



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK
ON TUESDAY, 30 SEPTEMBER 2014.

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Ordinary Council Meeting

30 September 2014

DISCLAIMER

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.03pm – *The Shire President, Cr Ross 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 Jan Lewis
- Cr Ian Osborne
- Cr Belinda Rowland
- Cr Roger Seeney

STAFF:

- Mrs Annette Harbron (Acting Chief Executive Officer/Director of Planning & Sustainability)
- Mr Kim Dolzadelli (Director of Finance & Administration)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Rob Whooley (Director of Infrastructure Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Mr Dale Stewart (Chief Executive Officer) – *attended for a period of the meeting via instantaneous communication to address Items 8.5.1 to 8.5.5.*

ON APPROVED LEAVE(S) OF ABSENCE:

- Cr David Morrell (pursuant to Council Resolution No. 080514)
- Cr Dawn Pedro (pursuant to Council Resolution No. 010914)

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 10
- Members of the press in attendance at the commencement of the meeting: 1

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Mr Dale Stewart	8.4.3	Impartiality	Mr Stewart is an employee to whom the report relates.
Mr Kim Dolzadelli	8.4.3	Impartiality	Mr Dolzadelli is an employee to whom the report relates.
Mrs Marcia Chamberlain	8.4.3	Impartiality	Mrs Chamberlain is an employee to whom the report relates.
Cr Thornton	8.1.1	Proximity	Cr Thornton owns property adjacent.
Cr Thornton	8.4.2	Impartiality	Cr Thornton is a Board Member of Denmark Tourism Inc.
Cr Seeney	8.4.2	Impartiality	Cr Seeney is a member of the Denmark Lions.
Cr Sampson	8.4.2	Impartiality	Cr Sampson is a member of the Denmark Environment Centre Inc.
Cr Rowland	8.1.1	Proximity	Cr Rowland owns a commercial property in the CBD, Fig Tree Café, Strickland Street.

Cr Rowland	8.4.4	Impartiality	Cr Rowland is Secretary of the RSL Sub-Branch Albany
Mrs Harbron	8.4.3	Impartiality	Mrs Harbron is an employee to whom the report relates.
Mr Harwood	8.4.3	Impartiality	Mr Harwood is an employee to whom the report relates.
Cr Gillies	9.1	Impartiality	Cr Gillies is the Secretary of the Tingle Dale Volunteer Bush Fire Brigade.
Cr Osborne	9.4	Impartiality	Cr Osborne is a member of the Carmarthen Volunteer Bush Fire Brigade.

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 wall near the entrance to the Council Chambers or can be downloaded from our website at <http://www.denmark.wa.gov.au/council-meetings>.

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

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

Questions from the Public

4.2.1 Mrs Bev McGuinness – Item 8.1.1 (Plane Tree Precinct Development Concept Plan)

Mrs McGuinness read a statement from the Denmark Historical Society regarding the Plane Tree Precinct Development Concept Plan as follows;

“The Denmark Historical Society is extremely disappointed with the PTPDCP Project Team recommendation to demolish the Infant Health Centre. As stated in our submission it took this community many years to fundraise to build it.

What deeply concerns the Society however is the fact that when individuals in this community raise monies and attract funding to provide the community with facilities then Council seems to bear no responsibility for these things even though they supported them at the time.

Allowing a building to deteriorate to a point it needs to be knocked down is in fact demolition by neglect! Had council maintained this building properly then it could go on being used by the community for many years to come. It has a significant place in this community's history and particularly the role played by women.

It seems that the exclusion of the Denmark Historical Society from any involvement in the development of proposals up to the Council considerations of 7th May 2013 have continued until September 2014. Other community groups invited and taking part continued after 7th May 2013 and have had input at meetings of either the Shire's CBD Streetscape Redevelopment Working Group or the PTPDCP Project Team (see for example Submission No. 23 and reference to the meeting of 13th August 2014).

The Historical Society was not called upon to be part of the working group or the Project Team. This and other buildings on the site are part of the Municipal Heritage Inventory and on most occasions we were at the very least asked to comment. And yes we did make a submission but were not included in the discussions. Is Council being selective when it either includes the Historical Society or chooses not to include it?

Does Council not want to take advantage of volunteered heritage expertise in the Denmark community?

What other MHI listed places are waiting in the wings for proposed demolition or major changes?

We are aware that the Bandstand is the next on the agenda to be proposed for removal. When the money was donated for this the intention of the Clark family was for a rotunda bandstand in Randall Park but Council decided to place it by the river. Now because of Council neglect it too looks like being removed. Just recently we were contacted by the Shire about fencing the rail carriages at the No 3 Railway station reserve because they had become dangerous. Yet another example of Council neglect. When the community puts time effort and money into facilities to improve the lot of the people of the Shire of Denmark we feel the Council has a responsibility to care and maintain these facilities even if they are no longer used for their original intention."

4.2.2 Mrs Fay Malcolm – Item 8.1.1 (Plane Tree Precinct Development Concept Plan)

Mrs Malcolm, the owner of an adjacent property on Price Street, expressed concern about how the amenity of the area was likely to change dramatically with the increased activity and noise within the precinct once developed. Mrs Malcolm stated that she didn't believe any amount of fencing or vegetation would lessen the impact on her property and that the additional parking provision near the Craft Shop may only serve the additional people visiting the precinct and therefore negate the purpose of providing additional parking within the CBD. Mrs Malcolm stated that she opposed the demolition of the former Infant Health Clinic stating that she believed it should remain as a memorial for the women of Denmark, in recognition of their work within the community.

4.2.3 Ms Liz Jack – Item 8.5.3 (Community Engagement Framework & Policy)

On behalf of the Denmark Chamber of Commerce and as a member of the Working Group who developed the framework, Ms Jack commended the Shire for commencing the review of the policy and stated that the process had been a positive working relationship with the Shire. Ms Jack urged Council to support the Officer's Recommendation.

4.2.4 Dr Louise Duxbury – Item 8.5.3 (Community Engagement Framework & Policy)

Dr Duxbury, the Green Skills representative on the Working Group, requested Council to make a minor amendment to the document which was to change the authorship of the Draft Report and Final Draft Report from herself to the Working Group.

The Shire President agreed that the change could be made.

4.2.5 Mr Mark Davies – Use of the Term ANZAC

Mr Davies, spoke on behalf of the Denmark RSL, stating that with the upcoming ANZAC Centenary he wished to make it clear that the use of the term ANZAC was covered by Federal Legislation and that Council should advise people that anyone proposing to use the term must ensure that it complies with the legislation which governs its proper use.

The Shire President thanked Mr Davies for his advice and noted that he would discuss the matter with the Chief Executive Officer upon his return.

4.2.6 Mr Adrian Baer – Morgan Richards Community Centre (MRCC)

On behalf of Denmark Arts, Mr Baer noted that work was yet to commence on the MRCC and asked when it was likely to start.

The Shire President advised that the work was due to commence on the 10 October 2014 and that there had been a hold up getting Department of Fire & Emergency Services approvals. Cr Thornton added that the schedule of works had just been received and that he was happy to provide a copy to Mr Baer.

4.2.7 Mr Alex Syme – Item 8.1.1 (Plane Tree Precinct Development Concept Plan)

The Acting Chief Executive Officer, Mrs Annette Harbron, read out a letter from Mr Alex Syme which he had requested be read out at Public Question Time. The letter has been copied below;

“I am not able to attend Council’s meeting today. In my absence I request you consider reading out the following to the meeting at Item 4.2 Public Questions.

It concerns Item 8.1.1. Plane Tree Precinct Development Concept Plan.

I wrote a submission (submission 16) on this proposal. I protest at the manner in which it has been treated. It was delivered to the Shire as a PDF document and it contained text within which were two coloured drawings. The inclusion of the drawings was critical in appreciating my comments and recommendations. However, what has been presented to the Project Working Group and to councillors at today’s meeting for consideration is just a shadow of what I originally provided.

The text has been retyped and the drawings copied into a dirty black and white difficult to read reproduction and placed separate to the written submissions at the end of attachment 8.1.1b. This action does not match the claim made in the officer report under ‘Consultation’ where it is stated “all submissions received being entered into the schedule as verbatim.”

My colour drawings were comments and symbols superimposed on the architects plan, done so that easy comparisons could be made. They were in colour just like the architects plans. The Shire however hasn’t had a problem

reproducing the original and now modified architect’s plans in colour elsewhere as in attachment 8.1.1c.

Given the Project Team decided not to comment on individual aspects of submissions and the Schedule of submissions does not have a comments column, it is not possible to gauge what was and wasn’t understood and considered.

There no indication for example that my claim “we now have a plan that has not been advertised in accordance with Council’s 7 May 2013 Resolution” has been considered.

Rather, the officer report states the following:
 “As a result, Councillors considered how to progress with the draft PTPDCP at the Strategic Briefing Session held on 3 December 2013, with the outcome being that the concept plan perspective was to be reviewed and modified slightly in consultation with Cr Jan Lewis (Chair of the PTPDCP Project Team), and advertising to proceed as per Resolution 070513 with the exception of Point 7 of the said resolution.

Changing the intent of council resolutions by agreement of councillors outside of a formally constituted council meeting behind closed doors is poor governance.

Surely, such a governance issue when raised would normally be addressed?”

The Acting Chief Executive Officer has replaced the plans referred to in Submission 16 with colour versions for the Minutes.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

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 6.1
MOVED: CR LEWIS	SECONDED: CR SAMPSON
That Council grant Leave of Absence to:	
1. Cr Seeney for Tuesday, 11 November 2014; and	
2. Cr Rowland for Tuesday, 2 December 2014.	
CARRIED UNANIMOUSLY: 7/0	Res: 070914

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: CR SEENEY	SECONDED: CR SAMPSON
That the minutes of the Ordinary Meeting of Council held on the 9 September 2014 be confirmed as a true and correct record of the proceedings.	
CARRIED UNANIMOUSLY: 7/0	Res: 080914

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

Prior to consideration of Item 8.1.1 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Thornton declares a proximity interest on the basis that he owns property adjacent and Cr Rowland declares a proximity interest on the basis that she owns a commercial property in the CBD on Strickland Street, Denmark.

4.20pm – Cr Thornton & Cr Rowland left the room and did not participate in discussion or vote on the matter.

The Deputy Shire President, Cr John Sampson, assumed the Chair as the Presiding Person.

8.1.1 PLANE TREE PRECINCT DEVELOPMENT CONCEPT PLAN

File Ref:	PLN.71
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	No. 41 (Lot 41) Mitchell Street, Denmark & No. 54 (Lot 40) Strickland Street – being Reserves 26026 & 23631 respectively
Disclosure of Officer Interest:	Nil
Date:	15 September 2013
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1a – Draft Plane Tree Precinct Development Concept Plan 8.1.1b – Schedule of Submissions 8.1.1c – Modified Plane Tree Precinct Development Concept Plan 8.1.1d – Denmark RSL Hall Renovation/Improvement Project Works

Summary:

The draft Plane Tree Precinct Development Concept Plan (PTPDCP), developed to guide the future usage and development of Reserves 26026 & 23631, has been the subject of recent public advertising – with twenty five (25) submissions received.

Following review of the submissions by the PTPDCP Project Team, it is recommended that Council adopt the draft PTPDCP with minor modifications.

Background:

At the Ordinary Meeting of Council held on 7 May 2013, Council considered the draft Plane Tree Precinct Development Concept Plan and resolved as follows (Res No. 070513):

That Council with respect to the draft Plane Tree Precinct Development Concept Plan approve it for public advertising purposes as per the following:

- 1. Public advertising for a minimum of 42 days;*
- 2. Advertising notice to be published in the Denmark Bulletin inviting public comment;*
- 3. Advertising notice, and the associated plans, inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and the Shire’s website for the duration of the public advertising period;*
- 4. The key stakeholders (being Denmark RSL, Denmark Cottage Crafts, Denmark Arts, Denmark Chamber of Commerce and the landowner of No. 11 (Lot 42) Price Street) and the Denmark Historical Society being sent a letter inviting comments;*
- 5. Referral to the Shire’s CBD Streetscape Redevelopment Working Group for consideration at a suitable meeting;*

6. *Referral to the Shire's Disability Services Advisory Committee for consideration at a suitable meeting; and*
7. *Subject to it being advertised simultaneously with the Civic Centre Redevelopment Concept Plan, supported by a newly commissioned 3D perspective showing the two concept plans with their integration on the western frontage of Strickland Street between Bent Street and the Denmark Co-operative building.*

Following Council's resolution, work did progress on the Civic Centre Redevelopment Concept Plan but as at November 2013 this project had stalled due to issues/concerns with the preliminary costings. As a result, Councillors considered how to progress with the draft PTPDCP at the Strategic Briefing Session held on 3 December 2013, with the outcome being that the concept plan perspective was to be reviewed and modified slightly in consultation with Cr Jan Lewis (Chair of the PTPDCP Project Team), and advertising to proceed as per Resolution 070513 with the exception of Point 7 of the said resolution.

Consultation:

Public advertising of the draft PTPDCP (refer Attachment 8.1.1a) commenced on 18 March 2014 and closed on 9 May 2014 (being 53 days). During the advertising period the following consultation took place:

- Advertising notice in the Denmark Bulletin on 20 March 2014 inviting public comment;
- Referral to the following stakeholders inviting comment:
 - Denmark RSL Sub-Branch
 - Denmark Cottage Crafts
 - Denmark Arts
 - Denmark Chamber of Commerce
 - Denmark Historical Society
 - Ms F Malcolm – landowner of No. 11 (Lot 42) Price Street
- Referral to the following Shire Committees and/or Working Groups inviting comment:
 - CBD Streetscape Redevelopment Working Group
 - Disability Services Advisory Committee
 - Paths & Trails Advisory Committee
 Advertising sign was displayed on-site for the duration of the public advertising period; and
- Documentation was available for viewing at the Shire Administration Office, the Shire Library, the Shire's website and at the Denmark Chamber of Commerce and Denmark Cottage Crafts premises.

At the close of the advertising period, a total of twenty five (25) submissions were received – twenty two (22) from the public/stakeholders and three (3) from Shire Committees/Working Groups. Attached as Attachment 8.1.1b is the Schedule of Submissions – with all submissions received being entered into the schedule as verbatim.

Statutory Obligations:

There are no statutory obligations relevant to the PTPDCP.

Policy Implications:

Due regard was given to Council Policy P040123: Community Consultation Policy in determining the extent of consultation to occur on this proposal - refer 'Consultation' section of the report.

Due regard has been given to Council Policy P110710: Disability Access & Inclusion Policy Statement and the Shire of Denmark's Disability Access and Inclusion Plan 2013-2018, with a key feature of the PTPDCP being the provision of disabled access paths through the Reserves connecting to the Denmark Cottage Crafts and RSL Hall buildings on-site.

The following places/sites are listed in the Shire's adopted Municipal Heritage Inventory (2011):

- Group School (being the current Denmark Cottage Crafts building)

- Plane Tree
- RSL Memorial Hall (NB: also listed as a Place of Heritage Value in TPS No. 3)
- WW2 Gun & Carriage
- Infant Health Centre (being the current Denmark Arts building)
- Strickland Street Precinct
- Mitchell Street Precinct

It should also be noted that the house located on No. 11 (Lot 42) Price Street is listed on the Shire's adopted Municipal Heritage Inventory (2011) – being the former Teacher's Quarters.

Given the local heritage significance of the site, the draft PTPDCP provides for heritage interpretation to be provided throughout the site, particularly given the Infant Health Centre building is proposed to be demolished to facilitate redevelopment of the site.

Given this listing and the preference that Council obtain a development approval for its own works, the planning application to demolish the building would impose a condition that prior to a Demolition Permit being granted a photographic archival record of the exterior and interior of the building to be compiled and submitted to the Shire of Denmark (Planning Services) such that the local heritage value of the site is captured/preserved.

Town Planning Scheme Policy No. 45: Planning Application Process for Heritage Places will be relevant when development proposals are being considered for Reserves 26026 & 23631.

Budget / Financial Implications:

All costs associated with the finalisation of the PTPDCP are provided for in the 2014/15 Municipal Budget (Job No: 12007), noting that should Council resolve to adopt the draft PTPDCP with modifications the plan will be required to be updated by Pixel Trix.

The PTPDCP is to guide future usage and development of Reserves 26026 & 23631 with development/re-development of the area. Implementation of aspects of the plan will be dependent upon access to grant funds and/or Council budget funds to undertake such works (noting that the lessees of the buildings could also seek funds to undertake certain building works via grant funds and/or Council budget funds as well).

The Denmark RSL Sub-Branch have lodged a request for Council's consideration of a financial contribution of \$20,000 towards their proposed Hall Renovation/Improvement Project valued at \$217,111 – noting that they are proposing to contribute \$23,262 and seek grant funding for the remaining \$173,849. This request for a financial contribution is the subject of Item 8.4.4 in this Council meeting agenda.

Strategic Implications:

Upon adoption of the PTPDCP, the Shire will be in a position to progress consideration of the leases with Denmark Cottage Crafts and Denmark RSL such that any lease provisions (including the extent of the leased areas) have regard to the future usage and development of Reserves 26026 and 23631.

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 Goal: Lifestyle – that the Shire of Denmark endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Social Goal: Recreation – that the Shire of Denmark monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

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.

