

# Minutes



## ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
953 SOUTH COAST HIGHWAY, DENMARK ON  
TUESDAY, 22 DECEMBER 2015.

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# Ordinary Council Meeting

22 December 2015

## DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

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

5.00pm – The Shire President, Cr Morrell, declared the meeting open.

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

MEMBERS:

- Cr David Morrell (Shire President)
- Cr Ceinwen Gearon
- Cr Jan Lewis
- Cr Yasmin Bartlett
- Cr Roger Seeney

STAFF:

- Mrs Annette Harbron (Acting Chief Executive Officer / Director of Planning & Sustainability)
- Mr Graham Blackmore (Acting Director of Community & Regulatory Services / Principal Building Surveyor)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

- Cr Dawn Pedro
- Mr Kim Dolzadelli (Director of Finance & Administration)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Martin Buczak (Acting Director of Infrastructure Services)

ON APPROVED LEAVE(S) OF ABSENCE:

- Cr Kelli Gillies (Deputy Shire President) (pursuant to Council Resolution No. 261015)

ABSENT:

- Cr John Sampson
- Cr Rob Whooley (*The Shire President received an apology from Cr Whooley at 6.17pm via text message*)

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 19
- Members of the press in attendance at the commencement of the meeting: Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Seeney	8.4.1	Impartiality	Cr Seeney is a member of the Denmark Historical Society Inc.
Cr Seeney	8.5.2	Impartiality	Cr Seeney is a member of the Denmark Historical Society Inc.
Cr Seeney	10.1	Impartiality	Cr Seeney is a mentor for one of the nominations.
Cr Gearon	10.1	Impartiality	Some of the nominees are known to Cr Gearon.
Cr Gearon	10.2	Impartiality	Some of the nominees are known to Cr Gearon.
Mrs Harbron	11.2	Impartiality	The interim would become Mrs Harbron’s supervisor.

### 3. ANNOUNCEMENTS BY THE PERSON PRESIDING

*The Shire President thanked Ashleigh Crock and Karen Britza for the success of this year's Christmas parade and stated that he believed it had been very well organised.*

*The Shire President also thanked Denmark Arts for organising the Community Gathering which he believed was also very successful.*

### 4. PUBLIC QUESTION TIME

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

##### 4.1.1 Cr Rob Whooley – Item 4.2.5 (Mr Jim King – Denmark Thrills Adventure Park)

At the meeting held on Tuesday, 1 December 2015, Cr Whooley referred to some questions from Mr Jim King relating to the recent Shire purchase of 10 passes to the Denmark Thrills Adventure Park and sought clarification on the use of the passes. The Shire President took the question on notice and on the 11 December 2015 the Acting Chief Executive Officer has provided Cr Whooley with the following written response.

*“At the meeting held on Tuesday, 1 December 2015 and following Mr Jim King's questions relating to the recent Shire purchase of 10 passes to the Denmark Thrills Adventure Park, you sought clarification on the use of the passes.*

*The Shire President took your question on notice and I now provide the following written response which will be recorded in the next Council Agenda and Minutes;*

*The 10 passes were purchased for usage in the Youth Centre (12 – 18 year olds) School Holiday Program by the Supervisor of Youth Services. The 10 passes are to be utilised by 10 young people each School Holiday period for a 12 month period, once the Adventure Park is open. The Adventure Park program forms part of a number of activities and programs run as part of the Youth Centre School Holiday Program.*

*I trust that the above adequately answers your question however should you require further information or advice on this matter please contact myself on telephone (08) 9848 0300 or email [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au).”*

##### 4.1.2 Mr Adrian Baer – Item 4.2.23 (Former Frail Aged Lodge Refurbishment)

At the meeting held on Tuesday, 1 December 2015, Mr Baer asked when the refurbishment of the former Frail Aged Lodge was expected to be completed.

*The Acting Chief Executive Officer is investigating the matter in order to respond adequately to Mr Baer. The written response to Mr Baer will be recorded in the next available Council meeting Agenda and Minutes.*

##### 4.1.3 Mrs Fiona Ross – Denmark Thrills Adventure Park

At the meeting held on Tuesday, 1 December 2015, Mrs Ross made some comments and asked some questions which were taken on notice. On the 11 December 2015, the Acting Chief Executive Officer provided Mrs Ross with the following written response.

*“With respect to the questions you raised at the Council meeting held on Tuesday, 1 December 2015 and your subsequent request for amendment to the Council Minutes, I advise as follows, noting that this response will also be recorded in the Agenda and Minutes for the next Ordinary Council meeting.*

#### **REQUESTED AMENDMENTS TO THE MINUTES**

*With respect to your requested amendment to the Council Minutes, I advise that the Minutes are not recorded verbatim and only a summary of any questions and a summary of any responses are required to be recorded. This notwithstanding, I have recommended some corrections be made as follows (noting that they will need to be agreed to by the Council);*

*Page 16 – With respect to Mrs Ross’s comments and questions during the second public question time;*

- a) At the end of the first sentence, after the word “children” add the following words “and stated that there had been times when she had booked her children into the program but the activity was subsequently cancelled due to insufficient numbers”.*
- b) Replace the words “received a call” to “received an email”;*
- c) Replace the words “what the results of that survey was” to “whether parent’s indicated that they would like the adventure park to be an activity”;*
- d) Replace the words “ring around” to “emails sent”.*
- e) Add the words “Youth Centre” prior to the words “school holiday program” in the Director of Community & Regulatory Services’ response.*

#### **QUESTIONS TAKEN ON NOTICE AT THE MEETING HELD 1 DECEMBER 2015**

*Question 1 - Mrs Ross asked whether the tickets that the Shire purchased for the Adventure Park were for primary school children.*

*At the meeting the Director of Community & Regulatory Services advised that he believed that the tickets were purchased for the youth program. Mr Harwood has also advised me that he became aware that Council’s Youth Services Supervisor had purchased the passes after the fact and had already requested and explanation from her and the Manager of Recreation and Youth Services.*

*Mr Harwood has now liaised with relevant staff and it has been confirmed that the passes were purchased for the young people who attend the Youth Centre School Holiday Program which is for 12 – 18 year olds. Mr Harwood has confirmed that the Council has been invoiced for the purchase and should the Adventure Park be in a position in the future that they could not honour the passes, then the Council would stand in line as any other creditor would.*

*Question 2 (note amended as requested) – Mrs Ross stated that at one time she had received an email from the Recreation Centre asking what her children would be willing to attend and asked whether parent’s indicated that they would like the adventure park to be an activity. Mrs Ross asked whether the cost of programs would be covered or would parents have to pay the difference.*

*The Manager of Recreation & Youth Services has advised that the tickets purchased for the Adventure Park were purchased for the Youth Centre School*

*Holiday Program however has provided the following outcomes from the survey that the Recreation Services undertook in October 2015.*

*“An Email sent out to 77 families who had utilised the Denmark Recreation Centre School Holiday Program for 6-12 years of age seeking feedback regarding the program to ascertain what could be improved for the community.*

*Out of the 77 emails sent 8 responses were received with the following comments:*

