25%.

Or

- b) That the CEO be requested to direct staff to amend the "Draft Shire of Denmark Gas Gun Noise Management Plan" and for it to be returned to Council for consideration and release for public comment with the as of right buffer distances reduced by or 50%.

Consultation:

The Director of Community Regulatory Services and the Principal Environmental Health Officer have consulted at length with the current complainants and owner of the orchard that is the subject of those complaints and the proposed noise management plan has been drafted taking into account wider industry experience and documents.

The purpose of going to community consultation is to allow both community and industry to have input into the document.

Statutory Obligations:

CEO (as a CEO) and the Director of Community Regulatory Services (as an Environmental Health Officer) exercise various powers in relation to Noise and Pollution that have been delegated directly to them as a result of their positions by the Chief Executive Officer of Department of Environment and Conservation under the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.

Councillors should note that this direct delegation means that Delegation Nos D100504 and D100503 only recognise the authority that the CEO and Councils Environmental Health Officers (EHOs) already have.

It should also be noted that the fact that this authority to act has been delegated rather than legislated means that the CEO, the EHO's and Council as the CEO's employer can to an extent, choose where and when it enforces noise legislation.

Further to this section 79 of the Environmental Protection Act 1986 empowers members of the public to bring their own noise actions before a magistrate meaning that they still have a means of redress if Council resolves not to progress this matter on the basis that they consider the usage of gas guns to be a normal seasonal practice in a rural area.

Policy Implications:

Clause "F" of TOWN PLANNING SCHEME POLICY NO. 6 titled "GUIDELINES FOR THE MANAGEMENT OF VINEYARDS WITHIN SPECIAL RURAL ZONES" has the objective of ensuring that the management of the vineyards "Special Rural Zones" does not have a detrimental effect on the amenity of adjoining land owners and reads as follows:

"NO ARTIFICIAL BIRD CONTROL such as electronic noise emitters, discharge of firearms or chemical control shall be permitted".

The references to Noise in Council's Delegations Register and Policy Manual are as follows:

Delegation No D100504

The CEO is authorised to issue pollution abatement notices under section 55 & 99 of the Environmental Protection Act 1986.

Delegation No D100503

The CEO is authorised to approve (and refuse) Noise Management Plans that have been submitted under Regulation 13 of the Environmental Protection (Noise) Regulations 1997.

P070402 NOISE MANAGEMENT

Council acknowledges that enforcement of Noise Abatement Legislation is the responsibility of the Department of Environment and Conservation; therefore Council through its Environment Health Officer will only advise ratepayers and residents of their responsibilities under the relevant legislation and refer the disputing parties to the Department of Environment and Conservation.

The procedure for taking a noise complaint can be found in the Principal Environmental Health Officer Position Procedure Manual.

Budget / Financial Implications:

There are no known significant budgetary implications relating to the report or the officer recommendation other than the possible need to either buy or hire a tonal and octave filtering sound level meter or to engage an acoustic consultant if the situation with the current orchard's gas gun goes down the path of legal action under the Environmental Protection Noise Regulations 1997.

Tonal and octave filtering sound level meter typically cost between \$12,000 – \$30,000 to buy and about \$1,000 per week to hire and an acoustic consultants services generally cost around \$5,000 for a detailed assessment.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

Many of the birds that attack orchards are rare and endangered species and one of the difficulties with bird control is that unless active control measures are implemented from the time of planting most orchards by the time they are ready for commercial picking have already become biological hotspots that are supporting elevated populations of these birds.

Once this occurs the usage of gas guns particularly at slow and infrequent fire rates is often not effective because the birds have become habituated to the orchard and dependent on it as seasonal food source.

One of the environmental draw backs of netting is that it can lead to the injury and painful death of fruit bats as their radar cannot detect the netting in dark. This however does not seem to be a problem in orchards on the South Coast.

➤ **Economic:**

The banning of gas gun usage and the costs associated with netting orchards have the potential to have a significant impacts on the viability of orchards as the cost of netting is in the vicinity of \$5,000 - \$100,000 per hectare and nets restrict the operation of an orchard thereby increasing its operating costs.

Nets do however have a service life of about 20 years and have a pay back in that they largely eliminate losses and free staff from bird scaring duties.

➤ **Social:**

Unwanted environmental noise can have a significant impact on the amenity of neighbourhoods and the quality of individuals.

Voting Requirements:

Simpler Majority.

5.23pm – *The Chief Executive Officer left the room.*

5.24pm – *The Chief Executive Officer returned to the room.*

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR SEENEY	SECONDED: CR PEDRO
That Council document titled “Draft Shire of Denmark Gas Gun Noise Management Plan” be advertised for public comment for a period of 60 days prior to its referral back to Council for consideration in the light of any comments that have been received.	
CARRIED: 10/0	Res: 170513

8.3 Director of Infrastructure Services

Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 APRIL 2013

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	13 May 2013
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Garry Bird, Director of Finance And Administration
Attachments:	8.4.1 - Monthly Financial Report

Summary:

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

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

Background:

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

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

Comment:

Shire Trust Funds have been invested for 30 days with the National Bank, maturing 25 May 2013 at the quoted rate of 3.40%.

Reserve Funds have been invested for 30 days with the National Bank, maturing 25 May 2013 at the quoted rate of 3.40%

Surplus Municipal Funds of \$1,537,645 have been placed invested for 30 days with the National Bank, maturing 31 May 2013 at the quoted rate of 3.43%. These funds will used rapidly during June 2013 as there are a large dollar value of invoices to be paid in relation to capital works projects.

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2013 end of year position is estimated to be \$0, as per budget projections (Note 5).

- Operating revenue and expenditures are slightly higher than that predicted for 30 April 2013 (Statement of Financial Activity).
- The 2012/13 Capital Works Program is 33.15% complete as at 30 April 2013 (Note 10).
- Rates Collection percentage of 96.43% is in keeping with historical collection rates (Note 6).
- Transfers to and from Reserve Funds are to be made when the term deposit matures 25 May 2013.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

The following budget items have varied significantly from budget estimates and are raised for the attention of Elected Members and amendment to the adopted Municipal Budget;

Amendments (5)**1. Feast Not Fire Dinner**

A grant of \$1,000 has been received to supplement the existing budget allocation. Expenditure and Income accounts to increase by \$1,000 with no net impact on the Municipal Budget.

Variations (5a)**1. ESL Vehicles**

An additional 2.4 tanker for the Mehniup Brigade has resulted in an additional grant and capital expenditure of \$188,805 with no net impact on the Municipal Budget.

2. Health Accommodation Inspections

An additional income of \$9,787 has resulted from additional attention being paid to complete accommodation premises inspections.

3. Workers Compensation

The acceptance of a workers compensation claim by Council's insurer has resulted in additional expenditure and income of \$25,900. Additional income and expenses will be forthcoming for this claim.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

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

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

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

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

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Absolute Majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SAMPSON	SECONDED: CR ROWLAND
That with respect to Financial Statements for the month ending 30 April 2013, Council;	
1. Receive the Financial Report, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Amend the 2012/13 Municipal Budget as detailed in Note 5 – Adopted Budget Amendments and Variations, noting that the net effect is nil on the current budgeted surplus of Nil.	
3. Endorse the Accounts for Payment as listed.	
CARRIED UNANIMOUSLY: 10/0	Res: 180513

8.4.2 CULTURAL DEVELOPMENT FUND - 2012/13 APPLICATIONS FOR FUNDING

File Ref: PBR 12
Applicant / Proponent: Not applicable
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 12 May 2013
Author: Garry Bird, Director of Finance & Administration
Authorising Officer: Garry Bird, Director of Finance & Administration
Attachments: 8.4.2 - 2012/13 Funding Applications

Summary:

In March and April 2013, Council invited submissions for funding from the 2013/14 Cultural Development Fund.