Governance Goal: Planning – that the Shire of Denmark work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

Governance Goal: Funding – that the Shire of Denmark 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 considerations relating to the report or officer recommendation, noting that the Plane Tree near the Denmark Cottage Crafts Building is to be retained.

➤ **Economic:**

The PTPDCP provides for a development form that creates an interactive and vibrant streetscape through function, usability and/or design.

➤ **Social:**

The PTPDCP has been developed having regard to the social, heritage and community usage connections with the site.

➤ **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 do not support the demolition of the former Infant Health Clinic Building as is proposed in the Concept Plan, thus potentially seeking a major review of the draft PTPDCP on this basis.	Possible (3)	Moderate (3) – based on costs associated with preparing new plan based on retention of this building and also costs associated with improving the condition/ state of the building for occupation.	Moderate (5-9)	Inadequate Asset Management	That if Council is considering supporting the retention of the building, it is recommended a Building Assessment Report be prepared to ensure that Council is fully informed of the costs associated with the initial rectification works to improve the condition/ state of the building and the ongoing “whole of life” costs. Depending on the above and/or whether Council wants the building retained regardless of the above, a review of the overall Plane Tree Precinct Development Concept Plan project may be required, including issues such as need, timing, additional budget

					resources etc.
That grant funds not be able to be sourced (either by the Shire or lessees) for the proposed works.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Asset Management	Manage by seeking to source grant funds from variety and range of sources given the plan addresses issues such as streetscape improvements, improved disability access, heritage interpretation, community development opportunities etc.
That current and/or future lessees seek to develop/redevelop the buildings contrary to the principles of the Concept Plan.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Manage by ensuring all lessees are informed of the Concept Plan and that the principles of such Concept Plan will be guiding Council in its consideration of any development proposals for the buildings.

Comment/Conclusion:

The PTPDCP Project Team members received a copy of all submissions two (2) weeks before the Project Team meeting scheduled for 13 August 2014 for initial review/consideration of all submissions to determine a position on the issues/comments to guide the final Concept Plan to be submitted to Council for adoption (NB: some addendum submissions were received at the Shire after the Project Team had met so these have not been considered by the Project Team but are included in the Schedule of Submissions for Council’s consideration)

As a result of deliberations at the Project Team meeting, the following consensus positions were reached:

- 1) The Project Team acknowledged all submissions received on the draft PTPDCP.
- 2) The Project Team agreed that there were some key issues raised in the submissions and that they would deal with the key issues and not individual aspects of each submission lodged.
- 3) The proposal to demolish the former Infant Health Clinic building was supported, noting that there was a need to value its social, historic and representative heritage significance.

In the event that Council were seeking to retain the former Infant Health Clinic building, it is recommended that prior to a formal decision being made that the following should occur:

- a) a Building Dilapidation Report be undertaken to ascertain initial rectification works and costings, as well as ‘whole of life’ costs associated with retention of the building;
 - b) a community survey to fully inform Council as to the level of support or otherwise for the retention of the building; and
 - c) possible occupiers/users of the building being identified.
- 4) The current reference of “BBQ area” on the plan should be removed as the intention was not for this to be a formal BBQ area – more so green space that provided opportunities for users to have informal gatherings in this public space.
 - 5) In relation to the provision of shade sails in the green space area as currently shown on the plan, the principle of shade protection from the weather was supported however it was considered that the details of the form that the shade protection took (i.e. shade sails, vegetation or other alternatives) should be the subject of further consideration at the time that development of the area is being progressed.
 - 6) The principle of providing covered walkways on Strickland Street is supported, however it is considered that they should be removed from the plan at this stage and a notation added to

the plan that references that any proposal should be considered as part of an overall “street covering plan” should be considered for the western side of Strickland Street.

- 7) The draft PTPDCP to be modified to reflect the current building form of the RSL Hall and a future development footprint to the north-west of the building.
- 8) An appropriate interface between Reserves 26026 & 23631 with the adjoining No. 11 (Lot 42) Price Street property is needed and this should be in the form of a vegetation interface – noting the existing vegetation on-site may need to be enhanced further.
- 9) The provision of car parking in the Bent Street road reserve (including consideration of whether Bent Street should be widened or made one-way) should be prioritised by Council – noting that any car parking arrangement needs to ensure access to the rear yard of No. 11 (Lot 42) Price Street is maintained.
- 10) The current provision of car parking on both sides of Mitchell Street between Strickland Street and Price Street should be reviewed such that car parking bays are provided on one side of the street only.
- 11) The following textual modifications being undertaken to the draft PTPDCP:
 - a) Change “Amphitheatre incorporating seating,” to read “Amphitheatre style seating, ...”
 - b) Delete the words “& Performance Space”

Attached at Attachment 8.1.1c is a ‘marked-up’ PTPDCP with the modifications as recommended by the Project Team.

Overall it is considered that the proposed modifications are appropriate and it is recommended that Council adopt the PTPDCP (with the modifications as per Attachment 8.1.1d) to guide the future usage and development of Reserves 26026 & 23631.

As referenced in the ‘Budget/Financial Implications’ section of this report, the Denmark RSL Sub-Branch have lodged a request for Council’s consideration of a financial contribution of \$20,000 towards their proposed Hall Renovation/Improvement Project valued at \$217,111. In relation to the proposed Hall Renovation/Improvement Project, in summary the proposed works include:

- External brickwork being refaced, mortar joints secured and correctly tuck pointed.
- Existing toilets to be demolished and new toilets being provided to comply with current BCA requirements (including disabled toilet).
- Exterior woodwork being sanded, treated, rotten wood removed and replaced and then properly prepared and painted.
- Extend the existing rock wall that is along the Strickland Street frontage of the site up either side of the steps, with the steps being resurfaced.
- The RSL Gun & Carriage being relocated back to site in the current garden bed located on the eastern side of the current footpath between the RSL Hall and the Denmark Arts building, with a protective cover (steel framed) and fence surround.
- A disabled access ramp being provided on the northern side of the building between the existing store room and the proposed toilet extensions.

Attached at Attachment 8.1.1d is a copy of the relevant documentation provided by the Denmark RSL to date in relation to the proposed works.

From a review of the proposed works having regard to the principles of the PTPDCP and preliminary review of the plans by Planning & Building Services, at this stage the following

matters have been identified as needing further consideration by Council and/or the Denmark RSL:

- The proposal for works to be done to the current steps as opposed to providing new steps – particularly given some preliminary concerns with the substrate of the steps and the fact they have been ‘patched’ up previously.
- The proposed location of the RSL Gun & Carriage effectively on the Strickland Street frontage (albeit at height), particularly given the proposal is for a protective cover and fencing.
- Planning approval and building permit will be required to be obtained for the works – noting that the proposal will be required to be the subject of referral to the Denmark Historical Society as per Town Planning Scheme Policy No. 45: Planning Application Process for Heritage Places (noting that this is the minimum requirement – additional advertising in the newspaper and/or letters to adjoining/nearby landowners inviting comment could also be required).
- The proposal to provide a disabled access ramp ‘wedged’ between the current storeroom area and the proposed toilet additions - noting that this would not comply with the requirements of the Building Code of Australia and that there would also be the requirement for a disabled car parking bay to be provided on-site or in the nearby vicinity, with a suitable disabled access path from such car parking bay to the front entrance of the building. The disabled car parking bay and path have not been included in the RSL’s proposed works, thus Council may want to give consideration as to whether these works are funded partially or fully by Council – particularly if the lease proposes that only the building and immediate surrounds be included in the ‘leased premises’ (noting the current lease is for the entire Reserve 23631 to Denmark RSL) on the basis that the green space should be managed by the Shire of Denmark and not a lessee.

Having regard to the above, it is recommended that Councillors, CEO and relevant Shire staff meet with the Denmark RSL to facilitate further consideration of the above issues.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.1.1a
MOVED: CR OSBORNE	SECONDED: CR LEWIS
That Council with respect to the Plane Tree Precinct Development Concept Plan:	
<ol style="list-style-type: none"> 1. Note the submissions received. 2. Adopt Attachment 8.1.1c as the final Concept Plan. 3. Advise the submitters of Council’s decision. 4. Authorise the Chief Executive Officer to negotiate a draft new lease with the Denmark Cottage Crafts for the current Cottage Craft Building based on Council’s standard community group lease and a five year term. 5. Request the Chief Executive Officer to undertake a review of; <ol style="list-style-type: none"> a) Bent Street in terms of traffic flow conflict / congestion issues, investigate options such as the conversion to one-way, road widening and the provision of car parking in the road reserve. b) Mitchell Street in terms of traffic flow conflict / congestion issues, investigate options such as the conversion to one-way, road widening and the provision of car parking in the road reserve. 	
CARRIED: 4/1	Res: 090914

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.1.1b

MOVED: CR OSBORNE

SECONDED: CR GILLIES

That Council with respect to the proposed Denmark RSL Hall Renovation/Improvement Project, request the Chief Executive Officer convene a meeting between Denmark RSL representatives and the Shire (Councillors, Chief Executive Officer and relevant Shire staff) to discuss the following matters:

1. The proposed new lease provisions relative to the current building form, the proposed building form and the land parcel; and
2. The planning application and building permit processes and statutory requirements accordingly (in particular the disabled access requirements).

CARRIED UNANIMOUSLY: 5/0

Res: 100914

4.39pm – The Shire President, Cr Thornton, and Cr Rowland returned to the room.

Cr Thornton resumed the Chair as the Presiding Person.

8.2 Director of Community & Regulatory Services

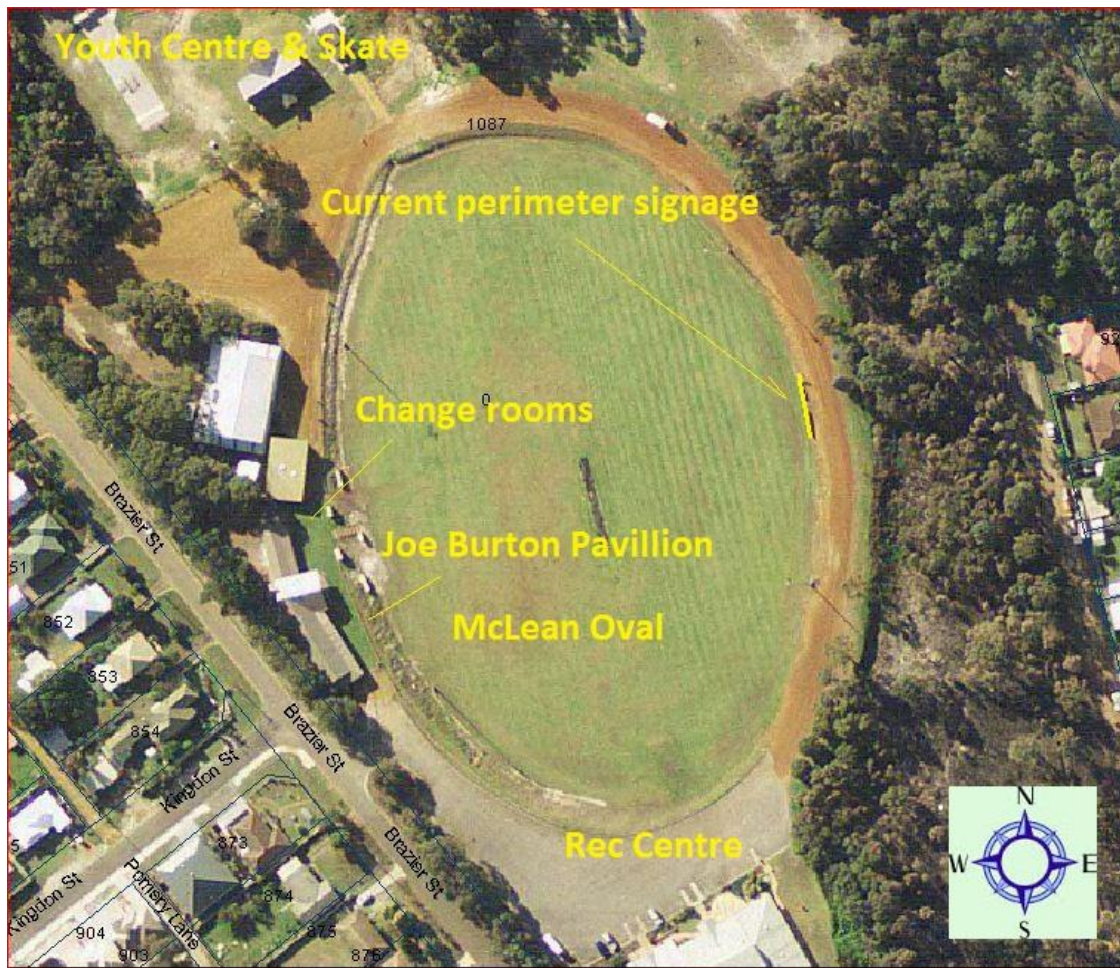
8.2.1 POLICY ON ADVERTISING SIGNAGE AT MCLEAN PARK

File Ref:	A3035
Applicant / Proponent:	Not applicable
Subject Land / Locality:	McLean Park, portion of Reserve 15513, 73 Brazier Street, Denmark
Disclosure of Officer Interest:	Nil
Date:	15 September 2014
Author:	Damian Schwarzbach, Manager of Recreation & Youth Services
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:

This report considers the implementation of a proposed policy with respect to Advertising Signage at McLean Park and recommends that it be adopted as a Council Policy noting that it has been referred to the McLean Park User Group for comment and received their support.

Background:



The McLean Park precinct is on land managed by Council, being Reserve Number 15513, vested in the Shire of Denmark for the purposes of Recreation and Showground.

It is a major sporting and recreational facility in the Shire of Denmark, and all advertising and signage should, in the opinion of the author, reflect a high standard. The facility is the main attraction to the community participating in both social and competitive physical activities.

There are two distinct point of reference at the complex;

McLean Park – the precinct that has frontage on Brazier Street and includes the Skate Park, Youth Centre (Tha House), Scout Hall, Change rooms, Club rooms, Recreation Centre and Oval.

McLean Oval – the oval inside the McLean Park precinct where sport and recreational activities are played. The oval has a driveway or car park around the perimeter for approximately three quarters of the circumference.

At the Council meeting held on 27 May 2014, Resolution 170514 was passed as follows;

That Council consider adopting the proposed policy titled Signage At Mclean Park following, subject to referral to the Mclean Park User Group for comment.

Consultation:

Denmark Walpole Football Club.

McLean Park User Group Committee – the Council resolution was discussed at a meeting held on 26 August 2014 and the Committee unanimously voted in favour of the policy.

Statutory Obligations:

Nil

Policy Implications:

This particular policy proposed primarily relates to the Oval.

The current signage fence on the Oval was erected and is maintained by the Denmark Walpole Football Club at the club's expense. This fencing is 30 metres long and 1.1 metres high and presents in a satisfactory manner. The DWFC collect all income currently generated from the signage. As far as can be ascertained, this practice has been in place for approximately 20 years.

The scoreboard in the north-west corner of the oval also has signage and was built and managed by the DWFC. Its use is solely for the benefit of Australian Rules Football and is therefore appropriately 'signed' by advertisers supporting the DWFC.

This policy is also in line with the wording from the Shire of Denmark Town Planning Scheme Policy No. 32, adopted on the 22 May 2001. Parts of this policy that are applicable are the following;

12.0 EXISTING SIGNS

12.1 Existing signs are those which were erected, placed or displayed lawfully prior to the coming into force of this Policy.

12.2 No provision of this Policy shall prevent the continued use of a sign for which, immediately prior to this Policy coming into operation, all licences and approvals required to authorise the erection of the sign, were duly obtained and are current.

12.3 However, where Council considers that a particular sign conflicts with the aims or objectives of this Policy it may serve an enforcement notice to require the advertiser to remove or adapt the sign.

5.30.7 DERELICT OR POORLY MAINTAINED SIGNS

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:

- (i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or
- (ii) remove the advertisement.

Budget / Financial Implications:

The proposed Policy establishes and authorises the Denmark – Walpole Football Club to continue to receive all income from advertising on the fencing and scoreboard that they have erected whilst making that club and subsequent community sporting groups that take up a similar opportunity, responsible for the upkeep of the fencing that the signage is affixed to.

Adopting a proactive guiding policy may have the added benefit of encouraging existing sporting groups that regularly utilise the oval to identify and attract sponsors that will have a twofold benefit – an ongoing revenue stream to the particular club and also assist ‘enclose’ the oval which will provide the following additional benefits;

- Assist with the ambiance of the facility by providing a more ‘intimate’ venue;
- Assist in retaining ‘balls’ that currently progress further into or under parked cars or further - making retrieval more time consuming / difficult;
- Assist in preventing unauthorised access to the oval surface, resulting in damage.

It is noted that the Policy adequately addresses ‘vehicle’ access and maintenance requirements of the oval by emergency services and or maintenance personal.

Currently the oval is ‘surrounded’ by fence for only 30 metres, with approximately one-third protected by a bank / retaining wall. That leaves approximately 300 or more metres till ‘available’ for users on a ‘first in first serve’ basis. Given the likely take up to date over 20 years – it is not envisaged that the oval perimeter will be ‘enclosed’ any time soon, however if this is the case, then, in the opinion of the officer, the benefits outweigh the disadvantages – which with respect to the latter, as far as the officer is aware – only relates to how does Council or the User Group Committee determine future ‘income’ splitting (a good problem to have!)