- I just haven't needed the program but she loves the activities provided when she attends. I think the cost is fine and the staff are great.*
- I have used your program 3 times and have been very happy with the cost, staff and activities on offer. Only reason we don't use it more is that we live in Albany.*
- My first response is; I didn't receive information about the last program. My children go to Spirit of Play– do you advertise with them? I would involve them more but I'm not keen on movie watching, we can do that at home....prefer outdoor activities, games nature-based etc*
- We've only sent her once or twice, although I always look at the program, it's nice to know it's there in case of emergencies. Basically, cost is an issue for us (not that I think it's expensive) and if the weather is good I'd rather have the kids outdoors.*
- I have not booked these holidays after every session I booked last holidays was cancelled which makes it hard when I'm working and need to make other arrangements with short notice.*
- We are much more likely to use “in-centre” activities as they don't have added costs and also our kids don't like movies as much as running around. Our kids are getting older so don't really need to attend. The kinds of activities you run in-centre are generally appealing to our kids when we need to leave them with you.*
- Only one of my children is old enough to go so it's easier to leave him at home with the other kids. I do find it a bit expensive but I do understand why that is so. Other than that you guys do a great job.*
- The only suggestion I have is maybe too advertise through the Walpole primary school as well, I think you guys do a fantastic job with the kids and I so appreciate all the help you have given me with my children over the years and a big thank you because of the program*

*After reviewing the comments, it appears that the responses don't have a common theme to them, but have elements that will be addressed. Recreation Centre Staff will continue to program activities to suit the seasons and provide more centre based activities to minimise costs for families in an attempt to increase numbers to future school holiday programs (for 6 – 12 year olds) run by the Recreation Centre.*

*Noting that the Adventure Park passes are to be used by the Youth Centre Holiday Program, there is no additional cost for attendees.*

*I trust that the above adequately answers your questions however, should you require further information or advice on this matter please contact the undersigned on telephone (08) 9848 0300 or email [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au).”*

#### 4.1.4 Mr Louis Papaelias – Denmark Thrills Adventure Park

At the meeting held on Tuesday, 1 December 2015, the following question received from Mr Papaelias was read out and was taken on notice. On the 11 December 2015, the Acting Chief Executive Officer provided Mr Papaelias with the following written response.

*“With regard to the question that you emailed in on 1 December 2015 via our website, I can confirm that it was read out at the Council meeting held on Tuesday, 1 December 2015. The question was taken on notice by the Shire President and I hereby provide the following written response which will also be recorded in the Agenda & Minutes of the next Ordinary Council meeting.*

*Question - Can the Council please explain the reasoning behind the Shire's purchase of ten passes worth \$1000 to the yet to be opened Thrills Adventure Park. Considering that there has been expressed concern and petition by a significant number of ratepayers over the shire's alleged partial handling of the adventure parks approval process would it not be appropriate for the shire to recoup the \$1000 thereby being seen to be impartial to all parties.*

*Response:*

*The Director of Community & Regulatory Services has advised that the Supervisor of Youth Services purchased the 10 passes for usage in the Youth Centre (12 – 18 year olds) School Holiday Program.*

*The 10 passes are to be utilised by 10 young people each School Holiday period for a 12 month period, once the Adventure Park is open. The Adventure Park program forms part of a number of activities and programs run as part of the Youth Centre School Holiday Program.*

*The Shire of Denmark support local businesses wherever they can and the purchase of passes for the Adventure Park supports this principle.*

*I trust that the above adequately answers your question however should you require further information or advice on this matter please contact myself on telephone (08) 9848 0300 or email [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au).”*

#### 4.2 PUBLIC QUESTIONS

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

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

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, at approximately 7.00pm.

##### Questions from the Public

#### 4.2.1 Mrs Deborah Feld – Denmark Thrills Adventure Park

Mrs Feld stated that due to the level of noise coming from the site they had been unable to take bookings for their Bed & Breakfast which was resulting in

loss of income. Mrs Feld did not believe that the operators were abiding by noise regulations despite being warned and fined. Mrs Feld asked whether the sea containers on site would be painted black and in earth tones and clad in timber as per the applicants plan.

CORRECTION TO MINUTES.  
Pursuant to Council Resolution No. 010116

*The Acting Chief Executive Officer stated that she would take the question on notice in relation to the sea containers and respond to Mrs Feld in writing, noting that correspondence had also been received on this same matter from Mrs Feld on the 21 December 2015.*

Mrs Feld referred to the Adventure Park tickets which the Council had purchased for the Youth Centre Holiday Program and stated that the Park's website stipulated that all children under 16 years of age needed to be accompanied by a participating adult. Mrs Feld asked who would have the duty of care for children in the holiday program.

*The Acting Chief Executive Officer responded stating that Denmark Youth Services employees take the responsibility for all youth attending and participating in programs facilitated by them.*

Mrs Feld noted that the Park's website were advertising tickets for their opening on the 26 December 2015 and asked whether the final inspection had been done.

*The Acting Chief Executive Officer responded stating that an inspection had not been done and had not been requested. Mrs Harbron added that the applicants were well aware of the requirements to be met prior to opening.*

*Cr Lewis asked what times the machinery had been operating.*

*Mrs Feld stated that some mornings they had started as early as 5am and had operated on Sundays.*

*Cr Lewis asked the Acting Chief Executive Officer what could be done about it.*

*Mrs Harbron responded stating that to date Council Officers had issued three infringements, two for working on a Sunday and one for working prior to 7am.*

*Cr Gearon asked the Acting Chief Executive Officer about Mrs Feld's statement relating to the Park advertising that they would open on the 26 December 2015 and whether the operators could do this without inspection by Council Officers.*

*Mrs Harbron stated that it was a commercial business and that they should have an occupancy certificate prior to opening and that they had been liaising with the operator as to what would be required to obtain that certificate and allow them to open for business.*

#### **4.2.2 Mr Frank Mahony – Denmark Thrills Adventure Park**

Mr Mahony raised concerns about the environmental impact of dumping and burying tyres on the site. Mr Mahony asked whether the dumping and burying had been approved by the Shire and referred to the Environmental Protection Act, asking whether the operators had acquired any necessary licenses to allow them to dump and bury tyres on the site.



*The Acting Chief Executive Officer responded, noting that a letter on the same topic had been received from Mr Mahony the day before, stating that there was no Shire approval required and that she was aware that the Department of Environment Regulation had already undertaken an investigation into the matter and established that the process of reusing the tyres for re-contouring/retaining of the land, as opposed to being used as landfill or storage, did not breach any provisions of the Environmental Protection Act. This notwithstanding, there were issues with respect to transportation of the tyres by carriers not licensed and warnings had been issued accordingly by the Department of Environment Regulation.*

**4.2.3 Mr Graham Greenhalgh – Item 8.5.1 (Denmark Men’s Shed Inc. – Request for In Principle Support)**

Mr Greenhalgh, President of the Denmark Men’s Shed Inc., provided some background information to the group and their objectives. Mr Greenhalgh urged Council to support the proposal noting that they would prefer a ten year lease term rather than a five year lease term.

**4.2.4 Mr Mike Travers – Council (general)**

Mr Travers, a local resident, asked the Shire President the following questions;

- How far the “ship was off course”;
- What decisions had been made over the years when the “ship was off course”;
- What were the achievable objectives of setting a new course for the Council;
- Whether or not ratepayers have confidence in the current Council to make the necessary changes;
- Whether or not the Council would rethink how they communicate with ratepayers; and
- What the incentives were to make and maintain any changes that are required.