Applications closed on the 26 April 2013, with a total of seven applications having been received by the due date.

Background:

The Cultural Development Fund is a program that has funded many successful projects in recent years and operates in accordance with Council Policy P110702 Cultural Development Fund, the accompanying Cultural Development Fund Guidelines and the annual budget allocation approved by Council for distribution from the Fund.

The 2012/13 Municipal Budget contains an allocation of \$6,750, a reduction from the \$11,000 allocated in 2011/12, due to the small number of applications received for the 2012/13 round.

Comment:

The following table summarises the applications received with the full applications attached to this Agenda Item.

GROUP/ ORGANISATION	PROJECT	FUNDING REQUESTED	PROJECT COST	MEETS FUNDING CRITERIA
Artsouth WA Inc.	2013 Southern Art & Craft Trail	\$3,000	\$34,893	Yes
Ausdance WA (Australian Dance Council Inc. – WA Branch)	Dance Documentary / Filmmaking	\$2,000	\$3,500	Yes
Denmark Circus Arts Collective In conjunction with Denmark Chamber of Commerce	Circus Equipment Purchase	\$1,260	\$2,230	Yes
Denmark Primary School P&C Association Inc.	Youth Involvement in NAIDOC week	\$1,980	\$2,830	Yes
Denmark Renaissance Dance Group & Sarabande Early Music Group	Visiting Professional Renaissance Dance Tutor + Improve/develop musicians capabilities	\$2,000	\$4,300	Yes
Green Skills Inc.	South Coast Eco-Community Art Project	\$2,000	\$14,110	Yes
Niah Kartijin Coolingars: Listen, Learn Children Inc.	Kwoorabup Culture Resource Package & Aboriginal Heritage Sites Cultural Tours	\$3,000	\$7,540	Yes
TOTAL		\$15,260	\$69,403	

The guidelines that are distributed to potential applicants for funding from the Cultural Development Fund are reproduced below to assist Elected Members in assessing the applications received;

Aims of the Cultural Development Fund

The aims of the Shire of Denmark Cultural Development Fund are:

- To extend the range of cultural activities in the Shire.
- To provide opportunities for community groups to interact with professional artists.
- To assist groups and individuals in the community to become involved in cultural activities.

Conditions and Requirements

- Project must commence and be completed in the financial year for which funding has been approved.
- 50% of the grant will be paid on approval of the project and the balance following successful acquittal of the project.
- Prior approval must be sought for any substantial change of proposal.
- Project and financial reports must be submitted to the Shire within one month from the completion of the project on the acquittal form provided.
- Acknowledgement that "This project is assisted by the Shire of Denmark" must be made in all publicity associated with the project. Use of the Shire of Denmark logo is encouraged.

Assessment Criteria

- Achievable objectives and outcomes.
- Project outcomes of artistic merit and cultural development.
- Applications will only be considered from groups and individuals from within the Shire of Denmark.
- Complete budgetary details of the project to be provided.
- Level of financial contribution by the applicant.

What is not Funded

- Ongoing expenditure in the form of operating or administrative costs.
- Applications that are insular or of self-interest.
- Applications that benefit personal business aspirations.
- Applications for projects outside the Shire of Denmark

In order to assist Elected Members determine the various merits of the applications received, the following comment is provided;

Artsouth WA Inc.	\$3,000
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- A showcase of more than 250 Great Southern artists with 60 exhibitions in a diverse array of venues.
- A popular and large scale event that has received a similar amount of funding in recent years from the Cultural Development Fund.
- Meets all eligibility requirements and organisers have proven themselves of meeting all acquittal requirements in the past.
- High level of financial contribution from other sources.

Recommended funding \$2,500 in keeping with 2012/13 allocation.

Ausdance WA (Australian Dance Council Inc – WA Branch)	\$2,000
<ul style="list-style-type: none"> • Stage one (of two stage process) in creating a dance film documentary featuring members of Denmark community. This project is designed to encourage inexperienced dancers involvement in dance for everyday life. 	

Recommended Funding \$2,000.

Denmark Circus Arts Collective In conjunction with Denmark Chamber of Commerce	\$1,260
<ul style="list-style-type: none"> • To purchase specialist equipment in order to harness Circus Arts within Denmark, with an aim to embrace and develop local youth inclusion, whilst focusing on acquiring disciplined elite level physical skills, coordination, balance, strength and athleticism. 	

Recommended funding \$750 less amounts requested for freight, cleaning and setup.

Denmark Primary School P&C Assoc Inc (NAIDOC)	\$2,000
<ul style="list-style-type: none"> • Project aimed at enriching Denmark Primary School students with Aboriginal Cultural celebrations through participation in NAIDOC week activities. 	

Recommended funding \$1,000 on basis of large sum requested relative to total project cost.

Denmark Renaissance Dance Group & Sarabande Early Music Group	\$2,000
<ul style="list-style-type: none"> • To support Dance Workshop costs with visiting professional Renaissance dance Tutor; the aim being to develop a semi-professional Denmark Community Renaissance Dance and Musicians Group who intend to perform another second Renaissance Ball and Denmark Market performance. 	

Recommended funding \$1,000 less administration and coordination costs

Green Skills Inc	\$2,000
<ul style="list-style-type: none"> • The “South Coast Eco-Community Art Project” aims to generate community engagement and cultivate participatory artistic interest in two of Green Skills Inc highest profile environmental programs being 1) Gondwana Link Project & 2) The Denmark Tip Shop & Recycle Centre. 	

Recommended Funding \$2,000 excellent project with high value of other grants.

Niah Kartijin Coolingars: Listen, Learn Children Inc	\$3,000
<p>To develop a basic Kwoorabup Culture Resource package aimed at enhancing local Noongar cultural understanding, education and tours within the Denmark. The aim is to focus on the six seasons, names, uses and significance of Aboriginal heritage sites, native plants and animals within the Denmark Shire. (NB: “tours pending approval from Noongar community”).</p>	

Recommended funding \$1,250 less administration costs specified.

Consultation:
Nil.

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Council Policy P110702 Cultural Development Fund states as follows;

1. *An annual allocation of funds be made towards community arts through the Cultural Development Fund.*
2. *Any money undistributed during the year from the Cultural Development Fund be automatically added to the principal annual funding allowance.*

It should be noted that Council determined to disband the Cultural Development Fund Committee in October 2011, with the decision on which projects are to receive funding now to be referred directly to Council.

Budget / Financial Implications:

The 2012/13 Municipal Budget contains an allocation of \$6,750 for the Cultural Development Fund, although it should be noted that this was a significant reduction from the 2011/12 year due to the small number of applications received.

The recommended funding amounts total \$10,500 which would be funded from the 2013/14 Municipal Budget.

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:**

The local tourism industry is a significant employer, with events and activities that are supported by the Cultural Development Fund contributing to the strength of this industry and providing an economic return to the wider community.

➤ **Social:**

The Cultural Development Fund Committee contributes to the social opportunities available to the Denmark community by contributing financial support to events that enhances participation and/or attendance at cultural activities.

Voting Requirements:

Simple majority.