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.

There is however a minor risk that the large scale erection of additional signage (fencing) may interfere with the perimeter of the oval’s use for overflow camping, limiting the oval’s ability to boost future tourism opportunities. This can be moderated by ensuring that appropriate vehicle access points (gates) are erected if that time came that the oval was substantially ‘enclosed’.

Recreation: ...monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

Tourism: ...acknowledge the importance of tourism to the region, and, by innovative policies, practices and partnerships, facilitates and encourages the greater year-round sustainability of tourism, whilst monitoring and managing its impacts.

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:**

The Policy will enable continuation of the current practice that allows the Denmark / Walpole Football Club the existing rights to collect revenue from all current McLean Oval perimeter (fencing) signage, while also providing the opportunity for other users to also erect fencing and collect an ongoing revenue stream.

➤ **Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in the sport result in a sense of personal well-being / good health in each member and, collectively, within the 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 a participant or member of the public injures themselves on the fencing	Unlikely (2)	Minor (2)	Low (1-4)	Ineffective Management of Facilities and Events	Manage by maintaining current signage distance from the boundary for any additional signage.
That the erection of additional signage may compromise opportunities to use the perimeter of the oval for over flow camping.	Unlikely (2)	Major (4)	Moderate (5-9)	Ineffective Management of Facilities and Events	Control through appropriate vehicle gates accesses

Comment/Conclusion:

This policy attempts to honour the current unwritten practice (situation) with respect to the signage currently put in place by the Denmark / Walpole Football Club (DWFC) plus establishes a flexible framework for similar rights and opportunities for all regular users of the McLean Oval complex to participate in the erection of sponsor signage.

Council, if it adopts this policy, would be assisting community sporting groups to generate revenue and therefore contribute to their financial viability and sustainability.

Areas which have been considered are;

- Regulatory Requirements,
- Statutory Requirements,
- Authorised Users (Member of the McLean Park User Group Committee),
- Costs (Who pays),
- Standards of advertising/signage,
- Quality of signage,
- Removal,

- Playing Field,
- Installation conditions.

The proposed Policy P110309 titled "Advertising Signage at McLean Park" would read as follows;

Objective

The objective of the Signage at McLean Park Policy is to provide clear parameters for the display of permanent external signage and advertising at the facility.

Policy

1. *McLean Park (including Oval) is on land vested and managed by Council.*
2. *There are two distinct point of reference at the complex;*
 - *McLean Park – the precinct that has frontage on Brazier Street and includes the Skate Park, Youth Centre (Tha House), Scout Hall, Change rooms, Club rooms, Recreation Centre and Oval.*
 - *McLean Oval – the oval inside the McLean Park precinct where sport and recreational activities are played. The oval has a driveway or car park around the perimeter for approximately three quarters of the circumference.*
1. *Apart from entrance or directional signage authorised by the Manager of Recreation & Youth Services, no permanent Signage is allowed on the perimeter fence of McLean Park bordering Brazier Street.*
2. *Permanent Signage will be allowed on the perimeter of McLean Oval in accordance with the following;*
 - a) *Regulatory Requirements – All advertising must comply with the provisions of State and Federal advertising regulations.*
 - b) *Statutory Requirements – All signage must comply with the requirements of the Shire of Denmark Planning Scheme Policy no. 32.*
 - c) *Authorised Users – Signage may only be erected by or on behalf of a not for profit club/community organisation that has a current user agreement (Member of the McLean Park User Group Committee) for use of the facility with the Shire of Denmark.*
 - d) *The Denmark Walpole Football Club (DWFC) as the provider and maintainer of the current length of perimeter fence is able to place sponsor advertising on that fence and to charge an annual fee of their choice for that placement.*
 - e) *Costs and income – Clubs will be fully responsible for all costs associated with design, production and maintenance of approved advertising signage and / or fencing and be eligible to derive all revenues attributable to the advertising signage.*
 - f) *Standards – No advertising or signage will be permitted that could be considered offensive, discriminatory, promoting smoke/tobacco or alcoholic products or contrary to the values of the Shire of Denmark. Any new fencing is to be the same style and height as the current fencing installed by the DWFC. The design, wording, content, location, installation and ongoing maintenance condition of all signage and or fencing relating is to be to the satisfaction of the Manager of Recreation & Youth Services.*
 - g) *Quality – All advertising signs shall be professionally produced and of a standard commensurate with the McLean Oval facility. A copy of the layout (including colour scheme) and the wording of the proposed advertising sign is to be submitted to the Manager of Recreation & Youth Services as part of the approval process.*
 - h) *Playing Field – No advertising signage shall be painted or erected on the playing surface without the prior approval of the Manager of Recreation & Youth Services.*
 - i) *Buildings – Permanent or temporary signage may only be erected on the exterior of the buildings within the McLean Park complex with the prior approval from the Manager of Recreation & Youth Services.*

- j) *Installation conditions – the installation and dismantling of signage must not result in any damage or defacement of any underground services, Council property or fixtures. All signage must be designed, constructed, installed and maintained to minimise the likelihood of risk of injury to any person. Signs and fences erected that they are affixed to, are considered assets of the Club and must be maintained and inspected by the club on a regular basis to ensure that they are fit for a public area. If signs are considered unsafe by Council staff, they will be removed at the Club’s cost and Council will advise the club of its action. The Manager Recreation & Youth Services will enter into discussions to be satisfied of safety issues prior to allowing re-installation of the signs.*
- k) *To allow access to the oval by passive users of the reserve as well as for maintenance and emergency vehicle access that may be required, the Manager of Recreation & Youth Services will ensure that sufficient pedestrian and vehicular (gated) accesses are provided for with pedestrian and or vehicle gates to be erected and maintained at the cost of Council.*
- l) *Signs erected on fencing to the oval may be orientated to display inward and/or outward to the oval users with the rights to any income derived from both sides being retained by the same club to avoid disputes over maintenance of the signs or fencing.*
- m) *The Manager of Recreation & Youth Services will maintain a register of all approved signage and any associated fencing listing the ‘approved’ Club that owns and has responsibility for that section(s) of fence.*
- n) *Users erecting signage and or fencing pursuant to this Policy do so on the understanding that Council reserves the right to request removal of the said installations for any reason by giving at least 12 months’ notice.*
- o) *This policy is to be reviewed every 5 years from the adoption date to ensure its relevance and ability to adapt to changing conditions.*

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.2.1
MOVED: CR SAMPSON	SECONDED: CR SEENEY
That Council adopt the proposed new Policy P110309 titled Advertising Signage at McLean Park as detailed within the report.	
CARRIED UNANIMOUSLY: 7/0	Res: 110914

8.3 Director of Infrastructure Services
Nil

8.4 Director of Finance & Administration

8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 31 JULY 2014

File Ref:	FIN.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	18 September 2014
Author:	Steve Broad, Accountant
Authorising Officer:	Kim Dolzadelli, Director of Finance And Administration
Attachments:	8.4.1 – July 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.

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 \$10,000.

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

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

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

Budget / Financial Implications:

There are no significant trends or issues to be reported.

Strategic Implications:

Due regard has been given to the Shire of Denmark’s Strategic Community Plan “Denmark 2031”, namely:

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:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial mismanagement and/or Budget overruns.	Rare (1)	Moderate (3)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Control through robust systems with internal controls and appropriate reporting mechanisms

Comment/Conclusion:

Shire Trust Funds of \$153,643 have been invested for 90 days with the National Bank, maturing 19 September 2014 at the quoted rate of 3.65%.

Reserve Funds totalling \$4,026,441 have only been placed on investment for 90 days to manage the cash flow at this time of year, the investment is with the National Bank, maturing 10 September 2014 at the quoted rate of 3.06%.

\$10,026 of Municipal Funds have been invested for 30 days with the National Bank, maturing 9 August 2014 at the quoted rate of 3.06%, as this is the minimum amount to retain the term deposits as the balance of Municipal Funds being required for short term cash flow requirements until the 2014/15 rating income is received.

Key Financial Indicators at a Glance

As the 2014/15 Municipal Budget was only adopted on 29 July 2014 there is very little activity available for comparison purposes.

Depreciation of non-current assets has not been calculated for the reporting period as the Annual Financial Audit for the year ended 30 June 2014 had not been concluded at the time of producing this report.

Budget Amendments and Variances (Note 5 and 5a)

As detailed in Note 5a.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR ROWLAND	SECONDED: CR LEWIS
That with respect to Financial Statements for the month ending 31 July 2014, Council;	
1. Receive the Financial Reports, incorporating the Statement of Financial Activity and other supporting documentation.	
2. Endorse the Accounts for Payment for July 2014 as listed.	
CARRIED UNANIMOUSLY: 7/0	Res: 120914

Prior to consideration of Item 8.4.2 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Thornton is a Board Member of Denmark Tourism Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Seeney is a member of the Denmark Lions and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Sampson is a member of the Denmark Environment Centre Inc. and as a consequence there may be a perception that his impartiality on this matter may be affected.

Cr Thornton, Cr Seeney and Cr Sampson have all declared that they will consider this matter on its merits and vote accordingly.

8.4.2 REQUEST FOR MINISTERIAL EXEMPTION FROM LEVYING RATES

File Ref:	Various assessments as listed in the Background to this report
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Various land parcels as listed in the Background to this report
Disclosure of Officer Interest:	Nil
Date:	15 September 2014
Author:	Jason Young, Finance Officer Rates
Authorising Officer:	Kim Dolzadelli, Director of Finance & Administration
Attachments:	8.4.2 – DLGC Rating Policy “Rateable Land (s6.26) August 2013”

Summary:

Council is requested to consider an approach to the Minister for Local Government to declare an exemption from levying a local government rate charges to several not-for-profit organisations, who either own land in the Shire of Denmark, or lease land from the Shire of Denmark or State Government Departments (that are not already exempt from rates due to their charitable or ecclesiastic or educational purposes).

Background:

A review of Council’s Rates and Property database has been undertaken to assess all not-for-profit organisations whom either own or lease land within the Shire of Denmark.

This review considered all incorporated groups with the following criteria used to assess whether or not it was appropriate for Council to request a rating exemption from the Minister for Local Government:

- Is land in question being used for a community/ not-for-profit purpose?
- Is land vacant or not?
- Is there any direct benefit to individuals occupying the land?
- Is there any dual ownership of the said land?

It is the view of the officer that the following properties, having been assessed, do not meet the grounds for a request for exemption:

- **Denmark Community Windfarm LTD & Denmark Community Windfarm Incorporated**
 - A5550 – 940 (Lot 555) Ocean Beach Road, Ocean Beach
 - Land is part owned by LTD company.
- **Wolery Ecological Community Incorporated**
 - A1048 – 9 (Lot 2005) Bell Road, William Bay

- Multi Residential development where there is direct benefit to individuals occupying the land.
- **The Australian Pensioners League Western Australian Division Incorporated**
 - A3127 – 21 (Lot 943) Barnet Street, Denmark
 - Vacant land being held currently rated – noting that, should development occur and therefore potential change in use, exemption may be appropriate in the future.
- **Cultura Foundation Incorporated**
 - A3222 – 109 (Lot 109) Scotsdale Road, Scotsdale
 - Vacant land being held currently rated – noting that, should development occur and therefore potential change in use, exemption may be appropriate in the future.

Where a local government seeks to not levy a local government rate charge on a parcel of land, and that land parcel cannot be exempted under any other category listed in section 6.26(2) of the Local Government Act 1995 [“the Act”], then the Minister for Local Government is required to first declare such an exemption before the local government may do so, in accordance with sections 6.26(2)(k) and 6.26(4) of the Act.

Department of Local Government and Communities (DLGC) Rating Policy “Rateable Land (s6.26) August 2013”, attached to this report, provides guidance underpinning the Ministerial declaration of exemption of land from local government rating charges.

The following properties have been assessed as meeting the criteria used above as grounds for a request for exemption:

- **Denmark Environment Centre Incorporated**
 - A2622 – 1/35 (Strata Lot 1) Strickland Street, Denmark
 - A3747 – 4/35 (Strata Lot 4) Strickland Street, Denmark
 - Land in question being used for a community/ not-for-profit purpose
- **Trustees: Richard John Marshall and Richard William Mumford and Eric Rose**
 - A3041 – 891 (Lot 583) Scotsdale Road, Scotsdale
 - Vested under Management Order, in trust for the purpose of Agricultural Hall Site (Scotsdale Hall)
- **Denmark Country Club Inc.**
 - A3088 – 925 (Lease of Whole Lots 154, 155, 156, 157, 158, 159, 1072, and 1073) South Coast Highway, Hay
- **The Returned & Services League of Australia WA Branch Incorporated**
 - A3097 – 54 (Lease of Whole Lot 40) Strickland Street, Denmark
- **Denmark Pistol Club**
 - A3167 – 223 (Lease of Whole Lot 7441) Churchill Road, Scotsdale
- **Denmark Occasional Day Care Centre Inc. and Denmark Playgroup**
 - A3179 – 81 (Lease of Whole Lot 500) South Coast Highway, Denmark
- **Denmark Tourism Incorporated**
 - A3186 – 73 (Lease of Lot 501) South Coast Hwy, Denmark
 - Land in question being used for a community/ not-for-profit purpose
- **Denmark Riding and Pony Club Inc. and Denmark Equestrian Club Inc.**
 - A3189 – 73 (Lease of Whole Lot 1004) Beveridge Road, Denmark
- **Denmark Clay Target Club**
 - A3565 – Lease of Whole Lot 7399, Sunny Glen Road, Hay
- **Denmark Arts Council**
 - A5583 – 1 (Lease of Part Lot 41) Mitchell Street, Denmark
- **Denmark Cottage Crafts Inc.**
 - A5584 – Lease of Part Lot 41 Mitchell Street, Denmark
- **Denmark Boating & Angling Club**

- A5585 – Lease of Part Lots 304 and 307 Parry Road, Parryville
- **Denmark Boating & Angling Club, and Denmark Sea Rescue Group**
 - A5587 – 891B (Lease of Part Lot 556) Ocean Beach Road, Ocean Beach
- **Denmark Surf Lifesaving Club**
 - A5588 – 891A (Lease of Part Lot 556) Ocean Beach Road, Ocean Beach
- **Green Skills Inc.**
 - A5590 – 46 (Lease of Part Lot 7937) McIntosh Road, Hay
- **Nornalup Residents and Ratepayers Association**
 - A5591 – 3 (Lease of Part Lot 2368) Riverside Drive, Nornalup
- **Parry's Beach Voluntary Management Group Inc.**
 - A5592 – 2830 (Lease of Part Lot 5393) South Coast Highway, William Bay
- **Kentdale Community Hall Committee Inc.**
 - A5593 – 518 (Lease of Part Lot 300) Parker Road, Kentdale
- **Tingledale Hall Committee Inc.**
 - A5594 – 976 (Lease of Part Lot 2381) Valley of the Giants Road, Tingledale
- **Peaceful Bay Sea Rescue Group Inc.**
 - A5595 – Lease of Whole Lots 401 and 402 Old Peaceful Bay Road, Peaceful Bay
- **Peaceful Bay Returned Services League (RSL) Sub Branch**
 - A5596 – 28 (Lease of Whole Site 400) First Avenue, Peaceful Bay
- **Peaceful Bay Progress Association Inc.**
 - A5615 – 30 (Lease of Whole Site 300) First Avenue, Peaceful Bay
- **Peaceful Bay Progress Association Inc.**
 - A5616 – 3 (Lease of Whole Site 302) West Avenue, Peaceful Bay
- **Scout Association of Australia**
 - A5597 – 53 (Lease of Part Lot 1087) Brazier Street, Denmark
- **Denmark Machinery Restoration Group Inc.**
 - A5599 – 2 (Lease of Part Lot 952) Inlet Drive, Denmark
- **Lions Club of Denmark Inc.**
 - A5600 – 2 (Lease of Part Lot 952) Inlet Drive, Denmark
- **Denmark Riverside Club**
 - A5601 – Lease of Part Lot 1002 Bambrey Road, Denmark
 - A3069 – 3 (Lease of Whole Lot 1110) Morgan Road, Denmark

It should be noted that the current occupation of portion of the Civic Centre by the Denmark Community Resource Centre (Denmark CRC) has not been included in this list given their imminent relocation to the Morgan Richards Community Centre (MRCC), and the absence of a current lease for the Civic Centre. The leases with respect to the MRCC and adjoining Lodge (fmr) for the Denmark CRC, Denmark Over 50s Association and Denmark Arts Council will be presented to Council in approximately six weeks' time whereby rates exemption for those three tenancies will also need to be referred to the Minister for Local Government.

Consultation:

Lessee/Owner of each of the subject land parcels were requested to complete a survey, to provide sufficient information for a Ministerial exemption declaration

Statutory Obligations:

Section 6.26 of the Local Government Act 1995 states:

“6.26. Rateable Land

(1) *Except as provided in this section all land within a district is rateable land.*

(2) *The following land is not rateable land —*

...

(k) *land which is declared by the Minister to be exempt from rates.*

...