*The Shire President responded stating that he believed that Mr Travers was using an analogy that he had used when speaking with the press and that three Councillors had been re-elected at the recent election. Cr Morrell asked Mr Travers to have some faith in the Electors. Cr Morrell stated that the Council had heard the message and that it was obvious that there were things to discuss in the near future. Cr Morrell referred to a second letter that he had received from Mr Brian Humphries on similar topics which was being circulated within the community, however he did not wish to go into further detail. Cr Morrell referred to a recent petition that had been submitted and stated that the petitioner had been advised that it did not meet requirements and therefore had not been accepted.*

*The Shire President stated that if, after a few months, there was still disquiet about the Council in the Community then he would call a special ratepayers meeting to discuss how they believe the interactions with Council were affecting them.*

*Cr Seeney added that he believed that he had had been happy with his previous record of community consultation and he had every faith in the Shire President and the Deputy Shire President to “turn the ship around”.*

*Cr Lewis stated that there had been six Councillors up for re-election and she believed that changes will happen.*

**4.2.5 Dr Cyril Edwards – Council (general)**

Dr Edwards stated that he had been impressed with the genuine changes and interactions which had been made since the election and noted that Council was doing a good job under difficult circumstances. Dr Edwards wished everyone a Merry Christmas.

**4.2.6 Ms Karen Andersson – Plastic Shopping Bag Free Denmark Campaign**

The Acting Chief Executive Officer advised that Ms Andersson had emailed in the following to be read out at public question time.

"I was hoping to present this as an item at question time tonight however I am unable to attend. Wanted to invite your interest in the Plastic shopping bag free Denmark campaign.

You may have read the latest Bulletin and see the campaign intends to run through 2016 during which time community engagement, education and promotion will take place.

The campaign is in its infancy but I was keen to see it begin before the festive period.

Thus far there has been a meeting in early December and correspondence with community groups, schools and our two main food stores. Through these communications plus a stall at the market the campaign is slowly but very surely gathering a group of keen helpers who wish to participate in "Breaking the bag habit".

Have met with Tidy Towns at their last meeting where we discussed the campaign they ran many years ago. I believe at this time the campaign is an achievable goal to significantly reduce Denmark's plastic shopping bag usage.

The first survey suggests we use in excess of 2500 plastic shopping bags/ day in Denmark. Given that the average usage is 12 mins, yet their effects on our environment may last up to 1000 yrs, I believe we can reduce this detrimental impact.

Very happy to talk with individuals or bring the subject to another question time to give more details. Hoping one or more of you may wish to act as reps for the council on this campaign - definitely doesn't mean meetings (unless you like them!) just a go to person if the need arises.

All interest, ideas gratefully received. Appreciate your consideration."

*The Acting Chief Executive Officer noted that Cr Bartlett was the Council's Delegate on the Denmark Tidy Towns Committee and that officers would be providing a written response to Ms Andersson advising that Council's Sustainability Officer, Ms Donna Sampey, was the appropriate conduit between their campaign and the Council in the first instance. Mrs Harbron added that Ms Sampey had been looking into the matter for some time and that her position had a strong focus on encouraging projects such as this.*

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

Nil

**4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

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

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

Nil.

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

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

**COUNCIL RESOLUTION**

ITEM 5

MOVED: CR SEENEY

SECONDED: CR GEARON

That Cr Pedro be granted leave of absence for the meeting scheduled to be held on Tuesday, 19 January 2016.

CARRIED UNANIMOUSLY: 5/0

Res: 301215

**6. CONFIRMATION OF MINUTES**

**6.1 ORDINARY COUNCIL MEETING**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 6.1</b>
MOVED: CR SEENEY	SECONDED: CR GEARON
<p>That the minutes of the Ordinary Meeting of Council held on the 1 December 2015 be confirmed as a true and correct record of the proceedings, subject to the following amendments;</p> <ol style="list-style-type: none"> <li>1. Page 5 – In the fourth paragraph, in the Acting Chief Executive Officer’s response, remove the words “which youth pay to participate in”.</li> <li>2. Page 16 – With respect to Mrs Ross’s comments and questions during the second public question time;             <ol style="list-style-type: none"> <li>a) At the end of the first sentence, after the word “children” add the following words “and stated that there had been times when she had booked her children into the program but the activity was subsequently cancelled due to insufficient numbers”.</li> <li>b) Replace the words “received a call” to “received an email”;</li> <li>c) Replace the words “what the results of that survey was” to “whether parent’s indicated that they would like the adventure park to be an activity”;</li> <li>d) Replace the words “ring around” to “emails sent”;</li> <li>e) Add the words “Youth Centre” prior to the words “school holiday program” in the Director of Community &amp; Regulatory Services’ response.</li> </ol> </li> <li>3. Page 20 – That Councillors votes recorded for and against the Amended Motion be amended so that Cr Seeney is recorded as having voted for the motion;</li> <li>4. Page 58 – That Resolution No. 201215 be amended to include the words “to enable Council time to examine the Contract wording itself”.</li> <li>5. Page 61 – That Councillors votes recorded for and against Resolution No. 241215 be amended so that one “Cr Pedro” is removed, as this was a duplication;</li> <li>6. Page 62 – Prior to Resolution No. 281215 add the words “11.40pm – Cr Sampson left the room and did not return.”;</li> <li>7. Page 62 – Correct Resolution No. 281215 by replacing the words “CARRIED UNANIMOUSLY: 8/0” to “CARRIED UNANIMOUSLY: 7/0”.</li> </ol>	
CARRIED UNANIMOUSLY: 5/0	Res: 311215

**6.2 SPECIAL COUNCIL MEETING**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 6.2</b>
MOVED: CR GEARON	SECONDED: CR BARTLETT
<p>That the minutes of the Special Meeting of Council held on the 17 December 2015 be confirmed as a true and correct record of the proceedings.</p>	
CARRIED UNANIMOUSLY: 5/0	Res: 321215

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

Nil

**8. REPORTS OF OFFICERS**

**8.1 Director of Planning & Sustainability**  
Nil

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

**8.3 Director of Infrastructure Services**  
Nil

**8.4 Director of Finance & Administration**

*Prior to consideration of Item 8.4.1 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Seeney is a member of the Denmark Historical Society Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declares that he will consider this matter on its merits and vote accordingly.*

<b>8.4.1 DENMARK HISTORICAL SOCIETY FUNDING REQUESTED – PHOTOCOPIER REPLACEMENT</b>
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<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 December 2015
<b>Author:</b>	Kim Dolzadelli, Director of Finance And Administration
<b>Authorising Officer:</b>	Annette Harbron, Acting Chief Executive Officer
<b>Attachments:</b>	8.4.1 – Request form Denmark Historical Society

**Summary:**

Council is being asked to consider a request from the Denmark Historical Society Inc. for a cash contribution of \$2,300 (excluding GST) towards the purchase of a replacement photocopier.

**Background:**

On the 25 November 2015 the Denmark Historical Society wrote to the Shire requesting Council’s consideration of a cash contribution of \$2,300 to assist the Society to replace a photocopier. The Society has indicated that it is able to commit \$500 to the total purchase price of \$2,800 (excluding GST). The Denmark Historical Society has also advised that the value of the photocopier is \$3,700, however the business chosen to provide the photocopier has discounted the price to \$2,800 for the Society.

The Denmark Historical Society was established in 1983 with the aim of preserving the heritage of the Denmark town and surrounding region, its people and culture, and its industrial past. Membership of the Society is currently around 150.

Through the efforts of its enthusiastic volunteer staff, the Society maintains an extensive collection of historical artefacts, photographs, oral histories and paper archives dating from the turn of the 20th century to the present day.

They have a growing collection, which is accessible to the public, at the Denmark Historical Museum where visitors can view displays and get help researching the district’s past. The purchase of a replacement printer will enable the Society to continue this work.

Through its 2015/2016 Budget process Council considered submissions for the Community Financial Assistance Grants Program and approved grants in the amount of \$28,050. The Denmark Historical Society was allocated an amount of \$3,703 in contribution to completion of a footpath to toilets on their site and security screens and cameras for the facility.