5.38pm – *The Director of Community & Regulatory Services left the room.*

5.39pm – *The Director of Community & Regulatory Services returned to the room.*

OFFICER RECOMMENDATION

ITEM 8.4.2

That with respect to the applications for funding received for the 2013/14 Cultural Development Fund, Council approve the following applications for funding totalling \$10,500;

- | | |
|---|------------|
| 1. Artsouth WA Inc.
2013 Southern Art & Craft Trail | \$2,500.00 |
| 2. Ausdance WA (Australian Dance Council Inc. – WA Branch
Dance Documentary / Filmmaking | \$2,000.00 |
| 3. Denmark Circus Arts Collective in conjunction with Denmark | |

Chamber of Commerce	\$750.00
Circus Equipment Purchase	
4. Denmark Primary School P & C Association Inc. (NAIDOC) Youth Involvement in NAIDOC Week	\$1,000.00
5. Denmark Renaissance Dance Group & Sarabande Early Music Group	\$1,000.00
Visiting professional renaissance dance tutor & improve/develop musicians capabilities	
6. Green Skills Inc.	\$2,000.00
South Coast Eco-Community Art Project	
7. Njah Kartijin Coolingars: Listen, Learn Children Inc.	\$1,250.00
Kwoorabup Culture Resource Package & Aboriginal Heritage sites Cultural Tours	

COUNCIL RESOLUTION	ITEM 8.4.2
MOVED: CR HINDS	SECONDED: CR MORRELL
That with respect to the applications for funding received for the 2013/14 Cultural Development Fund, Council approve the following application for funding totalling \$1,000;	
1. Denmark Primary School P & C Association Inc. (NAIDOC) Youth Involvement in NAIDOC Week.	\$1,000.00
CARRIED: 10/0	Res: 190513

REASONS FOR CHANGE

Council extracted part 5 of the Officer’s Recommendation to vote on it separately to the other 6.

COUNCIL RESOLUTION	ITEM 8.4.2
MOVED: CR MORRELL	SECONDED: CR SYME
That with respect to the applications for funding received for the 2013/14 Cultural Development Fund, Council approve the following applications for funding totalling \$9,500;	
1. Artsouth WA Inc.	\$2,500.00
2013 Southern Art & Craft Trail	
2. Ausdance WA (Australian Dance Council Inc. – WA Branch)	\$2,000.00
Dance Documentary / Filmmaking	
3. Denmark Circus Arts Collective in conjunction with Denmark Chamber of Commerce	\$750.00
Circus Equipment Purchase	
4. Denmark Renaissance Dance Group & Sarabande Early Music Group	\$1,000.00
Visiting professional renaissance dance tutor & improve/develop musicians capabilities	
5. Green Skills Inc.	\$2,000.00
South Coast Eco-Community Art Project	
6. Njah Kartijin Coolingars: Listen, Learn Children Inc.	\$1,250.00
Kwoorabup Culture Resource Package & Aboriginal Heritage sites Cultural Tours	
CARRIED: 8/2	Res: 200513

8.4.3 REGIONAL LIBRARY SERVICE AND ACTIVITY PLAN

File Ref:	A3116
Applicant / Proponent:	City of Albany
Subject Land / Locality:	Shire of Denmark Public Library, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 May 2013
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Garry Bird, Director of Finance & Administration
Attachments:	8.4.3 - Draft Regional Activity Plan

Summary:

Correspondence has been received from the City of Albany seeking a contribution in the 2013/14 financial year from the Shire of Denmark for regional library services provided by the City of Albany, as the designated regional library for the Great Southern area.

The Shire of Denmark is being asked to contribute \$920.00 for the services provided, as detailed in the attached Draft Regional Activity Plan.

Background:

Historically regional library services have been provided free of charge to local libraries, with the service having been funded by the State Library Service of Western Australia (SLSWA) under the State Library Agreement. This Agreement was amended in 2011 to allow regional libraries to seek a contribution from local libraries to help cover the costs of providing this service, on the basis that the funding received from the State did not fully cover the regional libraries costs of providing the service and in effect had been subsidising this cost.

It is worth noting that the Shire of Denmark did not support this and other amendments to the Agreement, being of the view that it was a cost shifting exercise by the State to Local Government, a position not supported by the majority of Western Australian Local Government Association members.

The services available to the Shire of Denmark Public Library from the regional library include;

- Annual visit/s to each local library by Regional Librarian.
- Coordination of regional meetings and training.
- Shared contribution to regional Author visits.
- Professional advice on library related issues.

In the 2012/13 year, Council agreed to participate in the regional library scheme on the basis that there would be no cost and we would reserve our right to participate in the future if the City of Albany were to impose such a fee for service.

In order to satisfy their funding arrangements with the SLSWA, the City of Albany is required to submit their regional activity plan, signed by participating local authorities, by 31 May 2013.

The contribution requested has been calculated on a fee for service basis and is detailed in the Draft Regional Activity Plan, with hours estimated for each service provided and less the contribution paid by the SLSWA to the host regional library. Each local authority is requested to contribute the same amount on a per library basis i.e. two libraries would mean a contribution of \$1,840.00.

Comment:

The Shire of Denmark Public Library is acknowledged by users (as measured by various Community Needs and Customer Satisfaction Survey results) and the regional library as

providing a high quality service and in many respects would and has been able to operate independently of the existing regional library service, whilst still participating in regional activities.

This high level of service provided reflects the commitment and passion Library staff have for their duties. It is the view of the Director of Finance and Administration that the Denmark Public Library has operated for many years, largely independent of the regional library, with previous involvement amounting to little more than an annual visit to say how well our library operates. It is acknowledged that other smaller libraries may not have access to such professional and committed staff and would have a greater demand on the regional library for this expertise.

Of course, this situation may change at any time as our experienced and valued staff may leave and in the event of a significant level of turnover, the services of the regional librarian would most likely be required to a greater extent.

The sum requested is not significant in the context of the Municipal Budget; however the request does raise several issues that require further consideration. These issues include;

1. The transfer of what used to be a State Government responsibility to local authorities and the shifting of costs that result. Previous examples of cost shifting between State and Local Governments would lead to the conclusion that the request for funding for this service could increase over time as the State slowly and incrementally withdraw their support and the cost to the City of Albany increases.
2. The service provided by regional libraries to the operation of our local library is not critical and would most likely operate with no major loss of service to library users. In recent years the value of the regional library service has varied dependent on the individual who is appointed as the Regional Librarian and the commitment of their employer (the regional library) to the service. The Regional Activity Plan will give the Shire of Denmark some level of protection for ensuring the consistency and quality of the service to be provided.

On balance and after due consideration of the various issues and sum requested, it is the view of the Senior Librarian and Director of Finance and Administration that the benefits of participating in the Regional Library Scheme outweigh the principle of cost shifting, however this situation should be monitored and assessed in the context of the cost of participation and the service levels received, on an annual basis or longer if a longer term Plan is considered.

There may be merit in the Regional Activity Plan being prepared for an extended term, say three to five years, to avoid an annual request and debate over participation in the Scheme and the Officer Recommendation requests the City of Albany consider this matter further in advance of the 2014/15 financial year.

Consultation:

City of Albany

Statutory Obligations:

Local Government Act 1995

Library Board of Western Australia Act 1951

Policy Implications:

Nil

Budget / Financial Implications:

The 2012/13 Municipal Budget contains no provision for a contribution to the services provided by the regional library. If Council was to continue to participate in regional

library activities, an allocation of \$920.00 would need to be committed to for the 2013/14 years and in Councils Long Term Financial Plan.

Strategic Implications:

The provision of a public library service is a key strategic activity of the Shire and considered to be an important community service.

Sustainability Implications:

➤ **Environmental:**

There are no environmental implications arising from the Officer Recommendation.

➤ **Economic:**

There are no economic implications arising from the Officer Recommendation.