(4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*

(5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*

Section 6.47 of the Local Government Act 1995 states:

“6.47 Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.”*

Policy Implications:

Nil

Budget / Financial Implications:

If the Minister for Local Government chooses to not declare an exemption to one or more of the subject land parcels, then the minimum impact on the 2014/2015 Municipal Budget will be an overall increase to General Ledger Income Account 1318233 Interim Rates, as follows (listed by Assessment Number), with the respective amount being payable by the relevant Lessee/Owner (noting that the actual rating charge is subject to valuation updates from Landgate):

- A2622 \$1,066.00
- A3747 \$1,066.00
- A3041 \$1,066.00
- A3088 \$1,066.00
- A3097 \$1,066.00
- A3167 \$1,066.00
- A3179 \$1,066.00
- A3186 \$5,363.47
- A3189 \$1,066.00
- A3565 \$1,066.00
- A5583 \$1,066.00
- A5584 \$1,066.00
- A5585 \$1,066.00
- A5587 \$1,066.00
- A5588 \$1,066.00
- A5590 \$1,066.00
- A5591 \$1,066.00
- A5592 \$1,066.00
- A5593 \$1,066.00
- A5594 \$ 924.00
- A5595 \$1,066.00
- A5596 \$1,066.00
- A5597 \$1,066.00
- A5599 \$1,066.00
- A5600 \$1,066.00
- A5601 \$1,066.00
- A3069 \$1,066.00
- A5615 \$1,066.00
- A5616 \$1,066.00

TOTAL \$35,069.47

The expected cost of a valuation update, if exemption is not declared, is approximately \$60.00 per subject land parcel, which is the cost of a normal interim valuation update.

It is the opinion of the officer that should an exemption not be declared, Council will then be requested to consider a waiver of rating charges in accordance with section 6.47 of the Local Government Act 1995.

Obtaining a ministerial exemption is seen to be the most administrative efficient way in order to continue with current practice.

The Shire of Denmark does not incur any expense in seeking a declaration from the Minister for Local Government.

No extra staff resources are required to implement a declaration from the Minister.

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 Goals:

Youth - Youth targeted services operating on Shire of Denmark managed land, such as the Scout Association of Australia, Denmark Occasional Day Care Centre Inc. and Denmark Playgroup and services used jointly by youth, such as the Denmark Surf Lifesaving Club, Denmark Riding and Pony Club Inc. and the Denmark Equestrian Club Inc. are encouraged to provide further opportunities, employment and facilities for young people, through the minimisation of local government charges.

Public Safety - The Shire of Denmark works with relevant authorities and organisations to maintain a safe and secure environment for its residents and visitors. By minimising operating costs resulting from local government charges, the Shire of Denmark supports organisations such as Denmark Sea Rescue Group, Denmark Surf Lifesaving Club, and Peaceful Bay Sea Rescue Group Inc. to provide emergency services, and to provide education in the safe use of recreational sites, in the district.

Recreation - Cultural and recreational facilities and services operating on Shire of Denmark managed land include those operated by Country Women's Association, Denmark Riverside Club, Denmark Country Club Inc., The Returned & Services League of Australia WA Branch Incorporated, Denmark Pistol Club, Denmark Clay Target Club, Denmark Riding & Pony Club Inc., Denmark Equestrian Club Inc., Denmark Arts Council, Denmark Cottage Crafts Inc., Denmark Boating & Angling Club, Denmark Machinery Restoration Group Inc., and Lions Club of Denmark Inc., all of whom benefit, to some extent, towards the level of personal and community well-being in the district.

By not rating these organisations, the Shire of Denmark meets the goal of recreation, by minimising those organisations' operating costs.

ENVIRONMENT GOALS:

Natural Environment - Green Skills Inc. operates a recycling centre, on McIntosh Road, which diverts reusable waste to a dedicated precinct for resale.

The Denmark Environment Centre Inc. provides community programs and services aimed at educating the public about environmental impacts, and also directly reducing the impact of human-induced activities upon the environment.

By supporting these organisations, through the non-levying of local government rating charges, the Shire of Denmark meets the goal of natural environment by ensuring that:

- waste is not unnecessarily buried in landfill, thus assisting in maintaining a high standard of environmental protection and encouraging recycling in the community; and,
- the community is aware of how they impact upon the environment through their daily activities, and how to reduce that impact, thus benefiting the whole community.

ECONOMIC GOALS:

Tourism - The Shire of Denmark leases the Denmark Visitor Centre to Denmark Tourism Inc., who provide a valuable service of promoting the Shire of Denmark as an attractive destination for visitors to the Great Southern. By supporting this organisation, through the non-levying of local government rating charges, the Shire of Denmark meets the goals of tourism by acknowledging the importance of tourism and assisting the financial sustainability of tourism promotion.

GOVERNANCE GOALS:

Co-operation and Community Input - The Shire of Denmark manages land upon which a number of community halls are located. The operation of these halls is administered by community groups such as The Returned & Services League of Australia WA Branch Incorporated, Nornalup Residents and Ratepayers Association, Parry’s Beach Voluntary Management Group Inc., Kentdale Community Hall Committee Incorporated, Tingle Dale Hall Committee Inc., and Scout Association of Australia. The Shire of Denmark supports the maintenance of these halls, which reduces the operating costs of these organisations. By exempting these organisations from paying local government rating charges, these organisations will be able to provide a greater range and quality of community services from these halls.

This meets the goal of co-operation and community input in that the Shire of Denmark remains responsive to the voice of its own community through the provision of affordable community facilities.

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:**

The cost of paying local government rating charges may be a significant impost on the viability of a range of services offered by community groups who do not charge commercial rates for their services, or may have a small membership base.

➤ **Social:**

Any reduction to the range or quality of services provided by community groups, due to the added imposition of a local government rating charge, may impact on the well-being of the residents, the environment, and the whole 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 or the Minister not support the request for rate exemption.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

This report ensures that Council applies a consistent and equitable approach to determining which land parcels are desirable for exempting from levying local government rating charges in the Shire of Denmark. In doing so, Council has observed the following principles:

- Objectivity
 - Identifying subject land that is leased or owned by a not-for-profit organisation, largely for the benefit of the public and/or the environment, but not predominantly for a charitable purpose.
 - The criteria used to identify the subject land parcels are objectively based on the requirements of DLGC.
- Fairness and Equity
 - The Lessee or Owner of each of the subject land parcels has been informed of this process, so that they are aware of the impact of any declaration by the Minister for Local Government.
 - The use of the subject land parcels is identified as being of a significant public benefit, thus the cost of providing public services to these land parcels is considered fair and equitable as to be borne by all other ratepayers in the district.
- Consistency
 - All not-for-profit organisations in the Shire of Denmark have been considered in this review; however, only the Owners/Lessees of the subject land parcels have been contacted
- Transparency
 - Council follows DLGC Rating Policy “Rateable Land (s6.26) August 2013”, ensuring that Council provides the public with a clearly documented system of reviewing the rateability of non-charitable not-for-profit uses on land parcels in the Shire of Denmark.
- Administrative Efficiency
 - The use of DLGC Rating Policy “Rateable Land (s6.26) August 2013” ensures that Council is using best practice systems which are efficient and cost-effective.
 - The impact of exempting these subject land parcels is minimal on similar rated land, due to the non-inclusion of a majority of these land parcels in the 2014/2015 Municipal Budget.

Council is now requested to approve the officer’s recommendation to request the Minister for Local Government to exempt the subject land parcels from being levied local government rating charges.

It should be noted that all of the lessees / owners will still be required to pay other statutory charges such as refuse service charges and the Emergency Services Levy (ESL).

The Minister for Local Government will:

- advertise the ministerial declaration in the Government Gazette; and,
- write to the Shire of Denmark with a copy of the gazettal notice.

The Shire of Denmark will then inform the Lessee/Owner of each of the subject land parcels of the gazettal notice, and inform Landgate of the exempt status of the land.

This report to Council, and the surveys that are being completed by the Lessee or Owner of each of the subject land parcels, covers all the required information for, and will form the basis of any request to, the Minister for Local Government.

The current practice of the Shire of Denmark is not to levy a rating charge on the above properties with the exception of the following three properties:

- **Denmark Environment Centre Incorporated – Total Rates \$2,132.00**
 - A2622 – 1/35 (Strata Lot 1) Strickland Street, Denmark
 - A3747 – 4/35 (Strata Lot 4) Strickland Street, Denmark
- **Denmark Tourism Incorporated Total Rates \$5,363.47**
 - A3186 – 73 (Lease of Lot 501) South Coast Hwy, Denmark

Should Council adopt the officer’s recommendation then there would be a reduction of \$7,495.47 in rate income which was budgeted at a total amount of \$5,226,291; therefore, it would then be appropriate for Council to require savings to be found as part of the statutory Budget Review process which is generally presented to Council in February each year.

It is the opinion of the officer that should an exemption not be declared, Council will then be requested to consider a waiver of rating charges in accordance with section 6.47 of the Local Government Act 1995.

Obtaining a ministerial exemption is seen to be the most administrative efficient way in order to continue with current practice.

Voting Requirements:
Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.3
MOVED: CR SEENEY	SECONDED: CR ROWLAND
<p>That Council requests the Minister for Local Government, in accordance with Section 6.26(2)(k) of the Local Government Act 1995, to make a declaration under section 6.26(4) of the aforesaid Act that the land at the following addresses is exempt from being levied a local government rating charge, henceforth from 1 July 2014:</p>	
<ol style="list-style-type: none"> 1. Denmark Environment Centre Inc. <ol style="list-style-type: none"> a) A2622 – 1/35 (Strata Lot 1) Strickland Street, Denmark b) A3747 – 4/35 (Strata Lot 4) Strickland Street, Denmark <p>Land in question being used for a community/not-for-profit purpose.</p> 2. Trustees: Richard John Marshall and Richard William Mumford and Eric Rose <ol style="list-style-type: none"> a) A3041 – 891 (Lot 583) Scotsdale Road, Scotsdale <p>Vested under Management Order, in trust for the purpose of Agricultural Hall Site (Scotsdale Hall)</p> 3. Denmark Country Club <ol style="list-style-type: none"> a) A3088 – 925 (Lease of Whole Lots 154, 155, 156, 157, 158, 159, 1072 and 1073) South Coast Highway, Hay 4. The Returned Services League of Australia WA Branch Incorporated <ol style="list-style-type: none"> a) A3097 – 54 (Lease of Whole Lot 40) Strickland Street, Denmark 5. Denmark Pistol Club <ol style="list-style-type: none"> a) A3167 – 223 (Lease of Whole Lot 7441) Churchill Road, Scotsdale 6. Denmark Occasional Day Care Centre Inc., and Denmark Playgroup <ol style="list-style-type: none"> a) A3179 – 81 (Lease of Whole Lot 500) South Coast Highway, Denmark 7. Denmark Tourism Incorporated <ol style="list-style-type: none"> a) A3186 – 73 (Lease of Lot 501) South Coast Hwy, Denmark 8. Denmark Riding and Pony Club Inc. and Denmark Equestrian Club Inc. <ol style="list-style-type: none"> a) A3189 – 73 (Lease of Whole Lot 1004) Beveridge Road, Denmark 9. Denmark Clay Target Club <ol style="list-style-type: none"> a) A3565 – Lease of Whole Lot 7399, Sunny Glen Road, Hay 10. Denmark Arts Council <ol style="list-style-type: none"> a) A5583 – 1 (Lease of Part Lot 41) Mitchell Street, Denmark 	

11. **Denmark Cottage Crafts Inc.**
 - a) A5584 – Lease of Part Lot 41 Mitchell Street, Denmark
 12. **Denmark Boating & Angling Club**
 - a) A5585 – Lease of Part Lots 304 and 307 Parry Road, Parryville
 13. **Denmark Boating & Angling Club, and Denmark Sea Rescue Group**
 - a) A5587 – 891B (Lease of Part Lot 556) Ocean Beach Road, Ocean Beach
 14. **Denmark Surf Lifesaving Club**
 - a) A5588 – 891A (Lease of Part Lot 556) Ocean Beach Road, Ocean Beach
 15. **Green Skills Inc.**
 - a) A5590 – 46 (Lease of Part Lot 7937) McIntosh Road, Hay
 16. **Nornalup Residents and Ratepayers Association**
 - a) A5591 – 3 (Lease of Part Lot 2368) Riverside Drive, Nornalup
 17. **Parry's Beach Voluntary Management Group Inc.**
 - a) A5592 – 2830 (Lease of Part Lot 5393) South Coast Highway, William Bay
 18. **Kentdale Community Hall Committee Incorporated**
 - a) A5593 – 518 (Lease of Part Lot 300) Parker Road, Kentdale
 19. **Tingledale Hall Committee Inc.**
 - a) A5594 – 976 (Lease of Part Lot 2381) Valley of the Giants Road, Tingledale
 20. **Peaceful Bay Sea Rescue Group Inc.**
 - a) A5595 – Lease of Whole Lots 401 and 402 Old Peaceful Bay Road, Peaceful Bay
 21. **Peaceful Bay Returned Services League (RSL) Sub Branch**
 - a) A5596 – 28 (Lease of Whole Site 400) First Avenue, Peaceful Bay
 22. **Scout Association of Australia**
 - a) A5597 – 53 (Lease of Part Lot 1087) Brazier Street, Denmark
 23. **Denmark Machinery Restoration Group Inc.**
 - a) A5599 – 2 (Lease of Part Lot 952) Inlet Drive, Denmark
 24. **Lions Club of Denmark Inc.**
 - a) A5600 – 2 (Lease of Part Lot 952) Inlet Drive, Denmark
 25. **Denmark Riverside Club**
 - a) A5601 – Lease of Part Lot 1002 Bambrey Road, Denmark
 - b) A3069 – 3 (Lease of Whole Lot 1110) Morgan Road, Denmark
 26. **Peaceful Bay Progress Association Inc.**
 - a) A5615 – 30 (Lease of Whole Site 300) First Avenue, Peaceful Bay
 27. **Peaceful Bay Progress Association Inc.**
 - a) A5616 – 3 (Lease of Whole Site 302) West Avenue, Peaceful Bay
- CARRIED UNANIMOUSLY: 7/0 Res: 130914

4.47pm – Cr Osborne left the room.

Prior to consideration of Item 8.4.2 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

The Chief Executive Officer, the Acting Chief Executive Officer/Director of Planning & Sustainability, the Director of Finance & Administration and the Director of Community & Regulatory Services are employees of Council to whom the report relates and as a consequence there may be a perception that their impartiality on this matter may be affected.

Mr Stewart, Mrs Harbron, Mr Dolzadelli and Mr Harwood have all declared that they will consider this matter on its merits and advise Council accordingly.

The Acting Chief Executive Officer also advised that the Author of the Report, Mrs Marcia Chamberlain had also declared an impartiality interest as an employee of Council to whom the report relates.

8.4.3 PROPOSED CLOSURE OVER CHRISTMAS AND NEW YEAR

File Ref:	A3032
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	Nil
Disclosure of Officer Interest:	The Author, the Authorising Officer & the Chief Executive Officer declare an impartiality interest on the basis that they are employees of the Shire of Denmark
Date:	12 September 2014
Author:	Marcia Chamberlain, HR/Risk Management Officer
Authorising Officer:	Kim Dolzadelli, Director of Finance & Administration
Attachments:	Nil

Summary:

This report requests Council consideration to close the office from Thursday, 25 December 2014 until Friday, 2 January 2015 inclusive.

Background:

All local government staff are entitled to two extra public holidays per year over the New Year and Easter periods which was a condition of previous industrial awards and has been adopted by the CEO as a condition of employment at the Shire.

This year, office staff will be required to have Thursday, 25 and Friday, 26 December as public holidays, work for three days on Monday, 29 December through to Wednesday, 31 December, have Thursday the 1st of January off as a public holiday and then work Friday, 2 January. For the past two years it has been the practice at the Denmark Shire that the Office, Depot, Recreation Centre and Youth Centre close over the Christmas/New Year break.

Historically the following neighbouring Shires close for the Christmas period, as follows:

City of Albany	Closed - 25, December to 1 January.
Shire of Plantagenet	Closed - 25, December to 2 January.

Given the Shire of Denmark is a substantial distance from most other towns and cities and employees usually travel to visit families at Christmas time, it is proposed that the office and other operations of the Shire close from Thursday, 25 December 2014 until Friday, 2 January 2015, inclusive. All employees will be required to take one day as a public holiday entitlement and the balance as annual leave, time in lieu, RDOs.

The entitlement to the two extra public holidays, as mentioned previously in this report, are able to be taken at the discretion of the employer and employee.

Consultation:

Nil

Statutory Obligations:

Local Government Act 1995.

Local Government Industry Award and Enterprise Agreement, relevant to Local Government employees.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

There are known financial implications upon either the Council’s current Budget or Long Term Financial Plan.

Strategic Implications:

The report and officer recommendation is not inconsistent with Council’s adopted Mission and Vision.

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:**

Previous experience has confirmed that the public have not been unduly inconvenienced by similar closures subject to appropriate advance notice. Consultation with employees has confirmed that the Council has received no documented or anecdotal negative feedback.

➤ **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 Community needs won't be met	Rare (1)	Minor (2)	Low (1-4)	Not Meeting Community expectations	Control through notification to the Community of impending office closure.

Comment/Conclusion:

The closure of the office for four extra days is not considered to be significant in terms of the services provided by the Shire of Denmark and there is sufficient time to inform residents of the proposed closure.

It is proposed that the closure excludes the operations of emergency services, waste services, ranger services and cleaning services.

