



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 16 OCTOBER 2012.

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Ordinary Council Meeting

16 October 2012

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.02pm - The Shire President, Cr Thornton, declared the meeting open.

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

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Kelli Gillies
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall (from 4.07pm)
- Cr Ian Osborne
- Cr Dawn Pedro
- Cr Belinda Rowland
- Cr Alex Syme

STAFF:

- Mr Dale Stewart (Chief Executive Officer)
- Mr Garry Bird (Director of Finance & Administration)
- Mr Gregg Harwood (Director of Community & Regulatory Services) (from 4.03pm)
- Mr Rob Whooley (Director of Infrastructure Services) (from 4.06pm)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Mrs Annette Harbron (Director of Planning & Sustainability)
- Cr Roger Seeney

ON LEAVE OF ABSENCE:

- Cr David Morrell

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 2
- Members of the press in attendance at the commencement of the meeting: 0

DECLARATIONS OF INTEREST:

| Name | Item No | Interest | Nature |
|------------|---------|--------------|---|
| Cr Syme | 10.2 | Impartiality | Cr Syme's grandson is one of the applicants. |
| Cr Sampson | 10.1 | Impartiality | Cr Sampson's partner's daughter is one of the applicants. |

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

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 Mrs Ellen Fox – Item 8.1.1 (Request for Vehicular Access to Reserve 32114 (Lot 2303) Associated with Proposed Outbuilding – No. 46 (Lot 46) Williams Road, Peaceful Bay

Mrs Fox spoke as the applicant and gave a brief overview of their application and the reasons behind it. Mrs Fox advised that their application did not encroach on the track, which was used and maintained by people who lived locally, and that it would be in their best interest to ensure that the track was still maintained.

4.03pm – The Director of Community & Regulatory Services entered the room.

4.06pm – The Director of Infrastructure Services entered the room.

4.07pm – Cr Marshall entered the room.

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

| | |
|---|----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 6.1 |
| MOVED: CR PEDRO | SECONDED: CR SAMPSON |
| That the minutes of the Ordinary Meeting of Council held on the 25 September 2012 be confirmed as a true and correct record of the proceedings. | |
| CARRIED: 10/0 | Res: 011012 |

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 FOR VEHICULAR ACCESS TO RESERVE 32114 (LOT 2303) ASSOCIATED WITH PROPOSED OUTBUILDING – NO. 46 (LOT 46) WILLIAMS ROAD, PEACEFUL BAY

| | |
|--|--|
| File Ref: | A3147; A1981 (2012/120); |
| Applicant / Proponent: | D & E Fox |
| Subject Land / Locality: | Reserve 32114 (Lot 2303) and No. 46 (Lot 46) Williams Road, Peaceful Bay |
| Disclosure of Officer Interest: | Nil |
| Date: | 2 October 2012 |
| Author: | Annette Harbron, Director of Planning & Sustainability |
| Authorising Officer: | Annette Harbron, Director of Planning & Sustainability |
| Attachments: | 8.1.1 a) – Plans of Development Proposal 8.1.1 b) – Fire Break Plan for Reserve 32114 8.1.1 c) – Photos of Reserve 32114 |

Summary:

The proponent is seeking Planning Approval for an outbuilding on No. 46 (Lot 46) Williams Road, Peaceful Bay, with vehicular access to the outbuilding proposed to be via adjoining Reserve 32114 (Lot 2303) which is the subject of a Management Order to the Shire of Denmark for the purposes of 'Public Recreation'.

There is a current access road within Reserve 32114 (Lot 2303) however this is a strategic fire break thus it is recommended that the request for vehicular access not be supported and that the Planning Approval that is issued for the outbuilding require modifications accordingly to reflect this decision (i.e. the rollerdoor be removed).

It is also recommended that there be an additional recommendation requiring all other landowners that appear to utilise Reserve 32114 (Lot 2303) for vehicular access and/or private use (i.e. gardens) to cease such usage and where relevant rehabilitate the area.

Background:

Current Planning Application 2012/120)

An application for Planning Approval was lodged with Planning Services in July 2012 for an outbuilding on No. 46 (Lot 46) Williams Road, Denmark – refer Attachment 8.1.1 a). In support of the application, the following information was provided by the applicant:

- *The building has been designed on the boundary due to the layout of existing buildings and the size required for a boat and caravan;*
- *The height is required to accommodate a boat and caravan;*
- *Vehicular access to the shed is via a rollerdoor opening onto the adjoining reserve. This has been necessary due to existing structures on-site restricting access with a boat and caravan to the shed being via the rear of the property. Whilst we realise this is not a designated laneway, it is used to access the rear of properties for owners and government departments.*

As part of the consideration of the proposal, noting the provisions of Town Planning Scheme Policy No. 13.3: Outbuildings, the application was referred to the adjoining landowner's for comment as:

- The outbuilding is proposed to be built on the boundary;
- The outbuilding has a wall height of 3.3 metres (NB: is 3.6 metres on the boundary however as per the Residential Design Codes, wall height is measured to the median level of the roof where a skillion/offset type roof is proposed); and

- The outbuilding, if approved, will result in a maximum cumulative total floor area of outbuildings for the site being approximately 113m².

At the end of the referral period, Planning Services did receive correspondence from one of the adjoining landowner's wanting to ensure that the outbuilding was not going to be utilised for work purposes. If the application is approved, a condition to this effect would be imposed on the approval (as is the case with all outbuildings of this nature).

As this proposal entails vehicular access to the outbuilding via Reserve 32114 (Lot 2303), this planning application has been referred to Council for its consideration as the landowner (via a Management Order) as to whether approval will be granted for vehicular access.

Reserve 32114

Reserve 32114 (Lot 2303), created via the subdivision approval process is the subject of a Management Order to the Shire of Denmark for the purposes of 'Public Recreation'.

In 1999, a number of adjoining landowner's/residents wrote to the Shire of Denmark with their concerns regarding fuel reduction burning of the reserve given the increasing wildlife in the area and the existing vegetation. The residents acknowledged the reserve was a potential fire hazard and consequently requested the Shire's consideration of a fire management plan for the reserve that would comprise of weeding, removing the fuel load on the ground and controlled selective burns.

After consultation between the Shire of Denmark, adjoining landowner's/residents and interested parties, a Fire Break Plan was compiled for the reserve – refer Attachment 8.1.1 b). The firebreaks were installed in late 1999, noting however that in places the firebreaks were greater than the 4 metre width agreed to due to a number of factors, including the need to re-route the alignment of the fire break behind properties where property owners had extended their garden into the Reserve.