The guidelines for funding from the Community Financial Assistance Grants Program are reproduced below;

**OBJECTIVES:**

1. To provide financial assistance for organisations and/or projects, which benefit the community.
2. To assist community based (not for profit) organisations to develop and maintain facilities.
3. To provide community based (not for profit) organisations with relief from Council imposed fees and charges.
4. To provide urgent or emergency financial assistance where required.
5. To provide guidelines for the consideration and approval, or otherwise, of financial assistance applications.

**Consultation:**

The Acting Chief Executive Officer has been consulted with respect to this request.

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

**Statutory Obligations:**

The Local Government Act 1995 provides for a strict budget process on terms of committing future expenditure. The proposed method of allocating these funds satisfies these requirements.

**Policy Implications:**

Council Policies P040125 (Community Financial Assistance Program) and P110708 (Denmark Historical Society – Annual Funding Contribution) relate and are complimentary to the request and Officer Recommendation.

**Budget / Financial Implications:**

Should Council approve the request the Officer recommends that Council:

1. Increase the total Municipal Budget allocation for 2015/16 of \$28,050 for the Community Financial Assistance Grants (GL 1420342) by \$2,300 to \$30,350,
2. Decrease the current Budgeted Surplus position of \$1807 to a Deficit Budget position of -\$493, and
3. Request that the Director of Finance and Administration highlight Budget savings through the Mid-Year Budget review process in order to ensure that Council's Budgeted position is returned to Surplus.

**Strategic Implications:**

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

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

Preserving and understanding the history of Denmark is part of recognising the social fabric that has led to what Denmark is today.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council may choose not to assist the Denmark Historical Society	Rare (1)	Moderate (3)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

**Comment/Conclusion:**

The reason why the Society didn't apply for this project during the Community Financial Assistance Program advertising period this year, is that at the time, the photocopier was functioning. The Society has confirmed that the photocopier was some 18 years old and is not economically repairable.

The Officer recommends approval of the Denmark Historical Society's request noting the aim of the Society in preserving the heritage of the Denmark town and surrounding region, its people and culture and its industrial past.

**Voting Requirements:**

Absolute majority.

OFFICER RECOMMENDATION

ITEM 8.4.1

That with respect to the Denmark Historical Society request to contribute to a replacement photocopier, Council;

1. Approve a cash contribution of \$2,300 (excluding GST) to the Society to assist in the purchase of a replacement photocopier,
2. Increase the total Municipal Budget allocation for 2015/16 of \$28,050 for the Community Financial Assistance Grants (GL 1420342) by \$2,300 to \$30,350,
3. Decrease the current Budgeted Surplus position of \$1807 to a Deficit Budget position of -\$493, and
4. Request that the Director of Finance and Administration highlight Budget Saving through the Mid-Year Budget review process in order to ensure that Councils Budgeted position is returned to Surplus.

**COUNCIL RESOLUTION**

ITEM 8.4.1

MOVED: CR SEENEY

SECONDED: CR GEARON

That with respect to the Denmark Historical Society request to contribute to a replacement photocopier, Council;

1. Approve a cash contribution of \$1,800 (excluding GST) to the Society to assist in the purchase of a replacement photocopier,
2. Increase the total Municipal Budget allocation for 2015/16 of \$28,050 for the Community Financial Assistance Grants (GL 1420342) by \$1,800 to \$29,850; and
3. Decrease the current Budgeted Surplus position of \$1,807 to a Surplus Budget position of \$7.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 5/0

Res: 331215

**REASONS FOR CHANGE**

Council reduced the contribution amount due to the potential risk of setting a precedent with going over budget with other similar requests.



**8.5 Chief Executive Officer**

<b>8.5.1 DENMARK MEN’S SHED INC. – REQUEST FOR IN PRINCIPLE SUPPORT</b>	
<b>File Ref:</b>	ORG.85
<b>Applicant / Proponent:</b>	Denmark Men’s Shed Inc.
<b>Subject Land / Locality:</b>	No. 2 (Lot 952) Inlet Drive, Reserve No. 30277
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 December 2015
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Annette Harbron, Acting Chief Executive Officer
<b>Attachments:</b>	8.5.1a – Background to the Denmark Men’s Shed & Constitution 8.5.1b – Adopted Heritage Precinct Concept Plan 8.5.1c – Map of Proposed Lease Area

**Summary:**

The Denmark Men’s Shed have expressed an interest in leasing a portion of land at the Council managed Reserve No. 30277, being the Denmark Historical Railway Station Precinct. Council’s in principle support for an eventual lease will enable the group to commence applying for external grant funding for the purchase and construction of a Shed on the site.

**Background:**

The President of the Denmark Men’s Shed (DMS) has provided a brief history and background to the Group which also highlights their desires with respect to establishing a Shed on a portion of Reserve No. 30277.

The principle purpose of the DMS is to promote the prevention and control of malaise in people.

The objectives of the DMS, as set out in their Constitution, are to:

- Address the issue of people’s mental, physical and emotional health and well being in the community;
- Engage the elderly, differently-abled, youth, Veterans, indigenous and other groups of people from Denmark and surrounding areas to specifically address any issues of loneliness, isolation and depression;
- Support the social interaction of people in transitional periods (eg. separation, redundancy, bereavement, retirement, ill health, relocation and respite care);
- Share, disseminate and preserve skills, abilities and interests that are relevant to the community;
- Facilitate links between people and health related agencies, family organisations and specialist health professionals within the community;
- Advocate the benefits of partnerships between DMS and the community;
- Development a Men’s Shed which can operate on a cost neutral basis, that is, its ongoing costs can be met or exceeded by its revenue;
- Initiate and continue activities of particular relevance to its members and other people in the community;
- Provide strong social fabric for people experiencing isolation.

**Consultation:**

Whilst the DMS have indicated that they have had verbal conversations with some of the other Lessees of the Precinct, the Officer recommends that Council request that more formal consultation be undertaken with all current leaseholders to ensure that there are no significant concerns with the proposed lease and/or the activity at the site.

**Statutory Obligations:**

Section 3.58 of the Local Government Act and Regulation 30 of the Local Government (Functions and General) Regulations 1996 relate to disposing (including leasing) of property however this request is for in principle support only.

Reserve 30277 is the subject of a Management Order to the Shire of Denmark, with power to lease provisions in place, for the purpose of "Historical Precinct, Recreation and Community Purposes".

**Policy Implications:**

Policy P110104 – Denmark Railway Station No. 3 Reserve – Heritage Precinct Concept Plan relates and reads as follows;

*"Council has adopted a Concept Plan for the Denmark Historical Railway Station Precinct, located between Hollings Road, Crellin Street and Inlet Drive, Denmark. The Plan provides guidance as to the use of the Reserve and future enhancement and development."*

A copy of the adopted Heritage Precinct Concept Plan is attached – refer Attachment 8.5.1b.

Whilst Policy P110102 – Leasing of Land and/or Buildings to Community Groups describes conditions and the process for leasing land to community organisations, the Officer is recommending that Council provide in principle support only, at this stage.

**Budget / Financial Implications:**

There are no known financial implications upon either the Council's current Budget or Long Term Financial Plan with respect to the Officer Recommendation. The DMS are asking for Council's in principle support with respect to leasing a portion of Reserve No. 30277 so that they can seek grant funding opportunities to purchase and construct a Shed on the site and are not seeking any financial support from Council for the project, at this point in time.