The officer also notes that there have been no known recorded complaints with respect to previous closures of this nature.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.4.3

MOVED: CR GILLIES

SECONDED: CR ROWLAND

That Council authorise the closure of all Shire of Denmark services and operations, with the exception of Emergency Services, Waste Services, Ranger Services and Cleaning Services, from Thursday, 25 December 2014 until Friday, 2 January 2015 inclusive with employees required to use their leave entitlements and subject to the closure being well publicised prior to this date.

CARRIED UNANIMOUSLY: 6/0

Res: 140914

Prior to consideration of Item 8.4.4 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Rowland is a Secretary of the RSL Sub-Branch Albany and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Rowland declares that she will consider this matter on its merits and vote accordingly.

8.4.4 DENMARK RSL SUB-BRANCH FUNDING REQUEST HALL RENOVATIONS

File Ref:	A3097
Applicant / Proponent:	Shire of Denmark
Subject Land / Locality:	No. 54 (Lot 40) Strickland Street – being Reserve 23631
Disclosure of Officer Interest:	Nil
Date:	19 September 2014
Author:	Kim Dolzadelli, Director of Finance & Administration
Authorising Officer:	Kim Dolzadelli, Director of Finance & Administration
Attachments:	8.4.4 – Funding Request Denmark RSL Hall Renovations

Summary:

Council is being requested to consider a request for funding of \$20,000 from the Denmark RSL Sub-Branch to assist them to undertake renovations and refurbishment of the Denmark RSL Hall.

Background:

The draft Plane Tree Precinct Development Concept Plan (PTPDCP) is being presented to Council for consideration and is listed in Item 8.1.1 of this Agenda with the author of that report recommending that the draft PTPDCP be adopted with modifications by Council.

In summary, the key elements of the draft PTPDCP that relate to the RSL Hall are:

- Disabled access paths through the Reserves connecting to the Denmark Cottage Crafts and RSL Hall buildings on-site.
- Refurbishment/redevelopment of the RSL Hall building by:
 - Creating a new entrance off Strickland Street, with the World War II Gun & Carriage and Lone Pine Tree relocated to either side of the entrance;
 - Addition of new doors and decking on the northern elevation of the building opening onto green space which may incorporate barbeques, seating and a small playground space;
 - Removing the current additions to the west and north of the original building; and
 - A new administration/storage addition on the western boundary.

The Denmark RSL Sub-Branch have lodged a request for Council's consideration of a financial contribution of \$20,000 towards their proposed Hall Renovation/Improvement Project valued at \$217,111 – noting that they are proposing to contribute \$23,262 and seek grant funding for the remaining \$173,849.

Consultation:

Consultation with the Director of Planning & Sustainability and Chief Executive Officer has occurred.

Statutory Obligations:

There are no statutory obligations relevant to the funding request with an in principle support.

Policy Implications:

The RSL Memorial Hall and WW2 Gun & Carriage are listed in the Shire's adopted Municipal Heritage Inventory (2011).

Council's Policy P110102 also details an annual Council contribution towards the maintenance of the RSL Memorial Hall to be determined by Council from time to time, with the current year's allocation being \$3,000.

Budget / Financial Implications:

The Denmark RSL Sub-Branch have lodged a request for Council's consideration of a financial contribution of \$20,000 towards their proposed Hall Renovation/Improvement Project valued at \$217,111 – noting that they are proposing to contribute \$23,262 and seek grant funding for the remaining \$173,849.

There are potential financial considerations for the Council in the amount of \$20,000, should Council accept the officer's recommendation and should the RSL be successful with grant funding from other agencies.

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 Goal: Lifestyle – that the Shire of Denmark endeavour to maintain and improve the standards and style of living, together with the creative and vibrant culture, that residents and visitors have come to expect.

Social Goal: Recreation – that the Shire of Denmark monitor all forms of recreational and cultural facilities and services, and take careful account of the level of community support for those in determining the improvements or new facilities to be supported together with their relative contribution to personal and community well-being.

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.

Governance Goal: Funding – that the Shire of Denmark 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 considerations relating to the report or officer recommendation.

➤ **Economic:**

The PTPDCP provides for a development form that creates an interactive and vibrant streetscape through function, usability and/or design, the RSL Hall is considered an integral part of the Plane Tree Precinct.

➤ **Social:**

The PTPDCP has been developed having regard to the social, heritage and community usage connections with the site, the RSL Hall is considered an integral part of the Plane Tree Precinct.

➤ **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 do not support the request for funding.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Asset Management	Accept Risk or accept Officer Recommendation.
That grant funds not be able to be sourced (either by the Shire or lessees) for the proposed works.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Asset Management	Manage by seeking to source grant funds from variety and range of sources in to the future.

Comment/Conclusion:

The Denmark RSL Sub-Branch have lodged a request for Council’s consideration of a financial contribution of \$20,000 towards their proposed Hall Renovation/Improvement Project valued at \$217,111 – noting that they are proposing to contribute \$23,262 and seek grant funding for the remaining \$173,849.

The funding amount being sought by Council is approximately 9.2% of the total project cost which is considered reasonable by the officer. The officer also believes that the proposed works are appropriate in ensuring the upkeep of the built asset.

In summary the proposed works consist of:

- Toilet upgrades – demolish existing and build new toilets,
- Disabled access ramp,
- Screened access to main hall,
- Painting to all external walls and all new work internally,
- Rock wall – extension up each side of main steps,
- Re-concreting of damaged steps,
- Gun shelter – rock wall, brick paving and cover, and
- Re-pointing of building.

These works are generally consistent with the principles of the draft PTPDCP, noting matters that should require further clarification with the proponent should the grant application be approved (for detail refer Item 8.1.1).

The officer is recommending in principle support be given to the Denmark RSL Sub-Branches request, noting that this will potentially be an item that will require further consideration by Council should the project be successful in attracting external funding from other agencies and at that time Council will be required to consider an amendment to the 2014/2015 Municipal Budget.

Voting Requirements:

Simple majority.

4.48pm – Cr Osborne returned to the room.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.4.4

MOVED: CR ROWLAND

SECONDED: CR LEWIS

That with respect to the Denmark RSL Sub-Branch request for funding towards their proposed Hall renovation/improvement project, Council:

1. Approve in principle a Council contribution up to the amount of \$20,000 plus GST, subject to:
 - a) the successful grant funding application,
 - b) the project scope is in keeping with what is currently proposed.
2. Support the Denmark RSL Sub-branch in any grant funding application to external funding agencies with respect to this project; and
3. Advise the Denmark RSL Sub-branch that any proposed works will require Planning Approval, a Building Permit, compliance with the Building Code of Australia and be in keeping with the outcomes of the Shire of Denmark's Disability Access & Inclusion Plan and the principles of the Plane Tree Precinct Development Concept Plan.

CARRIED UNANIMOUSLY: 7/0

Res: 150914

8.4.5 WRITE OFF – OUTSTANDING SUNDRY DEBTORS

File Ref:	FIN 32
Applicant / Proponent:	Not Applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	22 September 2014
Author:	Sharon Bracknell, Senior Finance Officer
Authorising Officer:	Kim Dolzadelli, Director of Finance and Administration
Attachments:	Nil

Summary:

This report recommends write-off of unpaid sundry debtor invoices totalling \$17,640.00 (GST inclusive).

Background:

An assessment of outstanding Sundry Debtors records has been undertaken with a view to establishing if there are any outstanding amounts that are unlikely to be recovered.

As a result of this review the following unpaid invoices (GST inclusive, where applicable) are requested to be written-off:

Debtor	Inv. No.	Amount (\$)	Date	Description
31106	16461	42.70	11/4/13	Lost/non-returned Library items
30173	15900	40.00	6/9/13	Standpipe water sold
	15933	6.00	7/9/13	Standpipe water sold
	16003	60.00	25/10/12	Standpipe water sold
	16204	600.00	19/12/12	Private Works – Plant Hire
	16197	600.00	19/12/12	Private Works – Plant Hire
	16314	1,260.00	25/2/13	Private Works – Plant Hire
33199	16495	14,325.00	22/4/13	Half yearly rental sub lease portion of L300 Denmark Mt Barker Rd
	16511	76.00	9/5/13	Water Corporation – water consumption
30238	16460	117.70	11/4/13	Lost/non-returned Library items
30264	16962	11.00	24/9/13	Lost/non-returned Library items
30282	17238	423.50	9/1/14	Costs to recover vehicle from Prawn Rock Channel
30898	17107	41.80	12/11/13	Lost/non-returned Library items
30270	16972	36.30	24/9/13	Lost/non-returned Library items

Consultation:

Library Staff, Austral Mercantile (Collection Agency) and RSM Cameron.

Statutory Obligations:

Section 6.12 of the Local Government Act 1995 provides that a Local Government may by way of an absolute majority resolution, “write off any amount of money”.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Council’s current Budget contains an amount of \$18,000 (General Ledger Account 1422502 – Debt Write-off) which will accommodate the requested write-offs as contained within this report.

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.

➤ **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 Community needs won't be met	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Financial, Accounting or Business Acumen	Accept Officer Recommendation

Comment:

It is important that monies owed to Council are constantly reviewed to ensure that all outstanding amounts are recovered in accordance with Council Policy P040227. That being said there are circumstances whereby amounts cannot be recovered for reasons generally outside of the control of officers.

Where it is deemed that an outstanding amount is not recoverable it is also important that these amounts are highlight for consideration by Council for write-off to ensure that the expected levels of revenue are not overstated.

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

Debtor 31106 – Invoice 16461

- Invoice 16461 was issued on the 11 April 2013 for lost/non-returned library items. Despite numerous requests, statements and letters sent to the debtor, the debt remains outstanding. The debtor has been blacklisted from the Library.
- The account was sent to debt recovery on the 16 August 2013. Austral Mercantile recommended that the debt be written off on the 12 November 2013 as they have been unable to locate the debtor.

Debtor 30173 – Invoice 15900, 15933, 16003, 16204, 16197, 16314

- Per the above table and listed invoices, raised on the respective dates, Council was advised on the 3 July 2013 that RSM Cameron were acting as liquidators for the Debtor and that it was unlikely any debts would be recoverable. Hence the recommendation that the debt be written off.

Debtor 33199 – Invoice 16495

- As per the above Debtor 30173 who trades under the same name, both companies are in liquidation and write off is recommended.

Debtor 30238 – Invoice 16460

- Invoice 16460 was issued on the 11 April 2013 for lost/non-returned library items. Despite numerous requests, statements and letters sent to the debtor, the debt remains outstanding. The debtor has been blacklisted from the Library.
- The account was sent to debt recovery on the 16 August 2013. Austral Mercantile recommended that the debt be written off on the 12 November 2013 as they have been unable to locate the debtor.

Debtor 30264 – Invoice 16962

- Invoice 16962 was issued on the 24 September 2013 for lost/non-returned library items. Statements have been returned to sender from the Perth address that we have for the debtor, and the debt remains outstanding. The debtor has been blacklisted from the Library.
- Due to the small amount outstanding it is recommended that the debt be written off and no further action taken.

Debtor 30282 – Invoice 17238

- Invoice 16962 was issued on the 9 January 2014 for costs to recover a vehicle from Prawn Rock Channel on the 7 December 2013. Statements have been returned to sender, and Ranger Services have since advised that the debtor is believed to have left town, forwarding address not known.
- The debt was referred to Austral Mercantile on the 23 April 2014, who advise that the debtor has not responded to phone calls/messages and have recommended that the debt be written off as un-recoverable.

Debtor 30898 – Invoice 17107

- Invoice 17107 was issued on the 12 November 2013 for lost/non-returned library items. The debtor has been blacklisted from the Library. The debt has been referred to debt recovery but remains outstanding. It is recommended that the debt be written off.

Debtor 30270 – Invoice 16972

- Invoice 16972 was issued on the 24 September 2013 for lost/non-returned library items. The debtor has been blacklisted from the Library. The debt remains outstanding despite numerous requests, statements and letters sent to the debtor. It is recommended that the debt be written off.

The officer has noted previously in this report that Council's current Budget contains an amount of \$18,000 (General Ledger Account 1422502 – Debt Write-off) which will accommodate the requested write-offs as contained within this report.

Voting Requirements:

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

COUNCIL RESOLUTION & OFFICER RECOMMENDATION				ITEM 8.4.5
MOVED: CR SAMPSON				SECONDED: CR SEENEY
That Council write-off the following outstanding Sundry Debtors Invoices:				
DEBTOR	INV. NO.	AMOUNT (\$)	DATE	DESCRIPTION
31106	16461	42.70	11/4/13	Lost/non-returned Library items
30173	15900	40.00	6/9/13	Standpipe water sold
	15933	6.00	7/9/13	Standpipe water sold
	16003	60.00	25/10/12	Standpipe water sold
	16204	600.00	19/12/12	Private Works – Plant Hire
	16197	600.00	19/12/12	Private Works – Plant Hire
	16314	1,260.00	25/2/13	Private Works – Plant Hire
33199	16495	14,325.00	22/4/13	Half yearly rental sub lease portion of L300 Denmark Mt Barker Rd
	16511	76.00	9/5/13	Water Corporation – water consumption
30238	16460	117.70	11/4/13	Lost/non-returned Library items
30264	16962	11.00	24/9/13	Lost/non-returned Library items
30282	17238	423.50	9/1/14	Costs to recover vehicle from Prawn Rock Channel
30898	17107	41.80	12/11/13	Lost/non-returned Library items
30270	16972	36.30	24/9/13	Lost/non-returned Library items
CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 7/0				Res: 160914

8.5 Chief Executive Officer

4.55pm – The Director of Community & Regulatory Services left the room.

4.55pm – The Chief Executive Officer connected with the meeting via instantaneous communication (Facetime).

8.5.1 ACCESS IN THE DENMARK CBD FOR PEOPLE WITH DISABILITY

File Ref:	SER.8
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark CBD
Disclosure of Officer Interest:	Nil
Date:	15 September 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.1 – Letter from the Denmark Chamber of Commerce

Summary:

This report recommends that Council adopt a new Policy with respect to how staff assess requests by business proprietors in the Denmark CBD to utilise Council's footpath for providing ingress or egress to their business by people with one or more disabilities and to ensure that Council's liability is protected by not allowing non-compliant ramps and structures on its property.

Background:

Council at its meeting of 27 May 2014 resolved, pursuant to resolution 260514;

“That with respect the Denmark CBD and any ramps or associated handrail structures erected on Council property by business or landowners, Council;

1. *Request the CEO to have all existing ramps inspected within 30 days to ensure that they comply with relevant Codes and Standards and ensure that any that fail are issued rectification notices requiring compliance within 30 days of the notice at the cost of the ramp owner. Those that cannot comply due to an unacceptable impedance onto Council's footpath in the opinion of the Council's Director of Infrastructure Services are to be removed within 30 days.*
2. *Advertise the following draft Policy inviting comment, for a period of not less than 30 days, prior to further consideration, amendment or adoption, from;*
 - *The Council's Disability Access Advisory Committee;*
 - *The Denmark Chamber of Commerce Inc.;*
 - *The Denmark Health Service*
 - *The Denmark Over 50s Association Inc.*
 - *The Independent Living Association Inc.*
 - *The Community Living Association Inc.*
 - *Local Public Notice via an advertisement through;*
 - *The Denmark Bulletin;*
 - *Council's website;*
 - *Council's official notice boards;*
 - *Council's Facebook page.*

Draft Compliance with Mobility Standards by Denmark CBD Buildings (that are renovated) Policy

Businesses in existing buildings that renovate, that have to comply with Federal Mobility Standards, resulting in potential building alterations, have three (3) 'retrofit' options including;

Option 1 Redesigning the businesses entrance (installing a recess);

- Option 2 Council will consider allowing the business to pay the Council for corrections to the pedestrian pavement where grades and design is acceptable (note well – this cost, depending upon the existing grades may be more costly than option 1 and the business is encouraged to seek a quotation from Council prior to agreeing to this option;*
- Option 3 Council will consider allowing the business to utilise Council property for compliant ramps and rails (building an extrusion) with this approval being assessed annually and subject to payment of Council’s annual fee adopted from time to time). Council reserves the right to not renew the application in the event that Council’s property is subsequently required for alternate uses and undertakes to provide the adjoining landowner a minimum of 3 months’ notice. The annual permit is to be accompanied by an appropriate indemnification from the business’ insurer, to the satisfaction of Council, protecting Council’s liability.”*

Statutory Obligations:

New building applications (for commercial buildings) must comply with the National Construction Code Series 2014 of the Building Code of Australia (BCA Vol. 1 Access for People with a Disability). The Code “calls up” AS 1428.1 – 2009 Design for access and mobility.

In addition, Council’s Thoroughfares & Public Places Local Laws, clause 2.2, states a person shall not without a permit cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare which would cover ramps and handrails.

Note also that AS 1428.1 requires that ramps (gradient max 1.14 min 1.20) must also have a hand rail installed – which necessitates, in both cases that they will generally have some element to be installed perpendicular to the general flow of pedestrian movement along a footpath (impeding or providing a potentially dangerous barrier to their progress).

The Disability Services Act 1993 also relates with respect to local governments where it provides services or facilities. This Act does not relate in this instance as it is not Council property but private property that is not complying with the BCA.