Comment:

As mentioned above, the key matter for Council's consideration pertains to whether vehicular access via adjoining Reserve 32114 is supported – noting that if vehicular access is not supported the proposal as currently presented should be modified such that the rollerdoor is not provided for on the eastern elevation (i.e. opening onto the adjoining Reserve 32114) – noting that the proponent has indicated to Planning Services that if Council refuses vehicular access that they still want the outbuilding to proceed albeit without the rollerdoor on the rear elevation.

Planning Services have recently undertaken a visual inspection of the area and this has identified that:

- One property does utilise the fire break regularly for vehicular access to the side/rear of the property – refer Attachment 8.1.1 c) Photos 3 and 4. Planning Services have reviewed the relevant property file and there is no record of approval having been granted for such arrangement to occur – noting that there is the potential for access to the side/rear to be obtained without accessing the Reserve should Council seek to cease such activity from occurring in the future.
- Two properties appear to occasionally utilise the fire break for vehicular access to the rear of the property – refer Attachment 8.1.1 c) Photos 6 and 7. Planning Services have reviewed the relevant property files and there is no record of approval having been granted for such arrangements to occur – noting that there appears to be the potential for access to the rear to be obtained without accessing the Reserve should Council seek to cease such activity from occurring in the future.
- Two properties currently have gardens encroaching into the Reserve – refer Attachment 8.1.1 c) Photo 9.

From a Planning Services and Community Emergency Services perspective, it is recommended that the request for access to Reserve 32114 not be granted for the following reasons:

- A strategic fire break on a Council reserve should not be available for public use by vehicles (refer comments provided under Policy Implications section of this report about fire service access routes);
- Ideally a strategic fire break should have a gate erected with a 'H' lock to prevent unauthorised public access;
- Once approval is granted for one property owner to have vehicular access to the reserve, the Shire would be obliged to grant access to all other adjoining property owners;
- Approval to use of the reserve could result in further property/equipment sprawling into the Reserve which could consequently result in the strategic fire break becoming blocked; and
- Possible additional maintenance issues may arise.

From a broader sense, approval to this proposal could have the potential to set a precedence for numerous other access requests from fire breaks and/or Council reserves to private properties from a community perspective, however from a Planning Services perspective requests for vehicular access via a Council reserve should be considered on their merits and not be granted automatically on the basis that approval has been granted for another property.

As to whether approval has been granted for vehicular access over Council reserves in the past, internal consultation with officers has revealed that no one can recall where approvals may have been granted, particularly associated with an outbuilding that relies on such access arrangement. Shire officers are aware that access to some farm properties has been allowed via the access road (known as Pratt Road although it is not legally gazetted as a road) through Reserve 23579 (Lot 5919) Hay River – noting that this access road was designed to provide for public vehicular access to Hay River.

With regards to this specific request, should Council wish to support vehicular access to Reserve 32114, then Planning Services & the Department of Regional Development & Lands strongly recommend that a condition be imposed on the planning approval requiring that an easement be created on Reserve 32114 that aligns with the subject property to ensure in perpetuity access is granted to the current and future landowners of the subject property. It should be noted that if the subject land was private property that a similar condition would be imposed on the planning approval to guarantee in perpetuity access regardless of ownership changes occurring.

In addition to the above, it is also recommended that the access road should be upgraded initially, at the applicant's cost, to a minimum all-weather standard (e.g. gravel, crushed rock) – with the Shire of Denmark then being responsible for the access road being maintained to a similar standard for strategic fire breaks.

If planning approval, with vehicular access via Reserve 32114 is being considered, the following wording is provided for Council's consideration of an alternative recommendation:

PART A

That with respect to the Planning Application for the proposed Outbuilding at No. 46 (Lot 46) Williams Road, Peaceful Bay and the subsequent request for vehicular access to such outbuilding being via adjoining Reserve 32114 (Lot 2303), Council:

1. *Supports approval for vehicular access over Reserve 32114 (Lot 2303); and*
2. *Grants Planning Approval subject to the following:*

Conditions

- a) Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) dated 18 July 2012.
- b) The approved outbuilding shall not be used for human habitation, commercial or industrial uses.
- c) All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site.
- d) The access road from Williams Road road reserve extending to No. 46 (Lot 46) Williams Road, Peaceful Bay being constructed, at the applicant's expense, to a minimum all-weather standard for a strategic fire break road (e.g. gravel, crushed rock) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services/ Community Emergency Services), with the Shire of Denmark then being responsible for maintenance of such access road to a strategic fire break standard.
- e) Prior to the lodgement of a Building Permit application, the landowners of No. 46 (Lot 46) Williams Road, Peaceful Bay shall confirm in writing that they agree to the Shire of Denmark & Department of Regional Development and Lands creating an easement on Reserve 32114 (Lot 2303) that aligns with No. 46 (Lot 46) Williams Road, Peaceful Bay to ensure in perpetuity vehicular access is granted to current and future landowners – with all costs associated with the preparation and associated registration being met by the landowners.

Advice Notes

- a) The Shire of Denmark will take no responsibility for the applicant incurring any expense associated with the development should approval not be obtained from the Department of Regional Development and Lands with respect to the proposed easement over Reserve 32114.
- b) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- c) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

PART B

That Council request the Chief Executive Officer advise the other landowners that appear to currently utilise Reserve 32114 (Lot 2303) that should they wish to utilise the current strategic fire break access road for vehicular access to their properties that they will be required to:

1. Agree to the Shire of Denmark & Department of Regional Development and Lands creating an easement on Reserve 32114 (Lot 2303) that will align with all properties wanting such vehicular access to ensure in perpetuity vehicular access is granted to current and future landowners – with all costs associated with the preparation and associated registration being met by the relevant landowners; and
2. Contribute to upgrading the access road to a minimum all-weather standard for a strategic fire break road (e.g. gravel, crushed rock) to the satisfaction and specifications of the Shire of Denmark (Infrastructure Services/ Community Emergency Services), with the Shire of Denmark then being responsible for maintenance of such access road to a strategic fire break standard – noting that each landowners contribution would be worked out on a pro-rata basis having regard to issues including the number of lots wanting vehicular access and the location of the property access point relative to the Williams Road road reserve.

Consultation:External Consultation

- Applicant
- State Land Services South East - Department of Regional Development and Lands

Internal Consultation

- Development Co-ordination Unit

Statutory Obligations:

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

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

Policy Implications:

Town Planning Scheme Policy No. 13.3: Outbuildings is relevant to this application.