➤ **Social:**

The Denmark Public Library provides a valuable community service that is highly valued by local residents and tourists of all ages. It is doubtful whether this service would be unduly affected if Council determined not to participate in the regional library program.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.3
MOVED: CR MORRELL	SECONDED: CR SYME
That with respect to the request from the City of Albany to contribute \$920.00 to the regional library scheme, Council;	
1. Agree to the contribution requested for the 2013/14 year and include a commitment to this cost in the 2013/14 Municipal Budget.	
2. Advise the City of Albany that participation beyond the 2013/14 year will be dependent on service levels provided and the ongoing cost of contributing to the service, and	
3. Request the City of Albany consider any future agreements be for an extended period of between three and five years, indexed to the Consumer Price Index (WA), prior to any request for the 2014/15 financial year.	
CARRIED UNANIMOUSLY: 10/0	Res: 210513

8.4.4 YMCA - A SMART START PROGRAM; FUNDING AND VARIATION OF AGREEMENT

File Ref:	A3116
Applicant / Proponent:	YMCA
Subject Land / Locality:	Shire of Denmark Public Library, Denmark
Disclosure of Officer Interest:	Nil
Date:	13 May 2013
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Garry Bird, Director of Finance & Administration
Attachments:	8.4.4 – YMCA Proposal

Summary:

Correspondence has been received from the YMCA, Coordinators of the “A Smart Start Program”, seeking an increase to the existing funding arrangement whereby the Shire of Denmark contributes to the operation of this program, based at the Denmark Public Library.

The “A Smart Start Program (ASSP) “ is an early years initiative aimed at providing children between birth and four years, with the necessary foundation skills required for learning, social interaction, physical and mental well-being throughout life”, which has been operating from the Denmark Public Library since 2008/09.

The request seeks an additional \$778 to the existing \$772 allocated for this purpose in the 2012/13 Municipal Budget, noting that the Shire’s contribution was anticipated to increase to approximately \$1,500 in the 2013/14 year due to the increased number of children participating in the program.

A variation to the Agreement is also proposed in that the Shire would now be funding all direct salary costs associated with coordinating the program incurred by the YMCA for Denmark, rather than purchasing of materials such as books and other resources as is the existing arrangement.

Background:

The ASSP is a program delivered by the YMCA and operates throughout the Great Southern, which essentially aims to develop good learning habits in young children that have them better prepared for future schooling and foster a greater appreciation of reading and literature in general.

The YMCA have received State Government funding for the program and have required a smaller contribution from participating agencies to fund the cost of purchasing material to be distributed to the parents participating.

Corporate sponsorship has also been obtained to assist subsidise the cost to the YMCA and in turn the Shire of Denmark for delivery of the program, which will result in an improved and expanded program, with the addition of parenting skills, infant health and other related information.

In order to access ASSP, new parents who reside in the Shire of Denmark are advised of the programs availability and requested to register at the Denmark Public Library. They are then given resources to assist them in developing these learning skills, which are accompanied by ongoing workshops and social functions to provide further support.

At the local level, the program is delivered via the Denmark A Smart Start Committee which comprises representatives from relevant stakeholders such as local primary schools, the public library, health professionals and parent representatives. It should be noted that as the centre which actually delivers the program, the Shire of Denmark Public library makes the largest in-kind contribution to the program.

The ASSP has proven to be a popular program in Denmark with approximately 80 local families participating at the present time.

Comment:

The Shire of Denmark's cash contribution has increased as expected over the four year life of the program, as children depart when they enter their schooling years, and the numbers of participants increased as each new year is included in the program.

Under the existing program arrangements, the anticipated cost in 2013/14 of \$1,500 would have been the maximum contribution required as it reflects a full four years worth of participants, other than a large increase in participants in future years as a result of a change of demographics, or other reasons.

Consultation:

YMCA Denmark "A Smart Start" Committee

Statutory Obligations:

Local Government Act 1995

Library Board of Western Australia Act 1951

Policy Implications:

Nil

Budget / Financial Implications:

The 2012/13 Municipal Budget an allocation of \$772 to purchase materials associated with ASSP. The requested contribution of \$1,500 in the 2013/14 year represents approximately a 50% increase, although it should be noted that the cost of the service was anticipated to increase to \$1,500 also based on an increased number of children participating.

In addition to this direct cash contribution, Council also incurs an in kind cost in terms of the library staff time required to deliver the program, estimated to be \$2,100 per annum (60 hours @ \$35.00 per hour).

Strategic Implications:

Nil.

Sustainability Implications:

➤ **Environmental:**

There are no environmental implications arising from the Officer Recommendation.

➤ **Economic:**

There are no economic implications arising from the Officer Recommendation.

➤ **Social:**

The Denmark Public Library provides a valuable community service that is highly valued by local residents and tourists of all ages. The ASSP is a popular program that requires little Council investment and has long term benefits for the community.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.4
MOVED: CR HINDS	SECONDED: CR PEDRO
That with respect to the request from the YMCA to increase the level of funding for the “A Smart Start” program and further to vary the existing Agreement, Council;	
1. Agree to the contribution of \$1,500 as requested for the 2013/14 year and include a commitment to this cost in the 2013/14 Municipal Budget.	
2. Endorse the requested amendments to the Agreement to now cover all costs associated with the coordination of the program within Denmark, and not the purchase of materials as per the existing Agreement.	
CARRIED: 10/0	Res: 220513

8.5 Chief Executive Officer
Nil

9. COMMITTEE REPORTS & RECOMMENDATIONS

9.1 DISABILITY SERVICES ADVISORY COMMITTEE – ALLOCATION IN 2013/14 BUDGET

File Ref:	ORG.25
Applicant / Proponent:	Council's Disability Services Advisory Committee
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	8 May 2013
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

The Disability Services Advisory Committee is requesting that Council consider allocating \$5,000 in the 2013/14 Budget towards an event or activity to be facilitated in conjunction with the International Day of People with Disability 2013.

Background:

At its meeting held on the 16 April 2013 Council adopted a Policy in relation to people with disability (refer to the Policy Implications section of this report).

Council have held allocated funding towards a local activity to acknowledge the International Day of people with Disability commencing in the 2010/2011 financial year.

Comment:

The International Day of people with Disability is a United Nations sanctioned day and is generally held in December each year.

The Committee would like to start planning a local activity or event for 2013 and, whilst they will endeavour to hold events in conjunction with other government and non-government organisations, agreed that a \$5,000 allocation from Council would be sufficient to facilitate a local activity. Members have discussed the possible need to host a couple of different activities / events to encapsulate people with all sorts of disabilities, for example; people who are able bodied and people who are not so much.

At their meeting held on the 17 April 2013 the Disability Services Advisory Committee made the following recommendation;

“That Council consider allocating \$5,000 in the 2013/14 Municipal Budget towards the facilitation of an activity, function or event on behalf of the Denmark community in recognition of the International Day of People with Disability.”

Consultation:

Nil

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Policy P110708 (Recognition of People with Disability) relates and reads as follows;

“Objective

That Council ensure that the Shire of Denmark is an accessible and inclusive community for people with disabilities, their families and carers.

Policy

1. Council shall have a current Disability Access & Inclusion Plan (DAIP) which is reviewed, at least, every five (5) years, pursuant to the Disability Services Act 1993 & the Disability Services Regulations 2004. The Plan shall include an Access and Inclusion Policy Statement for people with disabilities, their families and carers.
2. Council annually host a function, activity or event for the community of Denmark which;
 - a) aims to;
 - Promote an understanding of people with disability;
 - Encourage support for their dignity, rights and well-being;
 - Increase awareness of the benefits of integration of people with disability in every aspect of political, social, economic and cultural life; and
 - Bring together individuals, businesses, community organisations and governments to celebrate and acknowledge the contributions, skills and achievements of people with disability.
 - b) Is held;
 - Held on or as close to the United Nations International Day for People with Disability each year;
 - Held in conjunction with local activities, functions or events organised by the Disability Services Commission or other relevant State agency or department, where possible;
 - Held in conjunction with local community organisations, where possible;
 - c) Is facilitated by the Council's Disability Services Advisory Committee.