Permanent use of public land for ‘private’ or non-public infrastructure typically requires the approval of the Minister for Lands pursuant to the Land Administration Act 1997.

Consultation:

The draft policy, together with reference to or a copy of the previous Council Officer Report, was sent to the following organisations for specific comment prior to further consideration, amendment or adoption;

- The Council’s Disability Services Advisory Committee;
- The Denmark Chamber of Commerce Inc.;
- The Denmark Health Service;
- The Denmark Over 50s Association Inc.;
- The Community Living Association Inc.;
- The Independent Living Association Inc.; and
- Local Public Notice including an advertisement in the Denmark Bulletin inviting comment for a period of not less than 30 days.

Public comment on the draft Policy closed at 4.00pm, Monday, 8 September 2014 with only one submission – that being from the Denmark Chamber of Commerce (Inc.) (copy attached) which supports the Policy and the creation of a ‘wheelchair friendly’ business environment in the CBD.

The Policy will provide Council employees and the business community clear, consistent and unambiguous guidance when assessing renovation requests for existing buildings within the Denmark CBD and ensure that any renovations comply with Federal Mobility Standards, particularly in relation to entrances and exits. The Policy also provides clear guidelines for

businesses within the CBD who request to use a portion of Council land to install compliant ramps and rails at the entrance and/or exit to their building.

Policy Implications:

Council's adopted Access & Inclusion Policy Statement (P110710) states;

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

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

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

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

The Council's involvement in the State-wide 'Your Welcome' program (<http://www.accesswa.com.au>) also relates.

Council Policy P040123 Community Consultation has been referred to when considering the Consultation requirements prior to adoption of the recommended new Policy.

Budget / Financial Implications:

The Policy or actions proposed of staff have no known financial implications upon either the Council's current Budget or Long Term Financial Plan.

Strategic Implications:

The Shire of Denmark's Disability Access & Inclusion Plan (DAIP) 2013 – 2018 builds on the capacity for people with disabilities to access services, facilities and information in a way that promotes independence, opportunities and inclusion in the community and promotes participation in decision making processes.

The Plan includes:

- Information on Council functions, facilities and services (both in-house and contracted).
- A policy statement about Council's commitment to addressing the issue of access for people with disabilities, their families and carers.
- A description of the process used to consult with people with disabilities, their families and carers and disability organisations and relevant community groups.
- The identification of objectives and strategies to overcome barriers that people with disabilities identified during the consultation process.
- Dates and the identification of the persons responsible for the proposed strategies.
- A method of review and evaluation of the plan.
- Information about how the plan is being communicated to staff and people with disabilities.

A copy of the adopted Plan can be downloaded free of charge from Council's website;

[http://www.denmark.wa.gov.au/media/fckuploads/files/Disability Access & Inclusion Plan 2013 - ADOPTED 090713.pdf](http://www.denmark.wa.gov.au/media/fckuploads/files/Disability%20Access%20&%20Inclusion%20Plan%202013%20-%20ADOPTED%20090713.pdf)

It should be noted however, that whilst Council has obligations with respect to its property at law under Federal and State legislation, it also has obligations to uphold Commonwealth legislation

to require ‘others’ to comply with respect to their property where it meets the public realm pursuant to its role in enforcing the BCA. In other words, it is the business proprietors’ responsibility to comply if they make changes to their building that subsequently calls into assessment the latest Building Code or Standard.

Whilst Council has discretion to facilitate this being achieved on Council’s land – this practice is not recommended unless all other practical options have been explored.

Allowing utilisation of Council property, regardless of who pays for the ‘work’ in the short term, results in the Council seeking to take it back many years down the track, when road reserve changes need to be implemented for whatever reason (it reduces Council’s flexibility and the ‘purpose’ of public or crown property). It is ‘nice’ for Council to help, but in attempting to do, it is restricting Council’s future options with respect to its (crown) land. Indeed if Council land is utilised by an adjoining landowner for their ‘exclusive’ use, there should be an annual ‘permit’ issued and relevant annual fee paid.

Sustainability Implications:

➤ **Governance:**

Adopting a policy as is proposed will ensure that staff provide clear, consistent and unambiguous advice to the business community about what is expected of them when renovating an existing CBD building.

➤ **Environmental:**

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

➤ **Economic:**

Council in requiring businesses in existing buildings that renovate, to comply with Federal Mobility Standards on their own land may add additional costs to the business (rather than causing a potential unknown latent cost to the community).

➤ **Social:**

Council in requiring businesses in existing buildings that renovate, to comply with Federal Mobility Standards on their own land ensures that all sections of the community can access ‘more’ of its services and facilities enjoyed by the majority.

➤ **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 staff allow or ignore ramps on Council land that are non-compliant, resulting in an accident to a pedestrian	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Asset Management	Accept Officer Recommendation

Comment/Conclusion:

The officer provides the following commentary to help guide a potential policy for future assessment of new or existing buildings in the CBD.

Businesses proposing new buildings are required to design their building to comply without impeding or extruding onto Council land (i.e. comply with Australian Standards and the BCA).

Businesses in existing buildings that renovate, that have to comply with Federal Mobility Standards, resultant in potential building alterations, have three (3) ‘retrofit’ options including;

- Option 1 Redesigning the businesses entrance (installing a recess);

- Option 2 Council will consider allowing the business to pay the Council for corrections to the pedestrian pavement where grades and design is acceptable (note well – this cost, depending upon the existing grades may be more costly than Option 1 and the business is encouraged to seek a quotation from Council prior to agreeing to this option);
- Option 3 Council will consider allowing the business to utilise Council property for compliant ramps and rails (building an extrusion) with this approval being assessed annually and subject to payment of Council’s annual fee (adopted from time to time). Council reserves the right to not renew the application in the event that Council’s property is subsequently required for alternate uses and undertakes to provide the adjoining landowner a minimum of 3 months’ notice. The annual permit is to be accompanied by an appropriate indemnification from the business’ insurer, to the satisfaction of Council, protecting Council’s liability.

Voting Requirements:

An absolute majority decision of Council is required for adoption or amendment of a fee or charge (section 6.16 of the Local Government Act 1995).

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.1
MOVED: CR SEENEY	SECONDED: CR OSBORNE

That with respect to Mobility in the Denmark CBD;

1. That Council adopt the following as a Policy of Council;

“Compliance with Mobility Standards by Denmark CBD Buildings (that are renovated) Policy.

Businesses in existing buildings in the Denmark CBD (as adopted by Local Planning Policy No. 31 Commercial Strategy) that renovate, and accordingly have to comply with Federal Mobility Standards resulting in potential building alterations, have three (3) ‘retrofit’ options including;

 - Option 1 Redesigning the business’ entrance (installing a recess);
 - Option 2 Council will consider allowing the business to pay the Council for corrections to the pedestrian pavement where grades and design is acceptable (note well – this cost, depending upon the existing grades may be more costly than option 1 and the business is encouraged to seek a quotation from Council prior to agreeing to this option);
 - Option 3 Council will consider allowing the business to utilise Council property for compliant ramps and rails (building an extrusion) with this approval being assessed annually and subject to payment of Council’s annual fee adopted from time to time. Council reserves the right to not renew the application in the event that Council’s property is subsequently required for alternate uses and undertakes to provide the adjoining landowner a minimum of 3 months’ notice. The annual permit is to be accompanied by an appropriate indemnification from the business’ insurer, to the satisfaction of Council, protecting Council’s liability.”
2. That Council adopt the following charge with effect from its date of advertising;

Assessment of compliant ramps or rails on Council Property pursuant to the Council Policy Mobility Standards by Denmark CBD Buildings \$200 for an initial inspection and issuance of permit and \$100 per annum for subsequent inspections and issuance of permit (per annum).

CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 7/0	Res: 170914
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4.59pm – The Director of Community & Regulatory Services returned to the room.

8.5.2 WALPOLE HEALTH SERVICES

File Ref:	HLTH.9
Applicant / Proponent:	Silver Chain
Subject Land / Locality:	Walpole
Disclosure of Officer Interest:	Nil
Date:	15 September 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.2a – Letter to Silver Chain dated 4 September 2014 8.5.2b – Letter from Silver Chain dated 12 September 2014 8.5.2c – Letter from Silver Chain dated 25 September 2014

Summary:

Council included in its 2014/15 Budget the sum of \$10,000 as a potential contribution to General Practitioner (GP) Services to be retained at the Walpole Silver Chain Clinic. Council wrote to Silver Chain seeking advice as to what the financial circumstances of the potential need and has received a reply.

Background:

GP services reduced in the past six months from three (3) days per week to nil with the departure (cessation) of a Denmark physician that has attended to the needs of Walpole and nearby (Denmark Shire) residents at the Silver Chain Clinic for approximately ten (10) years. Up until recently that Doctor undertook the service in Walpole without subsidy or support from the Shires of Denmark or Manjimup and ceased servicing Walpole for several reasons.

More recently another Denmark based practice has taken up the service on the basis of five (5) days per fortnight. The officer understands that this level of frequency meets the basic needs of the residents.

The officer understands that the Shire of Manjimup has been approached to contribute up to \$20,000 per annum towards the service to assist subsidise some of the travel and administration costs of the visiting GP service. Shire of Denmark Councillors were also approached in recent months to also contribute up to \$10,000 towards the service on the basis that Denmark residents attend the clinic from time to time as their local (nearest) service (for residents in the western localities of the Shire including Nornalup, Peaceful Bay, Hazelvale, Trent, Bow Bridge and Tingledale).

The Council subsequently included the sum of \$10,000 in the 2014/15 Budget as a potential contribution to the service to 'guarantee' a minimum level of service.

The officer subsequently wrote to Silver Chain seeking confirmation of what the withdrawal of service meant in terms of financial impact and has received a reply (refer appendix).

Silver Chain began over 100 years ago as a small district nursing service in Western Australia. Today we are one of the largest providers of community, clinical and health care services assisting over 53,000 people each year in WA.

From the Silver Chain website, <http://www.silverchain.org.au/wa/>

"Our services assist people of all ages, including the elderly, people with disabilities, acute illness and injury to maintain or regain their independence while caring for them in their home.

In September 2011, Silver Chain in Western Australia and RDNS in South Australia, two like-minded not-for profit organisations, merged to become one of the largest in-home health and

care providers in Australia. With over 3,000 staff and 400 volunteers, the Group assists over 74,000 people to remain living in their homes and community every year.

The Silver Chain Group's purpose is to build community capacity to optimise health and well-being. This is the core of who we are as an organisation and will help shape the future of in home community care across Australia.

With well over 100 years' experience delivering care in the community, respectively, both Silver Chain and RDNS SA are committed to offering a range of services to assist people in their homes. With coverage in Western Australia, South Australia, Queensland and New South Wales, the Silver Chain Group is committed to caring for all individuals and providing the most extensive range of support and wellbeing to everyone.

These services include specialist nursing, palliative care, home care and support services, home hospital and home therapy/allied services, such as physiotherapy, podiatry and speech pathology. We also have a range of equipment like personal alarms and other technology based support to assist clients of all ages.

Our leadership in health and community care allows us to provide key services to Federal and State Governments and other medical professionals, as well as direct to our clients. This ensures that our networks and partnerships are extensive enough to provide a full service to all individuals in every area of health and community care."

Consultation:

The officer has confirmed that the Shire of Manjimup intends to make a contribution of \$20,000 to the service for administrative support which may include travel costs associated with the GP.

The officer met with the Regional Manager of Silver Chain on 12 September 2014 and also spoke with the Business Manager of Southern Medical Group who administer the new service for Silver Chain.

The officer also spoke with the Practice Manager of Dr Jane James Surgery to ascertain whether there would be a perception of commercial competition associated with making a contribution when the Council did not contribute to the previous practitioner.

Statutory Obligations:

The following Sections of the Local Government Act 1995 relate;

Section 3(1)

The general function of a local government is to provide for the good government of person in its district.

Section 3.18 (3)

A local government is to satisfy itself that services and facilities that it provides —

- a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
- b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- c) are managed efficiently and effectively.*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Council wrote to Silver Chain as follows;

“In this regard, and as Council has only heard of the service reduction impacts third hand, it would be appreciated if you could advise, in writing, what range and hours of GP services were provided and are no longer available (to the same extent) in Walpole and the reasons why those services have had to be rationalised or reduced in the manner they have and whether the funding shortfall is likely to continue or indeed further erode?”

Your additional comments on what level of Council cash contribution might be required, for what predicted or desired period, who it might be paid to, and what specific services or outlays it would be used for, would also be appreciated.

This information will then be utilised to determine what level of contribution and or on what basis such a contribution might be considered by the Shire of Denmark on behalf of our constituents.”

The reply to this correspondence is attached as an appendix.

Whilst Council has included the sum of \$10,000 in the current Budget as a provisional sum contribution, the key question arises as to whether any contribution is required and or what contribution might be expected into the future?

Strategic Implications:

The following specific adopted Strategic Objectives and Goals are relevant from the Strategic Community Plan and, depending upon the weight that one gives to each of them, are complementary or competing in this context;

Regional Services: That Council support objectives that manage the development of long-term growth settlement areas that ensures an acceptable level of services for its residents, regardless of where they live.

Health: That Council work with relevant authorities and organisations to maintain and improve health services at all levels within the region.

Funding: That Council 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.

Co-operation & Community Input: That Council acknowledge that it also has a regional role, and endeavours to work collaboratively with neighbouring local governments, the State Government and external organisations, whilst remaining responsive to the voice of its own community.

Is it fiscally responsible to contribute to a service whereby that contribution may not demonstrably be required?

Does the demonstration of need exist to the extent that the Council should have a role in supporting its regional neighbour to improve health outcomes of its and nearby communities outweigh the lack of demonstrable need?

Perhaps the key question is whether a Council contribution from Manjimup or Denmark would otherwise make the service unsustainable? Given there has been no request for funding in writing from either Silver Chain or the General Practitioner provider, the officer has made a recommendation on that basis.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

As Silver Chain demonstrates in its correspondence, there are some 154 clients that utilise the Silver Chain service (out of 327) from the Shire of Denmark.

➤ **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 contribute any or sufficient funds to the service such that the service ceases and or decreases	Unlikely (2)	Minor (2)	Low (1-4)	Inadequate Engagement - Community / Stakeholders / Crs	Accept Risk and if required work with the Shire of Manjimup, Silver Chain and or Medical Providers
That the Council contribute to the service and future requests increase	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Financial, Accounting or Business Acumen	Manage by ensuring that the contribution is provided on an ex gratia and without prejudice basis with Council reserving the right to consider its contribution on a yearly basis.

Comment/Conclusion:

Were the Council not to make a financial contribution, the GP service might be compromised and or cease. The officer considers this unlikely given the replacement service was provided by a competitor GP service that provides GP service for ‘commercial return’ without a written request for financial assistance being provided to the Shire of Denmark nor the Shire of Manjimup.

The officer recommendation has been written on this basis.

Alternatively, should the Council feel that service might be lost or compromised without a Council contribution, then the following resolution might be considered in its place;

That Council make a contribution as allowed for in the 2014/15 Budget of \$10,000 (plus GST) to Silver Chain WA to support administrative functions associated with the provision of General Practitioner services to the Walpole Townsite Silver Chain Clinic on the following basis;

- 1. The contribution is to be seen as ex gratia and a one-off for the 2014/15 financial year.*
- 2. The contribution is on the basis that General Practitioner services should be provided to the Walpole Silver Chain Clinic on at least a 5 day per fortnight average.*

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.2

That Council not make a contribution to General Practitioner services to the Walpole Townsite Silver Chain Clinic in the 2014/15 financial year on the basis that the service was previously commercially viable and has been replaced by another commercial provider without reference to Council of the need for an incentive to continue.

COUNCIL RESOLUTION

ITEM 8.5.2

MOVED: CR GILLIES

SECONDED: CR LEWIS

That Council make a contribution as allowed for in the 2014/15 Budget of \$10,000 (plus GST) to Silver Chain WA to support administrative functions associated with the provision of General Practitioner services to the Walpole Townsite Silver Chain Clinic on the following basis;

1. The contribution is to be seen as ex gratia and a one-off for the 2014/15 financial year.
2. The contribution is on the basis that General Practitioner services should be provided to the Walpole Silver Chain Clinic on at least a 5 day per fortnight average.

CARRIED: 5/2

Res: 180914

REASONS FOR CHANGE

Following receipt of an additional letter from the Silver Chain Regional Manager (after the Agenda was published), dated 25 September 2014 (included in the Minutes as Attachment 8.5.2c), Council wished to make a one off contribution to Silver Chain WA to support the Walpole Silver Chain's provision of services which benefits Denmark residents who live in the western end of the Shire of Denmark.

8.5.3 COMMUNITY ENGAGEMENT FRAMEWORK & POLICY

File Ref:	ADMIN.2
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	15 September 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.3 – Draft Community Engagement Framework

Summary:

This report considers the review of Council's existing Community Consultation Policy recommended by the Working Group established to assist the CEO in that review and recommends adoption of a new policy after advertising and considering submissions.

Background:

Council's relevant resolution, number 231211, from December 2011 was;

"That Council advertise in the Denmark Bulletin from the 30 January 2012 inviting comment for a period of 30 days, the intent to repeal its existing Community Consultation Policy, numbered P040123 and replace it with a new Policy pursuant to the Attachment 8.5.4, inviting both written submissions and participation at a community engagement forum."