**Strategic Implications:**

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

**SOCIAL OBJECTIVE**

*Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.*

**SOCIAL GOALS**

*Population: ...closely monitors its population growth over the next two decades, to put into place advocacy, policies and infrastructure that reflect the needs of a diverse age range and which will be attractive to both present and new residents.*

*Education: ...work with relevant authorities and organisations that encourage the growth and diversity of educational opportunities and facilities for all age groups both in the town of Denmark and in its outlying communities.*

**GOVERNANCE OBJECTIVE**

*The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.*

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

The portion of the Reserve which the DMS have indicated as their preferred site is mostly vegetated. Any clearing required would need to be considered if/when the organisation submit a Development Application, which is subject to them securing funding and entering into a formal lease agreement with the Council. A clearing permit from the Department of Environment Regulation may also be required to be obtained depending on the extent of the clearing proposed.

➤ **Economic:**

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

➤ **Social:**

The purpose and objectives of the Denmark Men’s Shed organisation, as noted in the Background section of this report, have many social benefits for people of all ages and there is a strong focus on social interaction and inclusion and many other elements which support the health and well-being of activity participants.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not agree to provide in principle support for the Denmark Men’s Shed to lease a portion of Reserve No. 30277.	Unlikely (2)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

**Comment/Conclusion:**

Men’s Sheds or Community Sheds originated in Australia, to advise and improve the overall health of all males however many have expanded their membership to anyone regardless of age or gender. The Denmark Men’s Shed constitution states that “Membership of the Association shall be open to any individual who promotes, supports and adheres to the objections of DMS”.

The Denmark Men’s Shed are well into the process of becoming incorporated and are currently working on a Business Plan. They have advised that they have 23 current members and have indicated in Attachment 8.5.1a that they have already obtained several donations from members and local businesses. Policy P110102, requires that community organisations are incorporated prior to any lease agreement being put in place.

Reserve 30277 has been identified as being the most suitable for their purpose and objectives and an area of 3,600sqm is sought. The map attached (refer Attachment 8.5.1c) depicts the size and location of the area which is adjacent to the existing Denmark Machinery Restoration Group Inc.’s (DMRG) leased area (lease expiring 26 February 2020). The Author is of the view that both activities will complement each other and is aware that some members of the DMS are also members of the DMRG.

Other Lessees of the site are Spirit of Play (lease expiring 30 November 2018) and Denmark Lions Club (lease expiring 31 August 2022).

In the Officer's view the adopted Concept Plan does not require amending as the additional "future" buildings noted on the Plan are indicative and are positioned in indicative locations only. The Plan is conceptual only.

Should the DMS be successful with their funding application(s) and a formal lease then be sought, the matter would be brought to Council for approval.

Post Script: On the 21 December 2015, the Denmark Men's Shed advised that they had received their Certificate of Incorporation, dated 14 December 2015.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.1

That with respect to the request to lease a portion of Reserve 30277 to the Denmark Men's Shed, Council;

1. Agrees in principle to the leasing of an area of approximately 3,600sqm of Reserve 30277 to the Denmark Men's Shed for a period of five years, with a five year option, for the purposes of furthering the purpose and objectives of their organisation, subject to;
  - a) The Group being incorporated and obtaining their own appropriate public liability insurance;
  - b) The Group obtaining suitable and sufficient grant money from external sources to fund the purchase and construction of a suitable Shed on the site;
  - c) The Minister for Lands approving the lease;
  - d) The submission of a Business Plan that is to the satisfaction of the Chief Executive Officer that addresses matters relating to noise, public safety, vehicle access, landscaping and amenity;
  - e) Consultation occurring with the Denmark Lions Club, Denmark Machinery Restoration Group and the Spirit of Play.
2. Authorise the Chief Executive Officer to provide letters of support for any funding applications, at the request of the Denmark Men's Shed, to the effect that they note Council's in principle support for a future lease should the funding application(s) be successful, and supporting the principles of the organisation's purpose and objectives.

**COUNCIL RESOLUTION**

ITEM 8.5.1

MOVED: CR SEENEY

SECONDED: CR GEARON

That with respect to the request to lease a portion of Reserve 30277 to the Denmark Men's Shed, Council;

1. Agrees in principle to the leasing of an area of approximately 3,600sqm of Reserve 30277 to the Denmark Men's Shed for a period of ten years, with a ten year option, for the purposes of furthering the purpose and objectives of their organisation, subject to;
  - a) The Group being incorporated and obtaining their own appropriate public liability insurance;
  - b) The Group obtaining suitable and sufficient grant money from external sources to fund the purchase and construction of a suitable Shed on the site;
  - c) The Minister for Lands approving the lease;
  - d) The submission of a Business Plan that is to the satisfaction of the Chief Executive Officer that addresses matters relating to noise, public safety, vehicle access, landscaping and amenity;
  - e) Consultation occurring with the Denmark Lions Club, Denmark Machinery Restoration Group and the Spirit of Play.
2. Authorise the Chief Executive Officer to provide letters of support for any funding applications, at the request of the Denmark Men's Shed, to the effect that they note Council's in principle support for a future lease should the funding application(s) be successful, and supporting the principles of the organisation's purpose and objectives.

CARRIED UNANIMOUSLY: 5/0

Res: 341215

**REASONS FOR CHANGE**

Council changed the term of lease to be offered from five (5) years to ten (10) years to provide the organisation with greater security of tenure.

*Prior to consideration of Item 8.5.2 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Seeney is a member of the Denmark Historical Society Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declares that he will consider this matter on its merits and vote accordingly.*

<b>8.5.2 DENMARK HISTORICAL SOCIETY INC. LEASE</b>	
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<b>File Ref:</b>	ORG.15
<b>Applicant / Proponent:</b>	Denmark Historical Society Inc.
<b>Subject Land / Locality:</b>	Reserve No. 42278, 16 Mitchell Street, Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	10 December 2015
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Annette Harbron, Acting Chief Executive Officer
<b>Attachments:</b>	8.5.2a – Municipal Heritage Inventory (MHI) Place Record Form 8.5.2b – Draft Lease

**Summary:**

Council is asked to consider entering into a formal lease with the Denmark Historical Society Inc. for the use of the Museum site on whole of Reserve No. 42278.

**Background:**

The Denmark Historical Society Inc. (DHS) were established in 1963 to 1966 and then re-established in 1983. The organisation has 220 members and have occupied and managed the Museum since 1986.

After confirming that there was no formal agreement (lease) in place, Council Officers have been liaising with DHS representatives and have agreed upon the attached draft Lease, which is based on the Council’s standard community group lease.

**Consultation:**

Liaison between Council Officers and representatives from the DHS and with Council’s Delegate to the DHS, Cr Seeney.

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required, particularly given that the organisation has occupied the site for almost 30 years.

**Statutory Obligations:**

The Management Order to the Shire of Denmark with respect to the Reserve provide for “power to lease for any term not exceeding 21 years”. The purpose of the Reserve is “Museum”.

In principle approval for the lease, pursuant to Section 18 (2) of the Land Administration Act 1997, has been applied for and was granted on 25 September 2015.

Sections 3.54 and 3.58 of the Local Government Act 1995 and Regulation 30 of the Local Government (Functions and General) Regulations 1996 relate.

The Old Police Station (which now houses the Museum) is listed on Council’s Municipal Heritage Inventory and has a considerable level of significance. A copy of the Place Record Form is attached (refer Attachment 8.5.2a).