Responsibility for Implementation

The Chief Executive Officer is responsible for the implementation of this Policy.

Budget / Financial Implications:

Should Council agree to consider a \$5,000 allocation in the 2013/2014 Municipal Budget, the item will be listed for Council to consider within the overall budget deliberations.

Previous Budget Allocations for this Occasion / Event

- 2012/2013 – Budget was \$1,000. Held Mobility Expo – actual expenditure was \$2,983.00 however the Denmark Health Service have indicated that they agreed to sponsor the event for approximately \$1,000.
- 2011/2012 – Budget was \$1,000. Held a concert, disabled art competition and motivation speaker.
- 2010/2011 – Budget spend was \$1,100. Held a universal access challenge with Staff, Councillors, some business managers and the Peaceful Bay Progress Association.

Strategic Implications:

Council currently incurs expenditure pursuant to the 2012/13 Budget as follows with respect to annual sponsored Council 'recognition' events;

- Australia Day \$4,500 (estimated annual average attendance numbers are 750);
- Seniors Week Function \$3,500 (afternoon tea) (estimated annual average attendance numbers are 130);
- Volunteer Day \$1,029 (estimated annual average attendance numbers are 80);
- Disability Day \$1,000 (estimated annual average attendance numbers are 50);
- Feast Not Fire Night (Bushfire Volunteers thank you evening) \$2,500 (estimated annual average attendance numbers are 120);

- Youth Week \$1,000 (estimated annual average attendance numbers are 200);
- National Youth Week Program \$1,000 (estimated annual average attendance numbers are 100 over the course of the week).

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The International Day of People with Disability “aims to promote an understanding of people with disability and encourage support for their dignity, rights and well-being.” Types of disabilities can range from physical, sensory, psychiatric, neurological, cognitive and intellectual.

One of the Committee’s objectives is to facilitate an event or activity (or more than one) which encourages, welcomes and engages people with disability. With this in mind, Members are already exploring their networks so that they can find out the sorts of things that people in Denmark who have a disability might like to be involved in.

People with disability often face many challenges, not just their disability, and often they are not able to participate in ‘mainstream’ social or recreational activities. This day provides an opportunity for Council to provide a tailored activity or event designed specifically with the needs of people with disability in mind thus highlighting Council’s commitment to ensuring that Denmark has an inclusive community.

Voting Requirements:

Simple majority.

5.59pm – *The Director of Finance & Administration left the room & did not return.*

6.06pm – *Cr Pedro left the room.*

6.07pm – *Cr Pedro returned to the room.*

COMMITTEE RECOMMENDATION

ITEM 9.1

That Council consider allocating \$5,000 in the 2013/14 Municipal Budget towards the facilitation of an activity, function or event on behalf of the Denmark community in recognition of the International Day of People with Disability.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.1

MOVED: CR HINDS

SECONDED: CR MARSHALL

That Council consider allocating the sum of \$2,000 (net of potential grants or sponsorship) in the 2013/14 Municipal Budget towards the facilitation of an activity, function or event on behalf of the Denmark community in recognition of the International Day of People with Disability.

CARRIED: 10/0

Res: 230513

9.2 BUSH FIRE CALL OUT STANDARD OPERATING PROCEDURE

File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	6 May 2013
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	9.2 – Bush Fire Response Plan

Summary:

This report seeks Council’s endorsement of a procedure that outlines the “Call Out” procedure for Bush Fire Brigades within the Shire of Denmark as recommended by the Bush Fire Advisory Committee at its March 2013 meeting, the procedure

Background:

The Community Emergency Services Manager (CESM) drafted a Standard Operating Procedure for the “Call Out” of the Shire of Denmark Bush Fire Brigades and was recommended by the Bush Fire Advisory Committee as follows;

“That the Committee recommends to Council that the following Standard Operating Procedure be adopted as an Emergency Management Standard Operating Procedure for the Shire of Denmark.

Objective

Notification of fires can take place at any time during the day or night. In some instances fires are reported through the Emergency 000 system which in turn results in the DFES 000 Service Agreement being activated.

The current DFES 000 Service Agreement is as follows;

<i>First contact</i>	<i>CESM</i>	<i>Nathan Hall</i>	<i>0428 913 937</i>
<i>Second contact</i>	<i>CBFCO</i>	<i>Graeme Thallon</i>	<i>0428 788 008</i>
<i>Third contact</i>	<i>DCBFCO</i>	<i>Wayne Kranendonk</i>	<i>0437 889 017</i>
<i>Fourth contact</i>	<i>DFES Albany</i>	<i>Duty Coordinator</i>	<i>9845 0500</i>

Alternatively, notification of fires by members of brigades or the public (not through the 000 system) should be directed to:

*The Community Emergency Services Manager
 The Chief/Deputy Bushfire Control Officer
 The Fire Control Officer for the Brigade area where the fire has been reported or
 The Shire of Denmark on 9848 0300 (during business hours).*

Once notified of a fire within the Shire of Denmark’s area of responsibility they will in turn follow the attached Shire of Denmark Bush Fire Response Plan.

Note: The Shire of Denmark encourages all members of the public to report any incidents via 000 and where a reported fire has potential implications for either DEC or VFRS, those agencies should be notified.”

This procedure identifies the current agreement that is used by the Department of Fire and Emergency Services and the Shire of Denmark known as the “000 Agreement” and aims to guide brigades and Shire Staff as to who should be contacted in the event of a bush fire related incident within the Shire of Denmark. As a result of this procedure it should allow a consistent approach to the dispatching of bush fire brigades.

Comment:

This procedure will provide clarity and efficiency in the timely deployment of bush fire brigades to emergency incidents. Furthermore the utilisation of the Bush Fire Response Plan allows for a minimum number of brigades to be dispatched to an incident in line with the forecasted weather conditions on the day as well as providing an indication of when DEC or DFES support should be sort.

Using the Bush Fire Response Plan will also help to minimise the spread and damage caused by a bush fire as suitable resources will either be responding to the fire or placed on standby.

Consultation:

The Community Emergency Services Manager has consulted with the Director of Community and Regulatory Services and the Chief Bush Fire Control Officer in relation to this procedure. Brigades through their respective Committee members were given 3 months to comment on the procedure.

The procedure was then taken to the March 2013 Bush Fire Advisory Committee where it was recommended without alteration.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

If this procedure is adopted by Council it will become an Emergency Management Standard Operating Procedure for the Shire of Denmark.

Budget / Financial Implications:

There are no known financial implications upon the Council's current Budget or Plan for the future as any financial requirements for the response of Bush Fire Brigades to a bush fire will be paid for via the Local Government Grant Scheme (LGGS) or the Council's Fire Fighting Expenses account.

Strategic Implications:

There are known significant strategic implications relating to the report in that bush fire brigades will be dispatched in a timely and efficient manner and as a result could significantly minimize the size and impact of a bush fire.

Sustainability Implications:**➤ Environmental:**

Timely and sufficient responses by bush fire brigades and contractors could lower the impact of a bush fire on the environment.

➤ Economic:

Timely and sufficient responses by bush fire brigades and contractors could lower the impact of a bush fire on the local economy.

➤ Social:

Timely and sufficient responses by bush fire brigades and contractors could lower the impact of a bush fire on the local community.

Voting Requirements:

Simple majority.

6.19pm – Cr Lewis left the room.

6.20pm – Cr Lewis returned to the room.

6.26pm – Cr Rowland left the room.