Council has no formal policy position on allowing vehicles to access private properties from adjoining Reserves, particularly where a strategic fire break has been created. Notwithstanding, it should be noted that the Western Australian Planning Commission’s Planning for Bush Fire Protection Guidelines Edition 2 (May 2010) reference that fire service access routes, which provide links between public road networks for fire fighting purposes, should comply with the following:

| Performance Criteria | Acceptable Solution <i>(being an illustration of one example of meeting the associated performance criteria)</i> |
|--|---|
| <p>The internal layout, design and construction of public and private vehicular access in the subdivision/development allows emergency and other vehicles to move through it easily and safely at all times.</p> | <ul style="list-style-type: none"> • Surface: all weather • Dead end: not permitted • Minimum trafficable surface: 6 metres • Horizontal clearance: 6 metres • Vertical clearance: 4 metres • Maximum grades: 1 in 7 • Maximum grade over <50 metres: 1 in 4 • Maximum average grade: 1 in 5 • Minimum weight capacity: 15 tonnes • Maximum crossfall: 1 in 33 • Curves minimum inner radius: 12 metres • Turn around areas designed to accommodate 3.4 appliances and to enable them to turn around safely: every 500 metres • Erosion control measures and long term maintenance arrangements in place • Access to public road network: every 1000 metres • Allow for two way traffic • Gates used to restrict traffic on fire service access routes to meet the following: <ul style="list-style-type: none"> - Minimum width 3.6 metres - Design and construction: approved by relevant LG - Gates may be locked but only with a common key that is available to local fire service personnel - Signposted: appropriate wording ‘Fire Service Access – No Public Access’. |

Budget / Financial Implications:

If Council does allow vehicular access via Reserve 32114 and imposes the condition that an easement is to be created that aligns with the subject property to ensure in perpetuity access is granted to the current and future landowners of the subject property, all costs associated with the preparation and registration of such easement should be met by the landowner(s) – noting the reference to landowners is on the basis that the other properties that appear to access Reserve 32114 should be advised that if they wish to continue utilising such access that they should also be the subject of such easement condition and that there will be associated costs that will need to be met by the relevant landowners.

Should Council not allow vehicular access via Reserve 32114, it is considered that Shire officers will need to write to the other properties that appear to access Reserve 32114 advising that Council does not support the use of the adjoining Reserve for vehicular access and that they will need to ensure they cease such usage. There will be some officer time associated with this process however this would be absorbed into day-to-duties of Shire officers and not require additional funds.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

Reserve 32114 is a reserve that comprises significant native vegetation and consequently is widely utilised by wildlife.

➤ **Economic:**

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

➤ **Social:**

Reserve 32114 is a 'Public Recreation' reserve that should be able to be utilised by the public and not for private use. There is currently private usage of portions of the Reserve via encroaching gardens and approval to vehicular access over the Reserve to access private properties would be seen as further 'privatisation' of what is public land, and more specifically needs to ensure emergency vehicle access is retained and not compromised as a result of private realm utilisation of, and encroachments into, the Reserve.

Voting Requirements:

Simple majority.

4.18pm – The Director of Finance & Administration left the meeting.

4.22pm – The Director of Finance & Administration returned to the meeting.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 8.1.1 A**
MOVED: CR SYME **SECONDED: CR SAMPSON**

That with respect to the Planning Application for the proposed Outbuilding at No. 46 (Lot 46) Williams Road, Peaceful Bay and the subsequent request for vehicular access to such outbuilding being via adjoining Reserve 32114 (Lot 2303), Council:

1. Not support approval for vehicular access over Reserve 32114 (lot 2303) primarily on the basis that the current access road is a strategic fire break and should be solely retained for such purposes; and
2. Grants Planning Approval subject to the following:

Conditions

- a) Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) dated 18 July 2012, including the following modification:
 - i. Deletion of the roller door on the eastern elevation of the outbuilding
- b) The approved outbuilding shall not be used for human habitation, commercial or industrial uses.
- c) All stormwater and drainage runoff from all roofed and impervious areas is to be retained on-site.

Advice Notes

- a) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for incorrectly located buildings.
- b) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

CARRIED: 6/4

Res: 021012

COUNCIL RESOLUTION & OFFICER RECOMMENDATION **ITEM 8.1.1 B**
MOVED: CR SYME **SECONDED: CR SAMPSON**

That Council request the Chief Executive Officer advise the other landowners that appear to currently utilise Reserve 32114 (Lot 2303) for vehicular access and/or private use (i.e. gardens) that they need to cease such usage and where relevant rehabilitate the Reserve to the satisfaction of the Shire of Denmark.

CARRIED: 9/1

Res: 031012

8.2 Director of Community & Regulatory Services

Nil

8.3 Director of Infrastructure Services

8.3.1 TENDER 3 – 2012/2013 QUARRY AND CRUSHING OF AGLIME

| | |
|--|--|
| File Ref: | TEN.3 – 12/13. SUB/A3770 |
| Applicant / Proponent: | Shire of Denmark |
| Subject Land / Locality: | Ocean Beach Lime Quarry / Ocean Beach |
| Disclosure of Officer Interest: | Nil |
| Date: | 8 October 2012 |
| Author: | Erica Sayer, Engineering Administration Officer |
| Authorising Officer: | Rob Whooley, Director of Infrastructure Services |
| Attachments: | No |

Summary:

The 2012/13 Municipal Budget contains an allocation of \$172,550 for the contractor component of Push-up and Screening of Lime Sand.

In accordance with this budget provision tenders, for a suitably qualified and experienced earthmoving company, were advertised in accordance with the Local Government Act 1995, Tenders closed at 4pm Friday, 5 October 2012.

This item recommends Council award the contract for lime production in 2012/13 to Denmark Earthmoving for \$12 per tonne.

Background:

The extraction of limestone from the Ocean Beach Quarry (Reserve 46273) is approved by the Minister for Lands for a period of 21 years until 2022.

The approval to mine is conditional upon the land being “utilised in accordance with the Environmental Management Plan. Plan approved by the Minister for Lands”.

The Environmental Management Plan essentially deals with the general operation of the quarry, the management, the method of extraction, the permissible annual quantity, the rehabilitation and protection of affected areas.

Council is permitted to mine up to 15,000 tonne per annum as Agricultural quality Lime.

Tenders were advertised in the Denmark Bulletin and The West Australian newspaper.

Comment:

Upon closing of the advertised period, tenders were opened in accordance with the Local Government Act. Three tenders were received, which are summarised as follows;

- | | |
|------------------------|-------------------|
| 1. Denmark Earthmoving | \$12 per tonne |
| 2. Spinifex Crushing | \$12 per tonne |
| 3. Denmark Earthmoving | 75% of sale price |

All prices are exclusive of GST.