**Policy Implications:**

Policy P110102 – Lease of Land and/or Buildings to Community Groups relates and reads as follows;

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

- a. *There be a signed lease based on Council’s 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);*
- 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 or 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).*
- m. *Reflecting the non ‘exclusive club’ usage and fact that they perform a valuable Council service for wide community benefit Council annually (subject to annual budget deliberation) contributes to the maintenance of the following leased Halls;*
  - i. *Parryville Hall \$2,000;*
  - ii. *Tingledale Hall \$2,000;*
  - iii. *Scotsdale Hall \$2,000 (nb: Hall is owned by Scotsdale Progress Association on Association vested land);*
  - iv. *Kentdale Hall \$2,000;*
  - v. *RSL Hall \$3,000;*
  - vi. *Museum Building maintenance is 100% Council responsibility;*
  - vii. *Nornalup Hall \$2,000;*
  - viii. *Morgan Richards Community Centre \$2,000; and*
  - ix. *Peaceful Bay Hall (& Les Carpenter Shed) \$2,000.*
- n. *Council’s 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.*
- o. *The definition of ‘exclusive occupation’ does not include reference to yearly licenses to occupy storage space within a building such as at the Denmark Recreation Centre.”*

**Budget / Financial Implications:**

Pursuant to Council Policy P110102, Council is responsible for 100% of the maintenance for the Museum Building and funds are included in the 2015/16 Budget under Job No. 11009.

The annual rent recommended in the draft lease (attached) is \$1.00 (peppercorn). This is consistent with similar leases that Council has with Community Groups, reflecting that they perform a valuable service for the wider community in managing these Council assets.

**Strategic Implications:**

The report and officer recommendation is consistent with Council’s adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

**SOCIAL OBJECTIVE**

*Denmark’s communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.*

**GOVERNANCE OBJECTIVE**

*The Shire of Denmark provides renowned leadership in sustainability, is effective with both its consultation with its people and its management of its assets, and provides transparent and fiscally responsible decision making.*

A formal lease protects the rights of the Council and the Community Group and makes clear each parties obligations with respect to the property.

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

The Denmark Historical Society Inc. provide an invaluable service to the Council and the Community by collecting, collating, communicating and displaying local historical information.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not enter into a Lease with the Denmark Historical Society and they continue to occupy and manage the Museum site.	Rare (1)	Minor (2)	Low (1-4)	Ineffective Management of Facilities and Events	Accept Officer Recommendation



**Comment/Conclusion:**

A copy of the Draft Lease is attached – refer Attachment 8.5.2b.

Council Policy P110102, part a), states that *“There be a signed lease based on Council’s standard ‘not for profit’ lease prior to occupation or upon renewal”*.

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 8.5.2
MOVED: CR LEWIS	SECONDED: CR SEENEY
That Council agree to enter into a lease with the Denmark Historical Society Inc. for a term of 21 years with respect to Whole of Reserve No. 42278, 16 Mitchell Street, Denmark being Lot 2021 on Deposited Plan No. DP190448, pursuant to the attached draft lease.	
CARRIED UNANIMOUSLY: 5/0	Res: 351215

**9. COMMITTEE REPORTS & RECOMMENDATIONS**

Nil

The Shire President announced that there were two late items on the Agenda which would be Item 11.1, which was with respect to accepting a grant, and Item 11.2, which was with respect to the appointment of an interim Chief Executive Officer.

Cr Morrell advised that Items 10.1, 10.2 and 11.2 would need to be discussed behind closed doors and, for the convenience of the public, announced that he would move to Item 11.1 on the Agenda at this point of the meeting given that it was a matter which did not require the meeting to be behind closed doors.

<b>COUNCIL RESOLUTION</b>	ITEM 11.1
MOVED: CR GEARON	SECONDED: CR LEWIS
That Council accept two items of New Business for the following reasons;	
1. Item 11.1 – as it relates to the acceptance of a grant, with the associated project commencing in January 2016.	
2. Item 11.2 – as it relates to the appointment of an interim Chief Executive Officer.	
CARRIED UNANIMOUSLY: 5/0	Res: 361215

The meeting proceeded to Item 11.1 on the Agenda.

<b>11.1 DENMARK STREETBALL PROJECT</b>
<b>File Ref:</b> PBR.1
<b>Applicant / Proponent:</b> Shire of Denmark
<b>Subject Land / Locality:</b> Not applicable
<b>Disclosure of Officer Interest:</b> Nil
<b>Date:</b> 14 December 2015
<b>Author:</b> Damian Schwarzbach, Manager of Recreation & Youth Services
<b>Authorising Officer:</b> Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b> 11.1 – Department of Sport and Recreation “Youth Engagement Scheme” Grant Application Form

**Summary:**

Council is being requested to consider accepting the Department of Sport and Recreation’s “Youth Engagement Scheme” grant of \$27,250 (excluding GST) and an associated Healthways grant of \$2,500 (excluding GST), and making necessary Budget Amendments if Council accepts the funding.

**Background:**

Youth Services staff have applied for and been successful in their application for a Department of Sport and Recreation “Youth Engagement Scheme” grant of \$27,250 (excluding GST) and an associated Healthways grant of \$2,500 (excluding GST). This funding, if accepted by Council, will be used to run a new project for at risk young people in the Shire of Denmark titled, “Denmark Streetball”.

Streetball will be open to young people between the ages of 12 and 18 years with clinics and dunk competitions held Friday nights at the outdoor hoops near Berridge Park, followed by Saturday afternoon/evenings at the Recreation Centre. The participants will have a hot meal as well as have access to trained mentors, youth workers, basketball coaches and careers guidance advisors. The program is 100% funded by the grants and will operate for 6 months.

Youth Services staff identified Streetball as the single most requested non-traditional sport via a year long consultation process with young people in the Shire of Denmark. This occurred as part of a Local Government and Communities Youth Friendly Communities grant which sought input from local young people on their opinions and needs for the betterment of their lives within the Shire of Denmark.

The Supervisor of Youth Services recognised the high level of non-participation of at-risk young people in traditional sport and found the costs involved limited this participation significantly. Streetball utilises low-key Mentoring and Youth Work to engage local young people, at no cost. It develops 'life-skills' through non-traditional learning.

**Consultation:**

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

Council's Youth Services staff have consulted with the following groups/organisations;

- Council's Youth Advisory Committee (YAC) – A survey of more than a third of the Shire's youth population as part of the Youth Friendly Communities Grant revealed "Streetball" as the number one sporting activity young people want, but do not have access to.
- Denmark Police – agreed to support the project by attending and participating when available.
- Department of Sport and Recreation
- Denmark Basketball Association
- Healthways encouraged the application and a \$2,500 grant was also received from them in support of the Streetball project.

**Statutory Obligations:**

There are no statutory implications other than considering a matter outside of the Adopted Budget (section 6.8 of the Local Government Act 1995 requires an absolute majority decision of the Council to approve the expenditure) in the event that an existing Budget line cannot accommodate the request.

**Policy Implications:**

Delegation D040223 states:

*The Chief Executive Officer is delegated authority to make submissions for grants and/or subsidies from State and Commonwealth Governments without prior approval of Council.*

*In exercising this delegated authority the following conditions shall be observed:*

1. *The grant/subsidy shall not be accepted without Council's endorsement.*
2. *The undertaking is to be in accordance with Council's established strategic objectives.*

**Budget / Financial Implications:**

Should Council wish to accept the Department of Sport and Recreation's "Youth Engagement Scheme" grant of \$27,250 (excluding GST) and Healthways grant of \$2,500 (excluding GST), the following Budget Amendments would need to be adopted by Absolute Majority:

- Create GL Account (Income) 1627533 Grant - Drug Aware DYS Streetball, Budget \$30,000; and
- Create GL Account (Expenditure) 1620372 - Youth – Streetball, Budget \$30,000.

The officer notes that there will be no impact on Council's budgeted current Surplus/Deficit position.