6.28pm – Cr Sampson left the room.

6.29pm – Cr Rowland returned to the room.

6.30pm – Cr Sampson returned to the room.

COMMITTEE & OFFICER RECOMMENDATION

ITEM 9.2

That Council adopt the following Standard Operating Procedure as an Emergency Management Standard Operating Procedure for the Shire of Denmark.

Objective

Notification of fires can take place at any time during the day or night. In some instances fires are reported through the Emergency 000 system which in turn results in the Department of Fire & Emergency Services (DFES) 000 Service Agreement being activated.

The current DFES 000 Service Agreement is as follows;

First contact	CESM	Nathan Hall	0428 913 937;
Second contact	CBFCO	Graeme Thallon	0428 788 008;
Third contact	DCBFCO	Wayne Kranendonk	0437 889 017;
Fourth contact	DFES Albany	Duty Coordinator	9845 0500.

Alternatively, notification of fires by members of brigades or the public (not through the 000 system) should be directed to:

- The Community Emergency Services Manager;
- The Chief/Deputy Bushfire Control Officer;
- The Fire Control Officer for the Brigade area where the fire has been reported;
or
- The Shire of Denmark on 9848 0300 (during business hours).

Once notified of a fire within the Shire of Denmark's area of responsibility they will in turn follow the attached Shire of Denmark Bush Fire Response Plan.

Note: The Shire of Denmark encourages all members of the public to report any incidents via 000 and where a reported fire has potential implications for either Department of Environment & Conservation or Volunteer Fire & Rescue Service, those agencies should be notified.

COUNCIL RESOLUTION

ITEM 9.2

MOVED: CR MORRELL

SECONDED: CR SEENEY

That Council adopt the following Standard Operating Procedure as an Emergency Management Standard Operating Procedure for the Shire of Denmark.

Objective

Notification of fires can take place at any time during the day or night. In some instances fires are reported through the Emergency 000 system which in turn results in the Department of Fire & Emergency Services (DFES) 000 Service Agreement being activated.

The current DFES 000 Service Agreement is as follows;

First contact	CESM	Nathan Hall	0428 913 937;
Second contact	CBFCO	Graeme Thallon	0428 788 008;
Third contact	DCBFCO	Wayne Kranendonk	0437 889 017;
Fourth contact	DFES Albany	Duty Coordinator	9845 0500.

Alternatively, notification of fires by members of brigades or the public (not through the 000 system) should be directed to:

- The Community Emergency Services Manager;
- The Chief/Deputy Bushfire Control Officer;
- The Fire Control Officer for the Brigade area where the fire has been reported;
- or
- The Shire of Denmark on 9848 0300 (during business hours).

Once notified of a fire within the Shire of Denmark’s area of responsibility they will in turn follow the attached Shire of Denmark Bush Fire Response Plan.

Note: The Shire of Denmark encourages all Brigade Members to report any incidents via 000 and where a reported fire has potential implications for either Department of Environment & Conservation or Volunteer Fire & Rescue Service, those agencies should also be notified.

CARRIED: 10/0

Res: 240513

REASONS FOR CHANGE

Council clarified the notation at the end of the Procedure by changing the words “all member of the public” to “Brigade Members” and added the word “also” between the words “should” and “be”.

The Shire President noted that the time for the second Public Question Time had passed however he had noted that there were no members in the public gallery and he had not wanted to interrupt debate on Item 9.2.

9.3 SENIORS ADVISORY COMMITTEE – SENIORS FUNCTION 2013/14 BUDGET REQUEST

File Ref: SER.3
Applicant / Proponent: Seniors Advisory Committee
Subject Land / Locality: Not applicable
Disclosure of Officer Interest: Nil
Date: 17 May 2013
Author: Claire Thompson, Executive Assistant
Authorising Officer: Dale Stewart, Chief Executive Officer
Attachments: No

Summary:

The Seniors Advisory Committee have requested that Council allocate \$5,000 in the 2013/14 Municipal Budget for the 2013 Seniors Function.

Background:

Council has been hosting an annual function for the senior citizens of Denmark for over 20 years.

In 2012 the Committee decided to change the format of the function from a lunch to an Afternoon Tea in order to reduce the cost to Council. As seen under Budget Implications this resulted in a significant cost reduction however there was also a noticeable reduction in the number of people who attended.

Comment:

At their meeting held on the 4 April 2013, Council's Seniors Advisory Committee made the following recommendation.

“That the Seniors Advisory Committee recommend to Council an allocation of \$5,000 towards the 2013 Seniors Function, in the 2013/14 Budget, based on a similar event as last year.”

Consultation:

Seniors Advisory Committee members.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Council Seniors Policy P080601 relates, in particular Section D (Recreation & Leisure), Objective 2 contains a strategy which states:

“Council shall convene/host and afternoon tea for the senior citizens of the Denmark community once annually in November.”

Budget / Financial Implications:

Cost Comparison of Council Facilitated Community Events (the number in brackets represents the approx. Number of attendees)			
Year	Seniors Function	Thank A Volunteer Function	Australia Day
2012	\$2,632.00 (91)	\$2,152.00 (100)	\$4,900.00 (750)
2011	\$5,601.00 (137)	\$1,000.00 (50)	\$4,797.00 (750)
2010	\$7,276.00 (173)	\$2,688.00 (60)	\$3,775.00 (550)
2009	\$5,920.00 (140)	No function	\$2,698.00 (450)
2008	\$5,920.00 (148)	\$2,261.00 (187)	\$2,500.00 (350)

* The Seniors Function in 2012 was an Afternoon Tea as opposed to a lunch which had been provided in the years previous.

Approximate cost per head			
Year	Seniors Function (Generally includes provision of Sherry)	Thank A Volunteer Function (Generally includes alcohol)	Australia Day
2012	\$28.92	\$21.52	\$6.53
2011	\$40.88	\$20.00	\$6.39
2010	\$42.05	\$44.80	\$6.86
2009	\$37.78	-	\$6.00
2008	\$40.00	\$12.09	\$7.14

For organisations who host an event during the Bendigo Bank Seniors Week (this year 6th to the 13th November 2011) a grant of up to \$1,000 (plus GST) is available, which can be used to assist with the running costs however, a maximum of only 10%, of the total funding received, can be used for catering purposes.

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:**

The Seniors Function provides an excellent opportunity for Council to formally recognise and thank Denmark’s senior citizens for the valuable contribution to our community in the past, the present and the future.

Each year the event is widely advertised in an attempt to capture as many eligible seniors and enable them to attend the lunch especially those seniors who wouldn’t or couldn’t ordinarily participate and those who could be at risk of becoming socially isolated.

The function has proven to be extremely popular and is generally a very enjoyable, social activity for those who attend.

Voting Requirements:

Simple majority.

COMMITTEE & OFFICER RECOMMENDATION

ITEM 9.3

That Council consider an allocation of \$5,000 towards the 2013 Seniors Function, in the 2013/14 Budget, based on a similar event as last year.

COUNCIL RESOLUTION

ITEM 9.3

MOVED: CR HINDS

SECONDED: CR ROWLAND

That Council consider an allocation of \$5,000 towards the 2013 Seniors Function, in the 2013/14 Budget, based on a similar event as last year and in accordance with Council Policy P080601.

CARRIED BY THE CASTING VOTE OF THE SHIRE PRESIDENT: 6/5 Res: 250513

REASONS FOR CHANGE

Council added the words “and in accordance with Council Policy P080601” for clarity.