Upon assessment by Council staff, all tenders were found to be compliant with tender specifications and to have satisfactorily addressed the tender specifications. One alternative tender was submitted with a conforming tender.

The alternative tender relied upon a 5 year contract with annual price increases for the sale of Lime. At this stage it is judged as being less competitive. It does not necessarily follow that a Council decision to increase the sale price of lime should also automatically increase the production cost.

The criteria for the awarding of the tender were prescribed as follows;

| Criteria No | Criteria | Weighting % |
|-------------|-------------------------------------|-------------|
| 1 | Price | 60 |
| 2 | Environmental System | 15 |
| 3 | Safety Record | 10 |
| 4 | Local Content as per Council Policy | 10 |
| 5 | Conformity with Tender Documents | 5 |
| | | 100 |

All tenderers were found to satisfy tender all criteria equally therefore Criteria 4 (Local Content) became marginally the determining factor in the recommended choice of tender.

Accordingly, the conforming submission received from Denmark Earthmoving is recommended as the preferred tender.

Consultation:

Nil

Statutory Obligations:

The quarry is to be operated in accordance with the requirements of the:

- Department of Minerals and Energy
- Department of Environmental Protection
- Environmental Management Plan
- Occupational Health and Safety Act 1984
- Mines Safety and Inspection Act 1994 and Regulations 1995
- Mining Act 1978 and 1986
- Land Administration Act 1997
 - Section 41 (Care, Control and Management of Land)
 - Section 18 (Power to sub-lease subject to Ministerial approval)

Policy Implications:

No adopted policy associated with the Lime Quarry.

Budget / Financial Implications:

The 2012/13 Municipal Budget contains an expenditure allocation of \$172,550 for Push up and Screening of Agricultural Lime (Lime Sand) (total allocation for this job number is \$180,800).

This equates to production of 14,379 tonnes. The income from that quantity equates to \$235,241 (being \$16.36 (ex GST) per tonne in Council's current Fees & Charges).

The actual budgeted income is \$240,000. Based on expenditure this will result in an estimated budget shortfall of \$4,759.

Given the minor variation a budget adjustment is recommended. It is anticipated that Council can sell 15,000 tonnes.

To sell 15,000 tonnes the budget will need to be adjusted as follows:

- GL account 1120102 Lime Expenditure - Increase to \$188,250 (additional \$7,450);
- GL account 1121003 Lime Income - Increase to \$245,400 (additional \$5,400); and
- GL account 1228002 Roadworks Maintenance (materials) - Reduce by \$2,025.

This will have no net effect on the budget.

Strategic Implications:

Lime production is a service provided to regional farmers.

Sustainability Implications:

➤ **Environmental:**

The requirements of the Environmental Management Plan, which form part of the contract, will need to be satisfied.

➤ **Economic:**

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

➤ **Social:**

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

Voting Requirements:

Absolute majority required for Budget Amendment.

4.49pm – The Director of Community & Regulatory Services left the room.

4.51pm – The Director of Community & Regulatory Services returned to the room.

| | |
|--|-----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.3.1 |
| MOVED: CR MARSHALL | SECONDED: CR MARSHALL |
| That with respect to the Ocean Beach Lime Quarry and the crushing of Aglime, Council: | |
| 1. Award Tender 3-2012/13 for the production of 15,000 tonnes of Agricultural Lime to Denmark Earthmoving at a total cost of \$180,000 in accordance with the tender documents | |
| 2. Adjust the 2012/13 Municipal Budget as follows: | |
| a) Increase GL account 1120102 (Lime Expenditure) by \$7,450, from \$180,800 to \$188,250; | |
| b) Increase GL account 1121003 (Lime Income) by \$5,400, from \$240,000 to \$245,400; and | |
| c) Reduce GL account (Roadworks Maintenance - materials) by \$2,025, from \$964,151 to \$962,126. | |
| d) Resulting in a nil net impact on the 2012/2013 Budget. | |
| CARRIED BY AN ABSOLUTE MAJORITY: 10/0 | Res: 041012 |

The Shire President requested the CEO to ensure that local advertising of the availability of the product was undertaken in the first instance to ensure that the local farming community has the first opportunity to access the product.

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 SEPTEMBER 2012

| | |
|--|--|
| File Ref: | FIN.1 |
| Applicant / Proponent: | Not applicable |
| Subject Land / Locality: | Denmark |
| Disclosure of Officer Interest: | Nil |
| Date: | 6 October 2012 |
| Author: | Garry Bird, Director of Finance and Administration |
| Authorising Officer: | Garry Bird, Director of Finance And Administration |
| Attachments: | 8.4.1 - Monthly Financial Report |

Summary:

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

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

Background:

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

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

Comment:

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

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

No municipal funds have been placed on investment, being required for short term cash flow requirements until 2012/13 rating income is received.

Key Financial Indicators at a Glance

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

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2012 end of year position is estimated to be \$0, as per budget projections (Note 5).
- Operating revenue and expenditure is slightly higher than that predicted for 30 September 2012 (Statement of Financial Activity).

- The 2012/13 Capital Works Program is 3.41% complete as at 30 September 2012 (Note 10).
- Rates Collection percentage of 59.40% is in keeping with historical collection rates (Note 6).
- Various transfers to and from Reserve Funds have not yet been made for 2012/13 and are generally undertaken in the second half of the financial year, depending on specific projects to which these transfers relate.
- Salaries and Wages expenditure is in keeping with budget estimates (not reported specifically in Financial Statement).

Budget Amendments and Variances (Note 5 and 5a)

Nil

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

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

Policy Implications:

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

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

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

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

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

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

Sustainability Implications:**➤ Environmental:**

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

➤ Economic:

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

➤ Social:

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

Voting Requirements:

Simple Majority.

| | |
|--|-----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.1 |
| MOVED: CR ROWLAND | SECONDED: CR MARSHALL |
| That with respect to Financial Statements for the month ending 30 September 2012, Council; | |
| 1. Receive the Financial Report, incorporating the Statement of Financial Activity and other supporting documentation. | |
| 2. Endorse the Accounts for Payment as listed. | |
| CARRIED: 10/0 | Res: 051012 |

8.4.2 LIONS CLUB OF DENMARK INC – LEASE OF PORTION OF RESERVE 30277

| | |
|--|--|
| File Ref: | A3140 |
| Applicant / Proponent: | Lions Club of Denmark Inc |
| Subject Land / Locality: | 952 Crellin Street, Denmark |
| Disclosure of Officer Interest: | Nil |
| Date: | 5 October 2012 |
| Author: | Garry Bird, Director of Finance & Administration |
| Authorising Officer: | Dale Stewart, Chief Executive Officer |
| Attachments: | 8.4.2 - Draft Lease – Lions Club of Denmark |

Summary:

The lease of portion of Reserves 30277, 952 Crellin Street Denmark, between the Shire of Denmark and the Lions Club of Denmark Inc expired on 30 August 2012.