Subsequent to that a Community Working Group was formed as detailed under the heading 'Consultation'.

Consultation:

In achieving the intent of the resolution of 2011, a Community Engagement Policy Review Working Group was established and agreed in December 2013 with the first meeting held in February 2014.

The Group subsequently met approximately 6 times with the final meeting convened on 28 August 2014 which has recommended by consensus the new Policy as detailed under Policy Implications.

The regular representatives on the Group were;

- *Cr Kelli Gillies (Presiding Person)*
- *Cr Ian Osborne*
- *Cr Jan Lewis*
- *Mr Adrian Baer, Denmark Arts Representative*
- *Ms Liz Jack, Denmark Chamber of Commerce Representative*
- *Mr Matt Sivyver, Denmark Community Resource Centre Representative*
- *Dr Louise Duxbury, Green Skills Inc. Representative*
- *Dr John Sharpham, Denmark Historical Society Representative*
- *Cr John Sampson, Denmark Environment Centre Representative*
- *Mr Dale Stewart, Chief Executive Officer*

Statutory Obligations:

There are no statutory obligations with respect to adopting or reviewing a community consultation or engagement policy. Council and its administration must be mindful however of the statutory obligations associated with specific processes and minimum and or maximum timeframes that sometimes make it difficult, impractical and or unable to consult on various issues, notwithstanding that they may well have an impact on sections or even individuals within the community.

An example might be referrals to Council on a subdivision application abutting an individual that might object to that application. Council is a referral body with approximately 10 other Government institutions and it has 42 days to make comment on such an application on behalf of the Council and its constituents based on its various planning policies and infrastructure issues. It might well be considered appropriate and right that a Council should consult the adjoining affected owners to the proposed subdivision but in reality it does not as it is only an advising authority and not making the decision. Indeed the decision making authority (the WA Planning Commission) does not consult with the potentially affected adjoining owners either on the basis that they take into account any relevant WAPC policies, local planning scheme provisions (which have been the subject of community consultation processes at some stage perhaps many years earlier), all comments from referral bodies, physical attributes/conditions of the site and other relevant matters deemed appropriate.

Policy Implications:

Council's current Policy P040123 Community Consultation Policy would be repealed upon adoption of the draft new Policy.

Council's current Community Consultation Policy states as follows;

Objectives

To ensure appropriate and effective community consultation is an integral part of the development and implementation of all of the Shire of Denmark's projects, programmes and policies.

Policy

1. *The Shire of Denmark is committed to community consultation in its decision-making processes.*
2. *The Shire of Denmark, whilst agreeing to involve the community wherever appropriate in its decision-making processes, acknowledges that it may not be possible ultimately to carry out the total wishes of the community on every occasion, the Council nonetheless wishes to discover a broad range of community views on as many aspects of its business as possible.*

Statutory Implications

The Local Government Act 1995 contains certain requirements in the area of "community consultation". The Act requires the Council to advertise a variety of different things via "local public notice" or "statewide public notice"; both of which are defined in sections 1.7 and 1.8 of the Act. These include, but are not limited to advertising local laws, differential rating, Plan for the Future, business plans and the annual report.

This policy is designed to provide for consultation additional to that provided for in the Act.

Guidelines

1. *This policy provides for community consultation on operational issues, being functions of the CEO, and Council related issues.*
2. *The CEO is expected to establish staff operational guidelines to ensure a high level of community consultation takes place, where appropriate, on operational issues. Operational issues, for the purposes of this policy includes:*
 - a) *Carrying out of significant works contained within Council's annual works programme that have not been subjected to prior community consultation when being considered as part of Council's earlier decision-making processes.*
 - b) *Implementation of services, programmes, projects, etc provided for on Council's budget that have not been subjected to prior community consultation when being considered as part of Council's earlier decision-making processes.*
 - c) *Consideration of planning and building applications.*
 - d) *Other operational issues as determined from time to time by the CEO and/or the Council.*

3. *All new projects, new programmes, new policies and significant reviews of existing projects, programmes and policies, when being submitted for consideration by Council shall be accompanied by a “community consultation plan” (CCP).*
4. *A CCP shall detail:*
 - a) *The objectives of the community consultation exercise.*
 - b) *The stakeholders to be consulted.*
 - c) *The timing and duration of the consultation.*
 - d) *The method of consultation to be used to achieve the objectives.*
 - e) *How the stakeholders may be supported in their consultation.*
 - f) *Estimated cost of the consultation and budgeted funds available.*
 - g) *Post consultation review process.*
5. *The Council will, after consideration of the CCP, determine the level and extent of community consultation to be carried out.*
6. *The Council recognises the following as appropriate methods of consultation to be considered in any CCP:*
 - a) *Individual letters*
 - b) *Householder mailings*
 - c) *Advertising in addition to statutory requirements*
 - d) *Public or stakeholders meetings/workshops*
 - e) *Public displays*
 - f) *Formal questionnaires or surveys*
 - g) *Use of specialist consultants*
7. *Following each community consultation exercise a post consultation review is to be carried out as provided for in the CCP. The purpose of this review is to examine the effectiveness and appropriateness of each consultation exercise with the view to implementing continual improvement.”*

The proposed new Policy (P040123) recommended by the Working Group is as follows;

COMMUNITY ENGAGEMENT POLICY

Objective

Council is committed to actively engage in dialogue with its community to understand their diverse needs and expectations.

In formulating and implementing the Strategic Community Plan – Denmark 2031 and strategic aims, Council recognises the need to engage with its community and encourage community participation so as to enhance its decision-making.

This policy provides the framework and principles for undertaking community consultation, to encourage participation and to strive to continuously improve its community consultation methods.

Principles

Council will be guided by the following principles in relation to community consultation.

Council will:

- *Keep the community informed of decisions made and actions taken in relation to its activities, listen to and acknowledge concerns, and provide feedback on how public input influenced the decision.*
- *Encourage participation as appropriate.*
- *Be open and honest about the purpose of any consultation activity so as to be transparent with its decision making processes.*
- *Use a range of approaches to engage community views and enable everyone interested to contribute.*
- *Allow time to consult effectively.*

- *Undertake to make balanced decisions using the outcomes of community consultation whilst taking into account other influences such as budget constraints, statutory obligations and strategic directions.*

Responsibility

The Chief Executive Officer is responsible for the implementation of this policy and the development of an appropriate framework, staff toolbox and public communication plan. This will also demonstrate that all levels of employees that have discretion over consultation, are adequately trained in not just this Policy, but its implementation.

Whilst it is not always practical or appropriate to engage the community on all Council decisions, it is crucial that community members are sufficiently informed of major issues, plans, projects and all matters likely to affect them and have opportunities to participate meaningfully in community engagement.”

Budget / Financial Implications:

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

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.

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:**

Having a widely accepted Community Engagement Policy & Framework is considered essential to the orderly development or review of policies and initiatives that may impact on the various sectors of the community and the acceptance by the community of those policies and initiatives.

➤ **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:**

Having a widely accepted Community Engagement Policy & Framework is considered essential to the orderly development or review of policies and initiatives that may impact on the various sectors of the community.

The review of the existing Community Consultation Policy will assist achieve a caring and cohesive community in accordance with our Vision.

The author is of the view, having taken into account all of the foregoing, that the appropriate level of consultation (the consultation plan with respect to reviewing this policy) with this policy, is to invite public comment on the draft amended policy in the Denmark Bulletin and through means detailed in the officer recommendation for a minimum period of 30 days.

➤ **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 adoption of a Community Engagement Policy is not seen or accepted as acceptable by the community at large.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Inadequate Engagement - Community / Stakeholders / Crs	Manage by widely advertising the draft policy to the community

Comment/Conclusion:

The draft Community Engagement Policy has been endorsed by the members of the Working Group for recommendation to Council for adoption.

It should be noted that the Policy talks of a Community Engagement Staff Toolkit – which has also been included in the attachment.

The final Policy proseed by the Working Group was subject of numerous iterations and the final product acknowledges the need to separate the overarching principles of the Policy intent from the practical application of the policy day to day that the CEO needs to implement through staff awareness and training (and using example and tools as detailed in the draft staff toolkit also attached). Noting also that the toolkit is subject to review by the CEO from time to time, as envisaged by the Working Group and detailed in the Policy.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.3

That Council’s intent to repeal its existing Community Consultation Policy P040123 and replace it with a new Community Engagement Policy, as contained within Attachment 8.5.3, to be advertised for a minimum of 30 days inviting public comment through the following means;

1. In the Denmark Bulletin and Walpole Weekly;
2. On Council’s notice boards and website;
3. At the Shire Office and Library; and
4. Through letter of invitation to all community groups of the Shire.

COUNCIL RESOLUTION

ITEM 8.5.3

MOVED: CR GILLIES

SECONDED: CR LEWIS

That Council’s intent to repeal its existing Community Consultation Policy P040123 and replace it with a new Community Engagement Policy, as contained within Attachment 8.5.3, to be advertised for a minimum of 60 days inviting public comment through the following means;

1. In the Denmark Bulletin and Walpole Weekly;
2. On Council’s notice boards and website;
3. At the Shire Office and Library; and
4. Through letter of invitation to all community groups of the Shire.

CARRIED UNANIMOUSLY: 7/0

Res: 190914

REASONS FOR CHANGE

Council wished to extend the advertising period from 30 to 60 days.

8.5.4 ACQUISITION OF LAND FOR FUTURE INDUSTRIAL PURPOSES

File Ref:	PLN.9 / A5604
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Lot 556 McIntosh Rd, Denmark
Disclosure of Officer Interest:	Nil
Date:	23 September 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.5.4 – Business Plan

Summary:

Council's consideration of both the submissions received with respect to the relating Business Plan and to proceeding with the proposed acquisition of portion of ot 8219, on deposited plan 33685 (Portion of Reserve 26565), now shown as lot 556 on deposited plan 77512, from the State Government (Crown) for the purposes of Industrial Land Development and Shire Depot relocation, is now sought.

Background:

Resolution Number 190412 of April 2012 relates as follows;

“That Council authorise the Shire President and the CEO to enter into negotiation with the Department of Education and WA College of Agriculture, Denmark to acquire portion of part lot 8219 McIntosh Rd, Denmark for potential future industrial needs based on the original letter of agreement offered by the College, dated 23 March 2010 with the final negotiations being required to be approved by Council and it being based on the following principles;

- a) The current market valuation being \$480,000 (plus GST if applicable);*
- b) Council meeting all costs associated with rezoning and land transfers.*
- c) That existing use rights of the farm will not be impacted upon.*
- d) Settlement taking place as soon as practical (such to finalising the agreement and subdivision taking place).*
- e) The financing of any successful negotiations being subject to Council deliberations in the 2012/13 Budget.”*

Notwithstanding the above limit on valuation/offer, subsequent negotiations between the parties were authorised by Councillors to the Shire President and CEO in which have necessitated the amount being \$480,000, plus solatium of 10%, plus GST (\$480,000 + 48,000 = \$528,000, rounded to an offer that was accepted of \$530,000, plus GST = \$583,000, plus \$377 document fees).

Consultation:

The Business Plan (Attachment 8.5.4) and advertisement appeared in the West Australian, Denmark Bulletin and Council's notice boards and website (open for 6 weeks and closing on 18 September 2014) and stated as follows;

“The Shire of Denmark proposes to purchase Lot 556 (being portion of Reserve 26565 abutting the Denmark Airstrip and opposite the McIntosh Rd Landfill and Recycling Facility) from the Department of Education, comprising approximately 12 ha, for the purposes of development as an Industrial Park for the Shire. The cost of the acquisition agreed with the Department is \$583,377 (including GST) and is funded wholly with the assistance from the WA Country Local Government Fund (Royalties for Regions).

The total proposed development costs are detailed in the Business Plan prepared in accordance with Section 3.59 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 and a copy of this can be inspected or obtained from the Council's Administration Centre, the Library and website www.denmark.wa.gov.au.

Comments or submissions on the proposal or non-binding expressions of interest for possible purchase of land are now invited and must be made in writing to the undersigned no later than 4pm on 18 September 2014."

At the conclusion of the advertising, Council received two letters of expression of interest from separate businesses, both noting that they have no current intention to relocate. Council also received a letter from Main Roads WA (MRWA) noting that it would be interested in a land swap or similar and that appropriate road configurations and access would need to be agreed with this and the adjoining Hithersay's southern lot developments proposed connections with South Coast Highway (under their jurisdiction). These and matters regarding drainage and traffic impact reports would need to be developed for the satisfaction and approval of MRWA at the time of land development and / or rezoning.

Council received a fourth letter noting that the Business Plan incorrectly referenced 'Great Southern Highway' in many sections and the author agrees and notes that indeed this should state 'South Coast Highway' in all cases. This is agreed and the report will be amended or prefaced with this correction / corrigendum.

Council received no objections or comments in relation to the intent of Council proceeding with the land transaction or not however.

Statutory Obligations:

The Local Government Act 1995, Section 3.59 relates which requires the local government, prior to entering into what is termed as major land transaction, to develop and consider a business plan that incorporates the following;

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
- a) its expected effect on the provision of facilities and services by the local government; and*
 - b) its expected effect on other persons providing facilities and services in the district; and*
 - c) its expected financial effect on the local government; and*
 - d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
 - e) the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - f) any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- a) give Statewide public notice stating that —*
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - b) make a copy of the business plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

In addition, the Local Government (Functions and General) Regulations 1996, Regulations 8-10 also relate and have been complied with in preparation of the Business Plan and advertising.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Whilst the acquisition of the land is totally met through the Country Local Government Fund (CLGF) grants and does not involve ratepayer funds, further development of the land as an Industrial subdivision will require significant Government assistance either through Royalties for Regions and or a subsidy through the Governments trading arm, Landcorp.

The Council’s 2014/15 Budget includes the following allocations;

• Land acquisition & development expenses	\$596,697
• Industrial Land subdivision expenses	\$10,000
• Government Grant – CLGF (approved)	(\$596,697)

Expenses for the first phase of the project include;

• Land purchase	\$583,000
• Document fees	\$377
• Settlement costs	\$1,320
• Agricultural College expenses associated	\$12,000
• Landcorp / Pracsys Industrial Land Study	\$10,000
TOTAL	<u>\$606,697</u>

For further detailed information, the Business Plan discloses the various assumptions and timelines associated with the land subdivision phase.

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.

Development: ...closely monitor development and associated infrastructure needs in the region, and acts in conjunction with other authorities and agencies to plan development which is sensitive, timely and appropriate to the community’s needs.

Planning: ...work with other relevant authorities and agencies to develop and implement planning policies and decisions that not only reflect the wishes of the community, but also provide the region with appropriate development options.

In addition, the adopted Local Planning Strategy (2011) has the following relevant implementation recommendations associated with part 4.3 ‘Future Industry’ now coming or able to come to fruition;

Council zone the future industrial park identified in the Local Planning Strategy to “Industrial”. The rezoning is to contain broad design criteria (i.e., lot sizes) to inform the Local Structure Plan process and is to review the use class table to allow for a variety of industries including the possibility of supporting a mixed use of residences and workshops where visible from the South Coast Highway to retain the appearance of rural land and graduating to industrial uses where not visible from the highway.

Council continue negotiations with the State and Board of the Denmark Agricultural College to transfer ownership of the State owned land identified as the new industrial park to the Shire.

Council promote partnerships in the subdivision and development of the new industrial park.

Council investigate the logistics and possibility of relocating the existing Shire Depot operations from the existing Denmark LIA to the proposed new Industrial Park which will also free up land for the 'Mixed Business Area'.

Council encourage the relocation of the Main Roads Depot operations from the existing Denmark LIA to the proposed new Industrial Park which will also free up land for the 'Mixed Business Area'.

Sustainability Implications:

➤ **Governance:**

Council has complied with all relevant procedural and legislative matters with respect to the proposed land transaction.

➤ **Environmental:**

The land acquisition will trigger the next phase of activity which will involve inclusion of the land in the Council's Local Planning Scheme (LPS) No. 4 as Industrial and or require a separate rezoning, depending upon the negotiations with Landcorp regarding timing. Rezoning of the land will require significant environmental studies to confirm how the land will need to be developed to minimise any negative environmental matters.

➤ **Economic:**

Acquisition of the land will enable local scale light and general industrial activity to develop in accordance with the Council's and community's expectations as permitted in the proposed new LPS.

The proceeds of the land transaction will also be reallocated by Government back to the community of Denmark to enable the Denmark Agricultural College to proceed with 'reinvestment' of those funds, together with leveraged government and College funds, to build a proposed \$1.5m Robotic Dairy, further strengthening the sustainability of the College through mechanisation and innovation.

➤ **Social:**

The adjoining landowners are supportive of the proposal and no negative feedback or submissions have been received either during the latest Business Plan advertising or during the preparation or adoption of the Local Planning Strategy (2011) or LPS 4 consultations to date.