9.4	SENIORS ADVISORY COMMITTEE – RECOMMENDED CHANGES TO SENIORS POLICY P080601
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File Ref:	SER.3
Applicant / Proponent:	Seniors Advisory Committee
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	17 May 2013
Author:	Claire Thompson, Executive Assistant
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	Draft Amended Seniors Policy

Summary:

The Seniors Advisory Committee recommends some changes to Council's Seniors Policy.

Background:

The Shire of Denmark Age Friendly Community Study (June 2011) made 35 recommendations which were incorporated into an Implementation Plan which was adopted by Council at its meeting held 12 June 2012 (Resolution No. 070612).

One of the overarching strategies of the Implementation Plan was "That Council reviews its current Seniors Policy in light of the following recommendations from the Study". The Seniors Advisory Committee (SAC) established a sub-Committee of members to review the Policy and make recommendation back to the SAC. This task has now been completed.

Comment:

At their meeting held on the 4 April 2013, Council's Seniors Advisory Committee made the following recommendation.

"That Council make the following changes to Council's Seniors Policy P080601;

1. *SECTION B – Add a new Strategy under Objective 3 which reads "Monitor, on at least an annual basis, the number of occupied beds, compared to funded or available beds, being provided at the Denmark Health Service Blue Wren Lodge to ensure that a sufficient number have been planned for the ageing population and to enable forward staging of the second wing of the facility as proposed in the Denmark Health Service Master Plan".*
2. *SECTION C - Add a replacement Objective 6 and Strategies as follows;
Objective 6 – replace with the words "To encourage the Denmark Health Service to address key issues relating to the needs of Seniors."*

Strategies:

- *The Seniors Advisory Committee to meet with the Health Service Manager of the Denmark Health Service to give support to the principle and assist in identifying areas of need and develop appropriate strategies to meet these needs.*
 - *The Denmark Over 50s Association be encouraged to nominate a Senior to represent Seniors' interests on the Denmark Health Hub.*
3. *SECTION D - new strategies under Objective 1 to read; "Determine the projected use by Seniors of such a centre" and "Determine the annual running cost of such a centre".*
 4. *SECTION E – Add a new strategy under Objective 3 to read, "Council identify opportunities for seniors to volunteer use of their skills".*

Officers made the draft changes following as per the above recommendation and made a number of other changes which related to grammar, current practice and accuracy.

This was then re-presented back to the SAC at their meeting held on 2 May 2013 where the following was recommended by the Committee;

Note: the resolution below was made after consideration of Recommendation 22 of the Age Friendly Community Study Implementation Plan. (Item 6.9 on the Committee's Agenda).

"The existing Seniors Policy Section A have additional strategies added as follows;

- *"Council prioritise the need for additional seating within the Denmark CBD, parks and gardens and on footpaths and walk trails.";*
- *"When conducting events Council assess the duration and timing of the event together with the demographic of the likely attendees and ensure appropriate seating is provided and/or encourage attendees to provide their own" and*
- *"When liaising with external organisers of events in the Shire, Council request that they assess the duration and timing of the event together with the demographic of the likely attendees and ensure appropriate seating is provided and/or encourage attendees to provide their own."*

"That the Seniors Policy P080601 as amended and with the changes as approved under Item 6.9, be recommended for Council's consideration."

The draft amended Seniors Policy is now attached for Council's consideration.

Consultation:

Seniors Advisory Committee members.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

If Council approve the changes to the Seniors Policy P080601, those changes will be reflected in Council's Policy Manual.

Budget / Financial Implications:

There are no known budget / financial implications relating to the report or the Committee Recommendation.

Strategic Implications:

Council's Seniors Policy provides some strategic direction for Council & Staff in relation to matters pertaining to senior citizens of Denmark.

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's Senior Policy identifies Council's commitment to provide an inclusive community and recognises some of the limitations & barriers which are sometimes faced by senior citizens in Denmark.

Voting Requirements:

Simple majority.

9.5	LOCAL EMERGENCY MANAGEMENT COMMITTEE - COMMUNITY RISK STUDY REPORT – KENTON, PEACEFUL BAY & NORNALUP
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File Ref:	ORG.20
Applicant / Proponent:	Local Emergency Management Committee
Subject Land / Locality:	Kenton, Peaceful Bay & Nornalup
Disclosure of Officer Interest:	Nil
Date:	6 May 2013
Author:	Nathan Hall, Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	9.5 – Community Risk Study Report

Summary:

The purpose of this report is for Council to consider adopting the 2012 Community Risk Study Report and its six recommendations that relate to Kenton, Peaceful Bay and Nornalup Settlements as recommended by the Local Emergency Management Committee at its March 2013 meeting.

Background:

In 2009, the Shire of Denmark commissioned the Western Australian Local Government Association (WALGA) to conduct a Denmark town site, community risk study into natural and technological hazards that may impact on the community. This study was funded through a grant that was obtained from the All West Australians Reducing Emergency (AWARE) program and was completed in 2010.

In 2011, the Shire of Denmark obtained further funding through the AWARE program to complete a similar risk study centred on the communities of Kenton, Peaceful Bay and Nornalup. This risk study focused on the risk that the residents of those communities perceive that they face from all hazards and compliments the work done previously to analyse the risk to the Denmark town site.

Once the report was completed it was tabled at the March 2013 Local Emergency Management Committee meeting where it was recommended to Council for adoption with one alteration, recommendation 4 being updated to reflect the upcoming fire season of 2013/14.

“That the Committee recommends to Council that;

It adopts the 2012 Community Risk Study Report and the 6 recommendations contained within, with recommendation 4 being updated to reflect the upcoming 2013/14 bush fire season.”

Whilst not included in the Committee’s Decision (above) the following list details the recommendations referred to and have been included in the Committee Recommendation contained within this report.

1. That the Shire of Denmark ensures that there is a clear understanding between all bushfire response agencies (DFES, DEC and Police) for the need of early evacuation of Kenton and Peaceful Bay should a bushfire be assessed as having a likelihood of impacting on these settlements.
2. That the Shire of Denmark rigorously enforces fire break notices and requires strict adherence to Shire’s planning laws relating to bush fire hazard separation zones.
3. That the Shire of Denmark urgently review future planning of sub-divisions having due regard to the Department of Planning/DFES publication “Planning for Bushfire Protection”.
4. That prior to the commencement of the 2013/14 bushfire season, the Shire of Denmark embark on a public education program with the communities of Kenton, Nornalup, and Peaceful Bay to heighten public awareness of bush fire risk, particularly for absentee land holders and rental occupants.
5. That the Shire of Denmark review further static water points for filling of fire appliances in Peaceful Bay, Nornalup and Kenton.

6. That the Shire of Denmark investigate strategies for the evacuation for large numbers of holiday makers during the holiday periods at Peaceful Bay.

Comment:

In 2011, the Shire of Denmark was granted funding through the AWARE program to complete a risk study in the communities of Kenton, Nornalup and Peaceful Bay. This risk study focused on the risk to those three communities from all hazards and compliments the work done previously to analyse the risk to the Denmark town site.

There were three workshops conducted in the study communities where the subject of risk from natural and technological hazards was discussed with the attendees and an outline and explanation of the Shire of Denmark emergency risk management process was delivered. The risks identified through the community based risk study completed in 2010 were communicated and participants were asked to provide local area information that should be considered. In the three workshops conducted, no new information was divulged that would add significantly to the study already completed. It was clear from the outset that the major threat for these three communities was bushfire.