This lease was for a five year term provided at a rent of \$2.00 per annum.

It is recommended that a new lease arrangement with the Lions Club be entered into for a term of ten years and for the annual rental of \$1.00 per annum, in keeping with arrangements with recent leases with other not for profit community based organisations.

A copy of the Draft Lease agreement is attached for the consideration of Elected Members.

Background:

The Lions Club of Denmark Inc. have leased the site from Council since approximately 2000, when the existing clubhouse was relocated to Reserve 30277 from what is now the Denmark Visitor Centre site.

No additional site improvements have been undertaken by Denmark Lions in this time.

All maintenance requirements of the site are undertaken by club members, in accordance with the terms of the lease and there have been no reported complaints regarding their occupation and use of the Reserve.

Comment:

The Draft Lease reflects the existing management and maintenance responsibilities of both parties that were contained in previous lease agreements.

The Draft Lease has been based on the pro-forma lease document for community groups and modified where necessary to suit the specific requirements of this site.

Given the Clubs association with the Reserve and the clubhouse facility in particular and that there would appear to be no immediate alternative use for the site, a new lease arrangement is recommended.

Consultation:

The Lions Club of Denmark Inc were invited to comment on the proposed lease and have confirmed that they are willing to accept the proposed lease details.

Statutory Obligations:

In accordance with the Management Order, Council can dispose of the property by lease for a term of up to 21 years.

The Lions Club of Denmark Inc are exempt from requirements of the Local Government Act 1995 in regards to the disposal of property.

Policy Implications:

Policy P110102 Leasing of Land and/or Buildings to Community Groups relates as follows;

The following provisions of Policy P110102 relate;

With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;

- a. There be a signed lease based on Councils standard 'not for profit' lease prior to occupation or upon renewal;*
- b. Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act) (CEO addition September 2008);*
- c. Contribution by Council towards legal costs (if required) by Council 100%;*
- d. Have differing rentals discounted to market valuation depending upon the following factors;*
 - i. To what degree the property is utilised for charitable, not for profit or sporting purposes;*
 - ii. The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;*
 - iii. The strategic value of the land in the short term to Council;*
 - iv. To what degree if any that the use is competing with commercial enterprise;*
- e. Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;*
- f. Offer local authority rate exemption rebate donation (rather than exemption contra);*
- g. Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first \$500 of any insurance excess on claims;*
- h. All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;*
- i. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;*
- j. Leases require endorsement of Council prior to signing;*
- k. Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);*
- l. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).*
- n. Councils Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.*

Budget / Financial Implications:

There are no budget or financial implications arising from the proposed lease, with all maintenance requirements of the Reserve the responsibility of the lessee.

The Reserve is non-rateable and the proposed rental income is \$1.00 per annum, if demanded.

Strategic Implications:

There is no known alternative long term strategic use for the site.

Sustainability Implications:

➤ **Environmental:**

There are no environmental implications arising from the proposed Lease.

➤ **Economic:**

There are no economic implications arising from the proposed Lease.

➤ **Social:**

The Lions Club of Denmark Inc is a valuable community organisation that provides sporting valuable community services and social opportunities for Members.

Voting Requirements:

Simple majority

5.18pm – Cr Sampson left the room.

| | | |
|--|--|----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | | ITEM 8.4.2 |
| MOVED: CR MARSHALL | | SECONDED: CR GILLIES |
| That Council agree to lease portion of Reserve 30277 to the Lions Club of Denmark Inc for a term of 10 years at an annual rental of \$1.00 per annum, with all other terms and conditions to be as per the attached Draft Lease. | | |
| CARRIED: 9/0 | | Res: 061012 |

5.19pm – Cr Sampson returned to the room.

8.4.3 DENMARK COMMUNITY RESOURCE CENTRE INC – REQUEST FOR FINANCIAL ASSISTANCE

| | |
|--|--|
| File Ref: | ORG.68 |
| Applicant / Proponent: | Denmark Community Resource Centre Inc. |
| Subject Land / Locality: | 1 Strickland Street, Denmark |
| Disclosure of Officer Interest: | Nil |
| Date: | 5 October 2012 |
| Author: | Garry Bird, Director of Finance & Administration |
| Authorising Officer: | Dale Stewart, Chief Executive Officer |
| Attachments: | 8.4.3 a) - Request from Denmark Community Resource Centre 8.4.3 b) - 2012/13 DCRC Cultural development Fund Application |

Summary:

The Denmark Community Resource Centre Inc (DCRC) have written to Council seeking reconsideration of the decision of Council not to provide funding through the Community Financial Assistance Program (CFAP) for the DCRC to obtain free hire of the Denmark Civic Centre for the purpose of providing free admission to the Westlink Live Entertainment simulcasts hosted by DCRC.

The basis of the request for Council to reconsider the decision is “the accessible (i.e. free) nature of this community entertainment, successful attendance at previous events and the minimal yet essential contribution from the Shire of Denmark required to make this possible”.

Background:

Through the Westlink Satellite Service, the DCRC are provided free subscription to live simulcasts on the condition that entry to these events is provided free of charge. As the hire cost for hosting the event at the Denmark Civic Centre is approximately \$125.00 per event and there are approximately 6 to 8 events per year, the DCRC are effectively losing up to \$1,000.00 per annum by offering these free community events.

The types of entertainment delivered via the Westlink live simulcasts include opera, classical music recitals and theatre productions. Attendance at events already provided, for which some assistance has been provided via the Chief Executive Officer’s delegated authority (Delegation D040101) to approve donations of up to \$200, have ranged from 30 to 62 people.

Council considered the Community Financial Assistance program application from the DCRC at the 3 July 2012 Ordinary Meeting of Council, in conjunction with fourteen other applications received and ultimately determined not to fund this project on the basis that in-kind hire of Council facilities are not generally funded from this Program.

Comment:

As a general principle it is not recommended to provide ongoing in-kind hire of Council owned facilities for not for profit community organisations, due to the precedent it creates for other groups to seek similar consideration and erode Council’s income base from such facilities.