**Strategic Implications:**

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

*Youth: ...encourage opportunities, employment and facilities for young people, and aims to involve them in decisions made within the community.*

*Public Safety: ...work with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors.*

*SOCIAL OBJECTIVE - Denmark's communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.*

*Funding: ...be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding, that will benefit the community and assist in meeting its aims and obligations.*

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

This funding will provide opportunities for at risk young people in the Shire of Denmark to engage with trained local mentors and existing Council Youth Services staff. Streetball will provide the environment for these young people to be better informed to make decisions regarding issues like health, social interaction, community involvement and wellbeing.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the program is a success and the Young people want it to continue past the timeframe that is funded externally.	Likely (4)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk
That the Community is concerned at the potential large presence of young people in the same location each week	Rare (1)	Insignificant (1)	Low (1-4)	Inadequate Employee, Visitor or Public Safety & Security	Accept Risk

**Comment/Conclusion:**

The Streetball Project supports the ethos of the Shire's Youth Services by encouraging at-risk young people to socialise and engage through non-competitive sport. The Project provides only in-kind support by the Shire through the provision of a meal on an evening a week. This is already occurring within existing Shire funding of the Youth Services. The grants (Healthway and Department of Sport and Recreation) encompass all aspects of cost and as a result require no further Council contribution. The Streetball Project is strongly supported by local young people and Youth Work staff alike. It will have a positive and tangible effect on the young people of Denmark.

**Voting Requirements:**

Absolute majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 11.1

MOVED: CR LEWIS

SECONDED: CR GEARON

That Council with respect to the Denmark Streetball Project;

1. Accept the Department of Sport and Recreation's "Youth Engagement Scheme" grant of \$27,250 (excluding GST) and Healthways grant of \$2,500 (excluding GST);
2. Amend the Shire of Denmark 2015/2016 Municipal Budget to include:
  - GL (Income) Account 1627533 "Grant - Drug Aware DYS Streetball", Budget \$30,000; and
  - GL (Expenditure) Account 1620372 - Youth – Streetball, Budget \$30,000; and
3. Acknowledge that there will be no impact on Council's budgeted current Surplus/Deficit position as a result of points 1 or 2.

CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 5/0

Res: 371215

*The Shire President announced that the meeting would now move to Item 10 on the Agenda being Matters Behind Closed Doors.*

**10. MATTERS BEHIND CLOSED DOORS**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10</b>
MOVED: CR GEARON	SECONDED: CR LEWIS
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 Items 10.1 & 10.2 so that the winners names can remain confidential until they are announced at the Shire’s Australia Day function.	
CARRIED UNANIMOUSLY: 5/0	Res: 381215

5.54pm – Cr Seeney left the room which resulted in there being no quorum and the meeting was suspended.

5.56pm – Cr Seeney returned to the room and the meeting resumed.

5.56pm – Cr Lewis left the room which resulted in there being no quorum and the meeting was suspended.

6.01pm – With all Councillors in attendance the meeting resumed. Mr Blackmore had left the room during the suspension and did not return.

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

Cr Seeney is a mentor for one of the nominations and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Seeney declares that he will consider this matter on its merits and vote accordingly.

Cr Gearon knows some of the nominees and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declares that she will consider this matter on its merits and vote accordingly.

<b>10.1 SPORTSPERSON OF THE YEAR AWARDS 2015</b>	
<b>File Ref:</b>	PBR.1
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	The Author is a member of the Denmark Cricket Club, family is a member of the Denmark Surf Lifesaving Club and children are members of the Denmark Little Athletics Club
<b>Date:</b>	3 December 2015
<b>Author:</b>	Damian Schwarzbach, Manager of Recreation & Youth Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	10.1a – Honour Board of Previous Winners 10.1b – Nominations (under separate cover & confidential for Councillors)

**Summary:**

Council is asked to consider the Nominations received for the Shire of Denmark’s annual Sportsperson of the Year Awards for 2015 and select winners for each category (where there are nominations for such).

**Background:**

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

**Consultation:**

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

Marketing & promotion for these awards commenced on 7 September 2015 and included the following;

Marketing & Promotion	Date
Letters to every known local Community & Sporting Group	2 September 2015
Council’s website	2 September 2015
Council’s Notice Board	2 September 2015
Denmark Recreation Centre - flyer	2 September 2015
Denmark Youth Centre – flyer	2 September 2015
Denmark Library - flyer	4 September 2015
Advert in Denmark Bulletin	24 September 2015
Emails to Councillors & Employees	2 September 2015

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

Part B of Council Policy P040113 – CITIZEN & SPORTSPERSONS OF THE YEAR relates and reads as follows;

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

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

*Nominations to close the last week in November.*

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

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

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

*Presentation of the Awards to be at a function held no later than February. Sporting organisations are to be given the opportunity to facilitate the function with the assistance of Council or in the*

absence of interest from sporting organisations to do so, Council will organise the function which will include a small attendance fee to cover costs.

Eligibility

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

**Budget / Financial Implications:**

Council has included provision in the 2015/16 Budget for these Awards which will fund certificates, plaques for each winner and updating of the Honour Board.

**Strategic Implications:**

The report and officer recommendation is consistent with Council’s adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

*SOCIAL OBJECTIVE - Denmark’s communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.*

**Sustainability Implications:**

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

These Awards provide a way for Council & the Community to recognise and acknowledge local individuals and community groups (or events) who have contributed positively to the Denmark Community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not select a winner for any or all of the Award categories	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Manage by selecting successful recipients for the Awards.

**Comment/Conclusion:**

The nominations received have been forwarded to Council under separate cover marked confidential. The closing date for nominations was Friday, 27 November 2015.

Sixteen nominations were received as follows;

CATEGORY: Service to Sport

- Francis Amess



- Mike Garland
- Joan Merrifield
- Dan Robson
- Dee Thorpe

CATEGORY: Junior Sportsperson of the Year

- Noah Amess
- Lucy Ballard
- Richard Cullinan
- Jasmine Jones
- Jake Stewart
- Ebony Thorpe
- Leah Winter
- Matt Wong

CATEGORY: Senior Sportsperson of the Year

- Kelly Judd
- Eilidh MacMaster
- Ian Osborne

**Voting Requirements:**

Simple majority.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 10.1
MOVED: CR BARTLETT	SECONDED: CR LEWIS
<p>With respect to the Shire of Denmark 2015 Sportsperson Awards the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers of Council, Council’s Executive Assistant and Council’s Manager of Recreation &amp; Youth Services and in addition those names also be embargoed until the Awards Ceremony on 26 January 2016;</p> <ol style="list-style-type: none"> <li>1. 2015 Senior Sportsperson of the Year to Eilidh MacMaster;</li> <li>2. 2015 Junior Sportsperson of the Year to Leah Winter; and</li> <li>3. 2015 Service to Sport Award to Joan Merrifield.</li> </ol>	
CARRIED UNANIMOUSLY: 5/0	Res: 391215

6.17pm – The Shire President announced that he had just received an apology from Cr Whooley via text message.

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

Cr Gearon knows some of the nominees and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gearon declares that she will consider this matter on its merits and vote accordingly.

<b>10.2</b>	<b>2016 CITIZEN &amp; COMMUNITY GROUP OR EVENT OF THE YEAR AWARDS</b>
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<b>File Ref:</b>	PBR.1
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	9 December 2015
<b>Authors:</b>	Teiga Murray, Administration Officer
<b>Authorising Officer:</b>	Annette Harbron, Acting Chief Executive Officer
<b>Attachments:</b>	10.1a – Honour Board of Previous Winners 10.2b – Nominations (under separate cover & confidential to Councillors)

**Summary:**

Council is asked to consider the Nominations received for the Shire of Denmark’s annual Citizen & Community Group Awards and select winners for each category.