The risk methodology used for the bushfire in this study is based on the widely accepted Rural and Urban Bushfire Threat Analysis (RUBTA). The tool provides a system that emergency service managers can use to quantify decisions associated with hazards, risks and values to determine the threat that a specific hazard would pose. The tool has proved particularly useful when applied as it has been in this study to isolated rural communities. The participants in this study were all local residents of each of the sub-divisions and brought to the study a wide range of local knowledge and experience. The Keilty Report into the Perth Hills Fires "A Shared Responsibility" identified that Local Governments needed to do more to educate their community regarding the dangers bushfires present and encourage them to be aware of the danger and do more towards their own mitigation efforts. The Shire of Denmark has taken the lead in this regard and through the 2010 risk study established the benchmark for community involvement.

By adopting the 2012 Community Risk Study Report and the six related recommendations Council will be taking a proactive step towards assisting the Kenton, Nornalup and Peaceful Bay communities in becoming more resilient to natural disasters such as bushfire.

The 2012 Community Risk Study Report once adopted will become a supplementary document, like the 2010 Denmark Town Site Risk Study, for the Shire of Denmark Emergency Management Arrangements, with a similar review period of every 3 years.

Consultation:

Community based risk analysis workshops were conducted at each of the three identified locations to enable the community to provide input in regards to the hazards within their community.

The Local Emergency Management Committee reviewed the Community Risk Study Report at its March 2013 committee meeting.

Statutory Obligations:

There are no statutory obligations relating to the Community Risk Study Report however, this report will be complementary to the Shire's Emergency Management Arrangements. The Emergency Management Arrangements are a requirement of the Emergency Management Act 2005.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are known financial implications upon the Council's current Budget as the study report has identified six recommendations to assist in making the communities of

Kenton, Peaceful Bay and Nornalup safer. Generally funding to undertake these tasks could be utilised from Council's current budget allocation for LEMA consultancies.

Strategic Implications:

There are significant strategic implications relating to the report through the improved understanding and knowledge of the risks that have been identified by the Community Risk Study Report in the communities of Kenton, Peaceful Bay and Nornalup.

The recommendations from the report could result in strategies being formed to mitigate the identified risks.

Sustainability Implications:

➤ **Environmental:**

Should the report and related recommendations be adopted, the resulting emergency management mitigation work could assist in protecting significant environmental assets.

➤ **Economic:**

Should the report and related recommendations be adopted, the resulting emergency management mitigation work could assist in protecting significant economic assets within the Shire of Denmark, for example loss of business from a disaster.

➤ **Social:**

Should the report and related recommendations be adopted, the resulting emergency management mitigation work could assist in protecting the social values within the Shire of Denmark by building a more resilient and knowledgeable community.

Voting Requirements:

Simple majority.

COMMITTEE RECOMMENDATION

ITEM 9.5

That Council adopt the 2012 Community Risk Study, for the Communities of Kenton, Peaceful Bay and Nornalup, and implement the six identified recommendations as listed below;

1. That the Shire of Denmark ensures that there is a clear understanding between all bushfire response agencies (DFES, DEC and Police) for the need of early evacuation of Kenton and Peaceful Bay should a bushfire be assessed as having a likelihood of impacting on these settlements.
2. That the Shire of Denmark rigorously enforces fire break notices and requires strict adherence to Shire's planning laws relating to bush fire hazard separation zones.
3. That the Shire of Denmark urgently review future planning of sub-divisions having due regard to the Department of Planning/DFES publication "Planning for Bushfire Protection".
4. That prior to the commencement of the 2013/14 bushfire season, the Shire of Denmark embark on a public education program with the communities of Kenton, Nornalup, and Peaceful Bay to heighten public awareness of bush fire risk, particularly for absentee land holders and rental occupants.
5. That the Shire of Denmark review further static water points for filling of fire appliances in Peaceful Bay, Nornalup and Kenton.
6. That the Shire of Denmark investigate strategies for the evacuation for large numbers of holiday makers during the holiday periods at Peaceful Bay.

In regards to recommendation 3 of the Community Risk Study Council, Officers Annette Harbron, the Director of Planning and Sustainability and Nathan Hall the Community Emergency Services Manager, have identified that the Shire of Denmark already actively uses the Department of Planning/DFES publication "Planning for Bushfire Protection" when considering sub-division recommendations for the Western Australian Planning Commission.

It should be noted that the Department of Planning/DFES publication "Planning for Bushfire Protection" is not able to be retrospectively applied to existing sub-divisions and highlights why the sub-divisions at Peaceful Bay and Kenton do not meet current standards.

In order to identify that the Shire of Denmark is already undertaking "best practice" when it comes to recommendations for the WA Planning Commission, recommendation 3 has been updated to state:

"That the Shire of Denmark continue to be guided by the Department of Planning/DFES publication "Planning for Bushfire Protection" when submitting recommendations to the Western Australian Planning Commission for the development of sub-divisions".

OFFICER RECOMMENDATION

ITEM 9.5

That Council adopts the 2012 Community Risk Study, for the Communities of Kenton, Peaceful Bay and Nornalup, as well as the six identified recommendations as listed below;

1. That the Shire of Denmark ensures that there is a clear understanding between all bushfire response agencies (DFES, DEC and Police) for the need of early evacuation of Kenton and Peaceful Bay should a bushfire be assessed as having a likelihood of impacting on these settlements.
2. That the Shire of Denmark rigorously enforces fire break notices and requires strict adherence to Shire's planning laws relating to bush fire hazard separation zones.
3. That the Shire of Denmark continue to be guided by the Department of Planning/DFES publication "Planning for Bushfire Protection" when submitting recommendations to the Western Australian Planning Commission for the development of sub-divisions.
4. That prior to the commencement of the 2013/14 bushfire season, the Shire of Denmark embark on a public education program with the communities of Kenton, Nornalup, and Peaceful Bay to heighten public awareness of bush fire risk, particularly for absentee land holders and rental occupants.
5. That the Shire of Denmark review further static water points for filling of fire appliances in Peaceful Bay, Nornalup and Kenton.
6. That the Shire of Denmark investigates methods of evacuation for large numbers of holiday makers during the holiday periods at Peaceful Bay.

COUNCIL RESOLUTION

ITEM 9.5

MOVED: CR SEENEY

SECONDED: CR MARSHALL

That Council adopts the 2012 Community Risk Study, for the Communities of Kenton, Peaceful Bay and Nornalup, as well as the six identified recommendations as listed below;

1. That the Shire of Denmark ensures that there is a clear understanding between all bushfire response agencies (DFES, DEC and Police) for the need of early evacuation of Kenton and Peaceful Bay should a bushfire be assessed as having a likelihood of impacting on these settlements.
2. That the Shire of Denmark rigorously enforces fire break notices and requires strict adherence to Shire’s planning laws relating to bush fire hazard separation zones.
3. That the Shire of Denmark continue to be guided by the Department of Planning/DFES publication “Planning for Bushfire Protection” when submitting recommendations to the Western Australian Planning Commission for the development of sub-divisions.
4. That prior to the commencement of the 2013/14 bushfire season, the Shire of Denmark embark on a public education program with the communities of Kenton, Nornalup and Peaceful Bay to heighten public awareness of bush fire risk, particularly for absentee land holders and rental occupants.
5. That prior to the commencement of the 2013/14 bushfire season the Shire of Denmark review further static water points for filling of fire appliances in Peaceful Bay, Nornalup and Kenton.
6. That prior to the commencement of the 2013/14 bushfire season the Shire of Denmark investigates methods of evacuation for large numbers of holiday makers during the holiday periods at Peaceful Bay.

CARRIED UNANIMOUSLY: 10/0

Res: 270513

REASONS FOR CHANGE

Council added the words “That prior to the commencement of the 2013/14 bushfire season” to parts 5 & 6 of the Officer’s Recommendation.

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

6.59pm - There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.

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

Signed: _____

Dale Stewart – Chief Executive Officer

Date: _____

These minutes were confirmed at the meeting of the _____

Signed: _____

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