That said, the provision of the live simulcasts are a free community event, open to all ages, which provides an alternative quality entertainment option for local residents, who would generally not be able to access such entertainment without travelling to the metropolitan area and would then also be required to pay to attend the venue where the event is staged.

Consultation:

Denmark Community Resource Centre

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Council Delegation D040101 - Donations

Budget / Financial Implications:

The request from the DCRC would cost Council \$1,000 in lost income based on the hire cost of the Civic Centre for these events, assuming DCRC decide to continue providing this free service without Council support.

As the events are generally held on Friday and Saturday nights, the most popular night for booking of the Civic Centre, the loss of income from users who would otherwise pay the hire fee is likely.

If Council was to approve the request from DCRC, the cost of this in-kind hire could be funded from Account 1410082 Donations, Gifts and Gratuities, which has a budget of \$14,150 with year to date expenditure of \$1,075.08.

Strategic Implications:

There are no known strategic implications arising from the Officers Report.

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 provision of a free entertainment option, via the Westlink satellite simulcasts would add to the entertainment options available to local residents.

Voting Requirements:

Simple majority.

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|---|------------------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.3 |
| MOVED: CR HINDS | SECONDED: CR MARSHALL |
| That with respect to the request from the Denmark Community Resource Centre for free hire of the Denmark Civic Centre for the purpose of transmitting the free live simulcasts on the Westlink Satellite Service, Council advise the request is not supported due to the precedent created by such in-kind hire and the expectation from other local not for profit community based organisations to receive similar consideration. | |
| CARRIED: 10/0 | Res: 071012 |

8.4.4 PEACEFUL BAY PROGRESS ASSOCIATION INC – REQUEST FOR FINANCIAL ASSISTANCE

| | |
|--|--|
| File Ref: | ORG.17 |
| Applicant / Proponent: | Peaceful Bay Progress Association Inc. |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 5 October 2012 |
| Author: | Garry Bird, Director of Finance & Administration |
| Authorising Officer: | Dale Stewart, Chief Executive Officer |
| Attachments: | 8.4.3 - Request from Peaceful Bay Progress Association |

Summary:

The Peaceful Bay Progress Association (PBPA) has written to Council to seek funding for the purchase of a Four Wheel Drive Quad Bike to assist with the maintenance of the drainage system at Peaceful Bay.

The purchase of the Quad Bike is estimated to be \$8,050 (ex GST).

The basis of the request for Council is that previously this equipment was supplied by a former employee at no cost to the association. As that employee no longer undertakes this work, the Association has to now obtain the equipment in order to undertake weed control within Peaceful Bay and specifically the town drainage system.

Background:

Councillors would be aware that Council contracts the maintenance of Peaceful Bay road reserves and parks to the PBPA, an arrangement that has worked well from both parties perspective for some years.

The 2012/13 Municipal Budget contains an allocation of \$20,000 for this purpose (Account 1131002 Peaceful Bay Reserve Contribution), comprised of the following components;

| | |
|------------------------|-----------------|
| • Reserves maintenance | \$17,427 |
| • Tree Lopping | \$515 |
| • Drains maintenance | \$2,058 |
| Total | \$20,000 |

Comment:

There is little doubt that the arrangement with the PBPA is a cost effective means of maintaining the Peaceful Bay townsite, due to the cost of Council’s existing work crews travelling to and from Peaceful Bay to undertake maintenance works or alternatively establishing a separate part-time crew at Peaceful Bay.

Consultation:

Peaceful Bay Progress Association
Cr Gillies

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Council Delegation D040101 - Donations

Budget / Financial Implications:

The 2012/13 Municipal Budget contains no allocation to fund the \$8,050 request from the PBPA.

If Council so determined to approve the request for funding, it is recommended that the cost be transferred from the Plant Replacement Reserve, current balance \$305,077 as at 30 September 2012 and that ownership of the Quad Bike be transferred to the PBPA, as the equipment is essential to the Association being able to fulfil their contract obligations to Council.

Ownership of the Bike will incur the PBPA in additional costs (insurance, licenses and maintenance), which could be funded from the \$20,000 contract payment, noting that such costs may form the basis of a request for further funding in future years.

Strategic Implications:

There are no known strategic implications arising from the Officers Report.

Sustainability Implications:

➤ **Environmental:**

The purchase of the Quad Bike would allow the PBPA to continue to undertake weed control in the Peaceful Bay townsite.

➤ **Economic:**

There are no economic implications arising from the Officer Recommendation.

➤ **Social:**

There are no social implications arising from the Officer Recommendation.

Voting Requirements:

Absolute majority required for Budget Amendment.

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|--|----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 8.4.4 |
| MOVED: CR MARSHALL | SECONDED: CR GILLIES |
| That with respect to the request from the Peaceful Bay Progress Association for funding to purchase a Four Wheel Quad Bike to undertake maintenance of reserves within the Peaceful Bay townsite and surrounds; Council: | |
| 1. Advise the Peaceful Bay Progress Association that the request is approved on the condition that the Association assume ownership of the Quad Bike once purchased. | |
| 2. Amend the 2012/13 Municipal Budget as follows; | |
| a) Increase Account 1131002 Peaceful Bay Reserves by \$8,050 to \$28,050; and | |
| b) Reduce Account 950021 Transfer to Plant Replacement Reserve by \$8,050 to \$319,950. | |
| c) Noting that this will have a nil net impact on the Budget. | |
| CARRIED BY AN ABSOLUTE MAJORITY: 10/0 | Res: 081012 |

8.5 Chief Executive Officer
Nil

9. COMMITTEE REPORTS & RECOMMENDATIONS
Nil

10. MATTERS BEHIND CLOSED DOORS

5.28pm – Cr Lewis left the room.

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|---|--------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 10 |
| MOVED: CR MARSHALL | SECONDED: CR PEDRO |
| <p>That pursuant to Section 5.23 (2) (b) of the Local Government Act 1995 and Clause 3.7 of the Shire of Denmark Standing Orders Local Law, Council move behind closed doors for the consideration of Item 10.1 & Item 10.2 to allow the successful applicant's name to remain confidential to Council until the official announcement at the winner's current School's 2012 Graduation Ceremony.</p> | |
| CARRIED: 9/0 | |

5.29pm – Cr Lewis returned to the room.

5.29pm – Cr Hinds left the room.

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

Cr Sampson's partner's daughter is one of the applicants for the Leadership Award and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Sampson declared that he will consider this matter on its merits and vote accordingly.