**Background:**

The Citizen & Community Group or Event of the Year Awards are annual Council awards which are provided pursuant to Policy P040113 and are presented at the Council’s Australia Day Function on 26 January of each year.

**Consultation:**

Marketing & promotion for these awards commenced on 2 September 2015 and included the following:

Marketing & Promotion	Date
Shire of Denmark Website	2 September 2015
Shire of Denmark Notice Boards (x 2)	2 September 2015
Denmark Recreation Centre – flyer	2 September 2015
Denmark Library – flyer	2 September 2015
Denmark Youth Centre – flyer	2 September 2015
Letter to every known local Community Group	4 September 2015
Advert in Denmark Bulletin	24 September 2015 22 October 2015
Advert in Walpole Weekly	30 September 2015 21 October 2015
Emails to Councillors & Employees	2 September 2015
Specific email to Manager of Recreation & Youth Services requesting assistance in promotion	2 September 2015
Specific email to Senior Librarian requesting assistance in promotion	2 September 2015
Reminder email to Councillors & Employees	9 November 2015

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

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

***“A. PREMIER’S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS***

*The Citizenship Awards be advertised in September, inviting community groups and private citizens to submit nominations for awards in the following categories:*

- *a person of 25 years or older;*
- *a person under 25 years;*
- *a community group or event.*

*Nominations to close the last week in November.*

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

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

*Presentation to be at a local function celebrating Australia Day (January 26<sup>th</sup>).*

**Eligibility**

*For person(s) of 25 years or older and person(s) under 25 years, the nomination:*

- *must be made of person(s) who ordinarily reside in the Shire of Denmark; and*
- *must demonstrate that person(s) citizenship activities which occur within the Shire of Denmark however, external additional citizenship activities may be taken into consideration during the selection process.*

*For a Community Group or Event, the nomination can only be made for a Group or Event which is based, operated and held within the Shire of Denmark however, additional activities or events operated or based outside of the Shire may be taken into consideration during the selection process.”*

The Officer believes that the above Policy provides appropriate and sufficient guidance to Council, employees and the members of the public.

**Budget / Financial Implications:**

Council has included provision in the 2015/2016 Budget for these Awards which will fund certificates, plaques for each winner and updating of the Honour Board.

**Strategic Implications:**

The report and officer recommendation is consistent with Council’s adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

*SOCIAL OBJECTIVE - Denmark’s communities, people and places are connected and creative, vibrant and dynamic, healthy and safe.*

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

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

These Awards provide a way for Council & the Community to recognise and acknowledge local individuals and community groups (or events) who have contributed positively to the Denmark Community.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not award the 2016 Citizen & Community Group or Event of the Year.	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Accept Officer Recommendation

**Comment/Conclusion:**

The closing date for nominations was Friday, 27 November 2015. Ten nominations were received as follows;

CATEGORY: Citizen of the Year

- Geoff BOWLEY
- Ary CLARKE
- Alan DAVIS
- Sue DYBING
- Chris HOARE
- Paul KIGHTLY
- Christopher LENDRUM
- Joan MERRIFIELD
- Graeme THALLON

*Post Script: Mr Geoff Bowley and his nominator requested that his nomination be withdrawn.*

CATEGORY: Young Citizen of the Year (under 25 years of age)

- No nominations received.

CATEGORY: Community Group or Event

- Denmark Historical Society Inc.

A table of previous recipients is attached.

**Voting Requirements:**

Simple majority.

**COUNCIL RESOLUTION & OFFICER RECOMMENDATION**

ITEM 10.2

MOVED: CR SEENEY

SECONDED: CR GEARON

With respect to the Shire of Denmark Citizen & Community Group or Event of the Year Awards for 2016, the following recipients be awarded in the respective categories and those names remain confidential to Councillors, Senior Officers of Council and the Council's Executive Assistant and those names also remain embargoed until the Awards Ceremony on 26 January 2016;

- a) 2016 Citizen of the Year to Graeme Thallon and Paul Kightly;
- b) 2016 Young Citizen of the Year not be awarded due to no nominations being received; and
- c) 2016 Community Group or Event of the Year to Denmark Historical Society Inc.

CARRIED UNANIMOUSLY: 5/0

Res: 401215

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

The Shire President announced that the meeting would now move to Item 11.2 on the Agenda being an Item of New Business of an Urgent Nature. It was noted that the item had previously been accepted earlier in the meeting via Resolution No. 361215.

Cr Morrell noted that Item 11.2 dealt with the personal affairs of a person and therefore would be discussed behind closed doors however noted that the meeting was already behind closed doors and therefore did not call for a motion.

Prior to consideration of Item 11.2 the Acting Chief Executive Officer, through the Presiding Person, announced that she declared an impartiality interest on the basis that the interim Chief Executive Officer would become her supervisor. Mrs Harbron declared that she will consider this matter on its merits and advise Council accordingly.

<b>11.2 APPOINTMENT OF AN INTERIM CHIEF EXECUTIVE OFFICER</b>	
<b>File Ref:</b>	Personal File
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	The Author declares an impartiality interest as the reports relates to the appointment of an interim Chief Executive Officer who would then be the Author's supervisor.
<b>Date:</b>	21 December 2015
<b>Author:</b>	Annette Harbron, Acting Chief Executive Officer
<b>Authorising Officer:</b>	Annette Harbron, Acting Chief Executive Officer
<b>Attachments:</b>	11.2a - Draft Employment Contract – to be provided to Councillors at the meeting and returned to the Shire President following the meeting. 11.2b – LO-GO Appointments Contract Placement Agreement
	<i>Both of the Attachments relating to this item have been provided to Councillors as Confidential Attachments.</i>

This item and its associated attachments were confidential to Councillors and had been provided to Elected Members under separate cover.

<b>COUNCIL RESOLUTION</b>	ITEM 11.2
MOVED: CR GEARON	SECONDED: CR LEWIS
That in relation to the appointment of an Interim Chief Executive Officer, Council:	
<ol style="list-style-type: none"> <li>1. Appoint Mr A C (Cliff) Frewing, a suitably qualified person, to the position with a commencement date being during the period from 4 January 2016 – 18 January 2016 until such time as a permanent Chief Executive Officer has been appointed and subsequently commenced with the Shire of Denmark;</li> <li>2. Is satisfied with the provisions of the proposed Employment Contract, including the remuneration as negotiated in accordance with the Salaries and Allowances Tribunal Determination;</li> <li>3. Authorises the Shire President to finalise negotiating the interim Chief Executive Officer's contract including any minor variations within the parameters of Council's agreed terms (including the commencement date); and</li> <li>4. Authorise the common seal being applied to the interim Chief Executive Officer's Employment Contract.</li> </ol>	
CARRIED UNANIMOUSLY AND BY AN ABSOLUTE MAJORITY: 5/0	Res: 411215

<b>COUNCIL RESOLUTION</b>	
MOVED: CR LEWIS	SECONDED: CR GEARON
That the meeting come out from behind closed doors.	
CARRIED UNANIMOUSLY: 5/0	Res: 421215

*No members of the public returned to the room and therefore the Shire President did not read out the Resolutions which had been determined behind closed doors.*

**12. CLOSURE OF MEETING**

*6.56pm – There being no further business to discuss the Shire President, Cr Morrell, declared the meeting closed.*

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

Signed: \_\_\_\_\_  
*Annette Harbron – Acting Chief Executive Officer*

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

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

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