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|---|
| 10.1 SHIRE OF DENMARK LEADERSHIP AWARD |
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| | |
|--|---------------------------------------|
| File Ref: | PBR.1 |
| Applicant / Proponent: | Various |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 8 October 2012 |
| Author: | Claire Thompson, Executive Assistant |
| Authorising Officer: | Dale Stewart, Chief Executive Officer |
| Attachments: | 10.1 – Applications (Confidential) |

Summary:

Council is requested to peruse this year's applications for the Shire of Denmark Leadership Award and select the successful recipient.

Background:

The Shire of Denmark Leadership Award was established in March 2011. A copy of Council's Policy is under the Policy Implications section of this report.

Comment:

Five applications have been received and are attached.

Consultation:

The Shire of Denmark Leadership Award was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly;
- General Advertisement on Council's Notice Boards;
- General Advertisement on Council's website;
- Email to Councillors & Staff to assist with promoting the awards;
- Specific Memo to Council's Youth Centre Co-ordinator requesting assistance in promoting the awards;
- Phone conversation with the Denmark High School Principal; and
- CEO addressed the Denmark High School Students on the 18 September 2012.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:*POLICY "P080202 SHIRE OF DENMARK LEADERSHIP AWARD*Objective

To provide an annual sponsorship for a Year 12 student, currently attending the Denmark High School, to assist with the cost of participating in an activity or program which focuses on;

- Skill development;
- Leadership;
- Self growth and development (self discovery);
- Problem solving;
- Confidence building;
- Strengthening personal motivation;
- Initiative; and/or
- Team work & communication.

The selected activity or program could include;

- A registered leadership program;
- A personal endeavour.

Guidelines

- a) The applicant must be a Year 12 student currently attending the Denmark High School;
- b) The Sponsorship will be awarded based on citizenship, community involvement and leadership;
- c) The successful applicant will be required to complete the selected program or activity within 12 months of being awarded this Sponsorship.
- d) The Sponsorship amount will be \$2,000 (2011) and will be paid to the successful applicant;
- e) The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the award and the principles of leadership;
- f) The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;
- g) The successful applicant will be required to acquit the Sponsorship, within a reasonable timeframe of completion, by providing a written report to Council on their activity or program and presenting that report to Council;
- h) A Sponsorship will not be awarded if there are no suitable applicants;
- i) The decision of Council and/or the delegated Committee shall be final.
- j) The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council at presentation at the relevant school's graduation ceremony."

Budget / Financial Implications:

The 2012/13 Municipal Budget contains an allocation of \$2,000 for this purpose (Account 1610822 Youth Leadership Award).

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Council's Leadership Award is an important method for Council to encourage and assist a local young person to participate in a program or activity relating to the development of leadership qualities & skills and/or their own personal and professional growth.

Voting Requirements:

Simple majority.

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|--|--------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 10.1 |
| MOVED: CR GILLIES | SECONDED: CR LEWIS |
| That with respect to the 2012 Leadership Award; Council | |
| <ol style="list-style-type: none"> 1. Announce Lily Eleanor Winer as the successful applicant at the Denmark High School's graduation ceremony in 2012; 2. Authorise the Chief Executive Officer to schedule a meeting with the successful applicant to discuss their selected program or activity and make the necessary arrangements with respect to the payment of the award; and 3. Keep the name of the recipient of this scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement. | |
| CARRIED: 8/1 | Res: 091012 |

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

Cr Syme's grandson is one of the applicants for the Agricultural Scholarship and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Syme declared that he will consider this matter on its merits and vote accordingly.

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|---|
| 10.2 2012 DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP |
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|--|---------------------------------------|
| File Ref: | PBR.1 |
| Applicant / Proponent: | Various |
| Subject Land / Locality: | Not applicable |
| Disclosure of Officer Interest: | Nil |
| Date: | 8 October 2012 |
| Author: | Claire Thompson, Executive Assistant |
| Authorising Officer: | Dale Stewart, Chief Executive Officer |
| Attachments: | 10.2 – Applications (Confidential) |

Summary:

Council is requested to peruse this year's applications for the Denmark Agricultural College Scholarship and select the successful recipient.

Background:

The Denmark Agricultural College Scholarship has been a Policy of Council's for over 10 years.

Comment:

Nine applications have been received and are attached.

Consultation:

This Scholarship was marketed and promoted as follows;

- General Advertisement in the Denmark Bulletin & the Walpole Weekly;
- General Advertisement on Council's Notice Boards;
- General Advertisement on Council's website;
- Email to Councillors & Staff to assist with promoting the awards;
- Phone conversation with the Denmark Agricultural College Principal;
- Specific Memo to Council's Youth Centre Co-ordinator requesting assistance in promoting the awards;
- Phone conversation with the Denmark High School Principal; and
- CEO addressed the Denmark Agricultural College Students.

Statutory Obligations:

There are no statutory obligations.

Policy Implications:

Policy "P080201 DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP

Council shall make available an annual Denmark Agricultural College Scholarship.

Objective

To encourage and assist Year 10 students attending the Denmark District High School or Year 10 students residing in the Denmark Shire to pursue higher education.

Guidelines

- a) *The applicant must be a student who intends to complete Years 11 & 12 at the WA College of Agriculture – Denmark and is either;*
- *Completing Year 10 at the Denmark High School; or*
 - *Completing Year 10 at the WA College of Agriculture – Denmark; or*

- A Year 10 student residing in the Denmark Shire.
- b) The Scholarship will not be based wholly on academic record. Interest in agriculture and family need is a consideration.
- c) Preference will be given to those students who are likely to continue agricultural pursuits within the Shire boundaries.
- d) The Scholarship amount will be determined by Council and 50% will be paid at the start of the first year and upon successful completion and continuation, 50% will be paid at the start of the second year.
- e) The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the awards and the principles of leadership;
- f) The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;
- g) A Scholarship will not be awarded if no applicants are suitable.
- h) The decision of Council and/or the delegated Committee shall be final.
- i) The closing date for applications will be determined each year by the CEO to allow sufficient time for determination of the winner by Council at presentation at the relevant school's graduation ceremony."

Budget / Financial Implications:

The 2012/13 Municipal Budget contains an allocation of \$2,000 for this purpose (Account 1610832 Agricultural College Scholarship).

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Council's Agricultural College Scholarship provides financial assistance to a local student who intends to pursue higher education at the Denmark Agricultural College.

Voting Requirements:

Simple majority.

| | |
|--|----------------------|
| COUNCIL RESOLUTION & OFFICER RECOMMENDATION | ITEM 10.2 |
| MOVED: CR GILLIES | SECONDED: CR ROWLAND |
| That with respect to the 2012 Denmark Agricultural College Scholarship; Council | |
| 1. Announce Giovanni Gianatti as the successful applicant at their current School's graduation ceremony in 2012 and present them with the first year's payment of \$1,000; and | |
| 2. Keep the name of the recipient of this scholarship and the decision of this meeting confidential to Council, Seniors Officers and the Executive Assistant and embargoed until the announcement. | |
| CARRIED: 8/1 | Res: 101012 |

6.10pm – The Director of Community & Regulatory Services returned to the room.

| | |
|--|----------------------|
| COUNCIL RESOLUTION | ITEM 11 |
| MOVED: CR MARSHALL | SECONDED: CR GILLIES |
| <i>That Council come out from behind closed doors.</i> | |
| CARRIED: 9/0 | Res: 111012 |

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

| | |
|---|----------------------|
| COUNCIL RESOLUTION | ITEM 11 |
| MOVED: CR SYME | SECONDED: CR SAMPSON |
| That Council accept an item of new business in relation to considering the tenders received for the Kwoorabup Community Park Ablution Facility. | |
| CARRIED: 9/0 | Res: 121012 |

6.14pm – *The Director of Finance & Administration & Cr Hinds returned to the room.*

11.1 TENDER 2 2012/2013 – KWOORABUP COMMUNITY PARK ABLUTION FACILITY

| | |
|--|--|
| File Ref: | TEN.2-12/13.SUB/A5366 |
| Applicant / Proponent: | Shire of Denmark |
| Subject Land / Locality: | 40 Scotsdale Rd |
| Disclosure of Officer Interest: | Nil |
| Date: | 16 October 2012 |
| Author: | Peta Leiper, Office Supervisor/Records Manager |
| Authorising Officer: | Garry Bird, Director of Finance & Administration |
| Attachments: | 8.4.1 a) Tender Design Specifications |

Summary:

The 2012/13 Municipal Budget contains an allocation of \$120,000 for the construction of the Kwoorabup Community Park Ablution Facility, funded from the Royalties for Regions Country Local Government Fund.

In accordance with this budget provision, tenders for a suitably qualified and experienced building company were advertised in accordance with the Local Government Act (the Act) and closed Monday 8th August 2012.

Council is now requested to award the tender to allow construction to commence as soon as possible, in order to meet grant funding requirements to have the facility completed by 31 December 2012.

Background:

Design and construction specifications for the facility were by Ocean Beach Designs (Ms. Sue Parker) following consultation and endorsement from the Kwoorabup Community Park Working Group, with Council staff preparing the attached tender documentation.

Tenders were advertised in the Denmark Bulletin and The West Australian newspaper, with building companies (located in Denmark and as known to the Shire) receiving the tender documentation direct.

Comment:

Upon closing of the advertised period, tenders were opened in accordance with the Act. Five tenders were received, which are summarised as follows;

| | |
|----------------------------------|--------------|
| 1. Bernie Malatzky Builder | \$107,841.82 |
| 2. Robinson Buildtech | \$140,942.05 |
| 3. Tectronics Construction Group | \$149,431.82 |
| 4. Native Homes | \$126,004.55 |
| 5. Smith Constructions | \$156,096.37 |

All prices are exclusive of GST.

Upon assessment by Council staff, all tenders were found to be compliant with tender specifications and to have satisfactorily addressed the tender specifications.

The criteria for the awarding of the tender were prescribed as follows;

| Criteria No | Criteria | Weighting % |
|-------------|---|-------------|
| 1 | The lump sum construction cost (adjusted for Regional Price Preference Policy). | 80% |
| 2 | Demonstrated experience, reputation, capacity and resources of the tenderer in the construction and completion of similar projects. | 10% |

| | | |
|---|---|------|
| 3 | Demonstrated commitment to completing the described works using in-kind labour from community groups. | 5% |
| 4 | Demonstrated ability to commence and complete construction within nominated timeframe (October 2012- 25 th Dec 2012) | 5% |
| | | 100% |

All tenderers were found to satisfy tender Criteria 2, 3 and 4 equally, and as such Criteria 1 (price) became the determining factor in the recommended choice of tender.

Accordingly, the submission received from Bernie Malatzky Builder is recommended as the preferred tender.

Consultation:

Kwoorabup Community Park Working Group
Sue Parker, Ocean Beach Designs

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Council Policies P040216 Regional Price Preference Policy and Delegation D040211 Tenders are applicable.

The Regional Price Preference Policy has been taken into consideration when assessing the tenders.

As the Tender was estimated to exceed \$100,000 the delegation to the Chief Executive Officer is not applicable.

Budget / Financial Implications:

The 2012/13 Municipal Budget contains an allocation of \$120,000 to complete the construction of the Ablution Facility, with the balance of unspent funds (\$12,158.15), assuming Council accepts the Officers Recommendation), to be used on connecting utilities to the Facility.

2011/12 Royalties for Regions funds have been used to finance Stage 2 works at the Kwoorabup Community Park and it is a condition of funding that works are completed by 31 December 2012, which requires urgent consideration of this Tender by Council.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

The ongoing development of the Kwoorabup Community Park will provide an additional tourist attraction for visitors to the Shire and support the local tourist industry.

➤ **Social:**

The Kwoorabup Community Park is a valuable community asset and has the potential to be used by both local residents and visitors to the Shire all year round. An improved facility will add to user's enjoyment of the facility and provide a more exciting and diverse experience for the users of the Park.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 11.1

That Council award the tender for the construction of the Kwoorabup Community Park Ablution Facility to Bernie Malatzky Builder, for the fixed tender price of \$107,841.82 (ex GST), subject to any agreed variations to the contract.

COUNCIL RESOLUTION

ITEM 11.1

MOVED: CR HINDS

SECONDED: CR MARSHALL

That Council award the tender for the construction of the Kwoorabup Community Park Ablution Facility to Bernie Malatzky Builder, for the fixed tender price of \$107,841.82 (ex GST), subject to any agreed variations to the contract and that the design be referred to the Disability Services Advisory Committee in relation to accessibility issues, at their meeting to be held on 17 October 2012.

6.34pm – *The Chief Executive Officer left the room.*

6.35pm – *The Chief Executive Officer returned to the room.*

CARRIED: 6/4

Res: 131012

REASONS FOR CHANGE

Council wished to provide the Disability Services Advisory Committee an opportunity to peruse the plans in relation to accessibility issues.

6.51pm - Public Question Time

The Shire President stated that as there were no members of the public present there would be no second public question time.

12. CLOSURE OF MEETING

6.52pm - There being no further business to discuss the Shire President 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.)