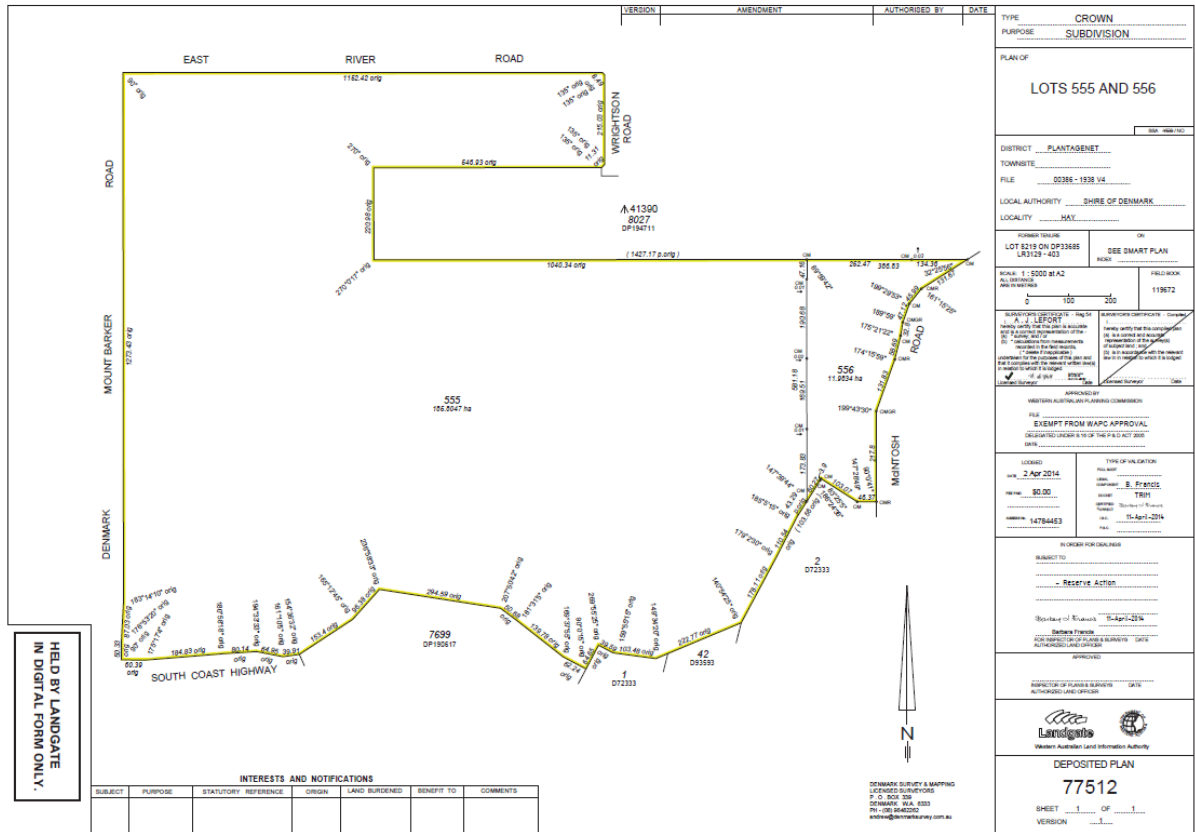
➤ **Risk:**

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 proposed land development can only be undertaken at a loss.	Likely (4)	Moderate (3)	High (10-16)	Inadequate Financial, Accounting or Business Acumen	Accept Risk and manage through appropriate negotiations with Landcorp and the GSDC, Royalties for Regions.
That the proposed land cannot be subsequently utilised for the proposed purposes of Industrial.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Not Meeting Community expectations	Accept Risk and manage through negotiations with the Department of Planning, Landcorp, GSDC and WAPC

Comment/Conclusion:

The acquisition of 12 hectares of suitably located land for long term Industrial purposes has been a long held ambition of Council for over 20 years.

Whilst the development of the land is still a significant task and poses potential significant financial risk, this exposure is mitigated by the potential for involvement of the State Governments trading arm, Landcorp which Council Officers are in regular communication with. A proposed application for submission into the 2015/16 Landcorp land development project proposals is proposed in November 2014.



Voting Requirements:

An absolute majority decision of Council is required to proceed with the land transaction.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.5.4
MOVED: CR SAMPSON	SECONDED: CR GILLIES
<p>That the Council resolve to purchase portion of Lot 8219, on Deposited Plan 33685 (Portion of Reserve 26565), now shown as Lot 556 on Deposited Plan 77512, for the sum of \$583,377 inclusive of GST and document preparation fees, from the State Government (Crown) for the purposes of Industrial Land Development and Shire Depot relocation, in accordance with the principles of the advertised business plan.</p>	
CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 7/0	Res: 200914

8.5.5 PEACEFUL BAY NORMALISATION PRE-FEASIBILITY REPORT & POSSIBLE AMENDMENTS TO THE PEACEFUL BAY CONSERVATION PLAN AND TOWN PLANNING POLICY NO. 35
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File Ref:	A3104
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Reserve 24510, Peaceful Bay
Disclosure of Officer Interest:	Nil
Date:	4 September 2014
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
	8.5.1a – Extract of Report from Council Minutes – 22 January 2013
	8.5.1b – Peaceful Bay Normalisation Pre Feasibility Report 2013
	8.5.1c – Peaceful Bay Conservation Plan Development Guidelines 2004 (Town Planning Scheme Policy No. 35)
Attachments:	8.5.5d – Table of Responses to the Questionnaire (48 of the 163 submitters only)
	<i>The 163 submissions have been provided to Councillors under separate cover due to their size.</i>

Summary:

This report considers the submissions received in relation to the Peaceful Bay Normalisation Pre-Feasibility Report which relates to the potential for conversion of the 203 leasehold properties in Peaceful Bay to freehold or strata title. In addition, following the conclusion of this consultation process, Council are asked to consider Recommendation 3 from the Peaceful Bay Tenure Working Group which relates to possible amendments to the Peaceful Bay Conservation Plan and Town Planning Policy No. 35 which is a ‘carried’ over’ item from the Working Groups recommendations to Council, deferred by the Council pending this process’s conclusion.

Background:

Following a recommendation from a Working Group (established pursuant to a Council Resolution at the meeting held on 22 January 2013, refer Attachment 8.5.5a), the Working Group subsequently appointed TME (Thompson, McRobert Edgeloe, a firm with relevant experience with Peaceful Bay, and worked with the consultant in developing the Peaceful Bay Normalisation Pre-Feasibility Report (Attachment 8.5.5b). The Working Group recommended the Report to Council at its meeting held on 22 October 2013 where Council resolved as follows (Resolution No. 501013);

“That Council receives the Peaceful Bay Normalisation - Pre Feasibility Report and prior to further considering its content and conclusions, undertake advertising and community consultation as follows;

1. *Convening of an information forum in conjunction with the Peaceful Bay Progress Association in Peaceful Bay during early January 2014;*
2. *Advertising in the Denmark Bulletin, Council Office and Library and Council’s website, inviting written comments allowing a minimum period of 90 days and;*
3. *Inviting specific written comment from the following;*
 - a. *Peaceful Bay Cottage Leaseholders and;*
 - b. *Peaceful Bay Progress Association (Inc.) and;*
 - c. *Denmark Historical Society (Inc.) and;*
 - d. *The Heritage Council of WA.”*

The report included 24 Conclusions which are listed below;

Permanent Occupancy

1. *Council should embrace the move towards permanent occupancy of lots at Peaceful Bay as part of the move towards normalisation, subject to the provision of adequate infrastructure and community services. (pg. 8)*

Leases

2. The existing leases in Peaceful Bay convey certain rights on leaseholders which should be protected.

The leases in Peaceful Bay also have constraints including:

- The right to occupy sites could be limited if servicing issues arise such as health matters associated with water supply and sewerage disposal;
- Any requirement to upgrade services to meet regulatory standards will need to be met by leaseholders;
- The rights of leaseholders are limited to the term of the lease and there is no security of extension;
- Reserve 24510 is an "A" Class Reserve and the Management Order issued to Council could be rescinded at any time. (pg. 9).

Alienation Process

3. Preparation of a Business Plan to support an application to parliament to remove the "A" Class Reserve classification over that portion of Reserve 24510 which will ultimately be subject to the normalisation process is required. (pg. 10).

Green Title option vs. Strata Title

4. The relative cost of Green Title V's Strata Title needs to be established by way of a full feasibility study to provide information necessary to assist in determining the most appropriate form of tenure. (pg. 12).

Local Planning Strategy

5. The Shire of Denmark Local Planning Strategy clearly facilitates normalisation of Peaceful Bay. (pg. 13).

Town Planning Scheme

6. To achieve normalisation modification to the Shire of Denmark Town Planning Scheme No. 3, or proposed Scheme No. 4 as the case may be, is required by way of inclusion of a Special Use Zone and applying the Special Use Zone with specific land use controls to the subject land. (pg. 14).

Structure Plan

7. The Peaceful Bay Local Structure Plan should be modified to allow nominated precincts within the structure plan area to progress to detailed design and development in a staged manner subject to it being clearly demonstrated that each precinct can adequately address servicing issues and make a proportional contribution to community facilities. (pg. 16).

Detailed Area Plan

8. Normalisation will require a Detailed Area Plan to be prepared for the precinct introducing the necessary land use and development controls required to preserve the essential character, amenity and heritage of the precinct. (pg. 18).

Subdivision Design

9. Preparation of a subdivision design for the precinct based on a detailed "As Constructed" Survey should be undertaken early in the normalisation process and be used as a basis for negotiation with leaseholders, establishment of the ultimate lot and reserve boundaries and submission to the Western Australian Planning Commission for subdivision approval. (pg. 18).

Buildings or Built Form?

10. The Detailed Area Plan should recognise that over time existing buildings could be replaced and there is a need to ensure that any renovations or replacement of existing dwellings should maintain the built form character of the leasehold precinct. This will require modification to Planning Policy LPP 35. (pg. 20).

Leasehold to Freehold

11. Council should utilise the Pre-Feasibility Study to gauge in principle community support for free holding of the superlot to enable either the free holding or strata titling of the individual leasehold lots. (pg. 21).

Integrated Water Supply and Effluent Disposal

13. Implementation of an Integrated Water Supply and Effluent Disposal Scheme will require:

- Ground water monitoring and preparation of a Local Water Management Strategy to determine if aerobic treatment units can be used as an interim solution for effluent disposal;
- Health Department approval to the use of aerobic treatment units as an interim solution;
- Health Department approval to an appropriate potable water supply tank size and roof catchment area;
- An operator being identified and licensed to operate sewer and non-potable systems;
- Approval from the Economic Regulator to the current non-potable water supply and possible sewer treatment system being continued after the normalisation process;
- Determining the extent of any upgrades required to the non-potable water supply and establishment of the possible sewer treatment system. (pg. 23).

Drainage

14. A Local Water Management Strategy is integral to understanding drainage and effluent disposal solution options and ultimately establishing development costs if normalisation is to be pursued. Preparation of this document will need to occur early in the normalisation process. (pg. 24)

Power Supply

15. Power to Peaceful Bay is likely to be adequate for the normalisation process but should be monitored as it is an edge of grid supply and capacity could alter. (pg. 25).

Telecommunications

16. There is adequate telecommunications including ADSL, telephone and digital television to accommodate the additional demand which is likely to be generated by normalisation. (pg. 25).

Community Facilities

17. Development proposals for the normalisation of the leasehold precinct at Peaceful Bay should acknowledge the requirement to contribute to the community facilities ultimately required to service increased numbers of permanent residents and the longer term development potential of the settlement. Council may choose to establish a suitable level of contribution through preparation of a Development Contribution Plan consistent with State Planning Policy 3.6. (pg. 26).

Community Aspirations

18. That Council through a formal consultation plan advertise this Pre Feasibility Study with a view to establishing if there is in principle support from the local Peaceful Bay community to progress more detailed investigations into the opportunities for normalisation. That Council adopt the principle of ongoing consultation with Peaceful Bay leaseholders and establish a formal consultation plan in the event that it proceeds to preparation of a Business Plan for the normalisation process. That Council accept the principle that any actions taken towards normalisation should not prejudice the rights currently enjoyed by leaseholders under the current lease. That the wider communities of Peaceful Bay consisting of landowners outside of the leasehold area, the wider community of Denmark and the family, friends and visitors to Peaceful Bay be given the opportunity to comment on proposals through the established planning processes. (pg. 27).

Development Model

19. In the absence of State government agency interest in progressing the normalisation process or the project having progressed sufficiently far that a private developer can scope the project and identify potential profit and risk, it is likely that Council will need to progress the normalisation process at least as far as a Business Plan; parliamentary approval to changing the "A" Class Reserve status; and creation of a superlot. (pg. 33).

Mechanisms to Fund Approvals

20. There are substantial costs in the order of \$1,000,000 expected to be incurred leading up to a point that Council can be sure the project will progress and be profitable. Council should explore the opportunity to stage and fund this work by:

- Reviewing the likely “order of costs” associated with the Feasibility Study prior to going to the leasehold community;
- Applying for government grants to facilitate completing the feasibility review;
- Committing a portion of the funds required for the approvals stage “up front” with a view to recouping that cost from future returns over and above that which Council currently enjoys from the leasehold lease payments; and,
- Applying a specified area rate over the expected 5 year timeframe leading up to a time where construction can occur. This option should recognise the contribution of leaseholders to the approval process in any subsequent lot price established.

The Funding method for the project should be established in a Business Plan adopted by Council and which clearly provides for Council to recoup any expenditure required to undertake feasibility studies, achieve normalisation, undertake subdivision works and ultimately achieve lot sales. (pg. 34).

Council Loss of Income and Endowment Fund

21. That the financial model for normalisation factor in establishment of an endowment fund to offset the loss of lease income to the Shire if the subject land is established as freehold. (pg. 35).

Purchase Price of Superlot and Land Acquisition

22. Any negotiations with the Department of Lands for purchase of portion of Reserve 24510 for subdivision and freehold sale should be predicated on transfer of the land and payment only occurring when a formal commitment is made to progress with subdivision and sale of the subsequent lots. (pg. 36).

Funding Development Costs

23. Council progressing with normalisation of Peaceful Bay after the feasibility stage should be predicated upon the principle of sufficient presales being achieved to fund the immediate development costs of construction identified in the Feasibility Study and Business Plan. (pg. 36).

Leaseholder Option to Purchase

24. Subject to the provisions of the Local Government Act 1995, Section 3.58 and 3.59, each leaseholder should have a right to purchase land subject of an existing lease for a period of 12 months from the date at which lots are created. Where a leaseholder does not wish to purchase a lot during the 12 months option period, Council may sell the property to a third party conditional upon the lease remaining in place under the same terms and conditions currently enjoyed by the leaseholder. The value of lots is to be established by independent valuation which shall be the minimum value of lots however Council may choose to nominate higher lot prices to ensure viability of the project. Council commit to ensuring that any excess funds generated by lots being sold at prices greater than that established by independent valuation, be placed in a Reserve Fund for the sole purpose of facilitating community infrastructure projects in the Peaceful Bay locality. (pg. 38).

Council deferred consideration of the Peaceful Bay Tenure Working Group’s Recommendation 3 at its meeting held on 22 October 2013 pending the outcome of community consultation on the Report.

Resolution No. 491013 from Council’s meeting held on 22 October 2013 states;

“That Council defer consideration of recommendation number 3 of the Peaceful Bay Tenure Working Group pending the outcome of community consultation on the Peaceful Bay Normalisation Pre Feasibility Report.”

Recommendation 3 read as follows;

“That the Peaceful Bay Tenure Working Group recommend that Council resolve to initiate an amendment to the Peaceful Bay Conservation Plan and Town Planning Policy 35 to reflect that the heritage values are obtained from the built form rather than the buildings themselves.”

A copy of the Peaceful Bay Heritage Precinct Conservation Plan is available at the Shire Office for perusal and a copy of Town Planning Policy No. 35 is attached.

Consultation:

Pursuant to Council Resolution No. 501013, the Report was advertised generally in the Denmark Bulletin, the Walpole Weekly and on Council’s Notice Boards and Website from 21 January 2014.

The initial closing date for submissions was 11 April 2014.

An Information Forum was held at the Peaceful Bay Community Hall on Wednesday, 22 January 2014. Following this forum, Council agreed to extend the date for submissions to 16 May 2014.

Individual letters seeking comment were sent to the Peaceful Bay Progress Association, 203 Leaseholders, the Denmark Historical Society and the Heritage Council of WA.

Another meeting was held at Peaceful Bay on Saturday, 19 April 2014 at the Peaceful Bay Community Hall and Council again agreed to extend the date for submissions, this time to the 16 July 2014.

Council received 163 submissions in total, including Department / Organisation submissions from the Department of Planning, the Heritage Council of WA and the Denmark Historical Society. Most (all bar one it would appear) of the other 160 submissions were received from leaseholders at Peaceful Bay, including one that has a lease but not in the “holiday cottage” area.

Statutory Obligations:

The leasehold precinct is a small part of Crown Reserve 24510 which is an “A” class reserve contained on Crowned Title Volume 3122 Folio 555. The Leasehold precinct straddles 3 lots within this Crown Reserve being lots 1423, 1424 and 2229.

The current purpose of Reserve 24510 is recreation, camping, caravan park and holiday cottages. A Management Order in favour of the Shire of Denmark has been issued through Document L325837. The Management Order provides a power to lease for any term not exceeding 21 years subject to the consent of the Minister for Lands.

The relevant statutory obligations with respect to the initial phases of the report, are confined to those matters relating to the Council’s adopted Town Planning Scheme (TPS) (No. 3) and adoption or amendment of Town Planning Policies under that Scheme.

Clause 8.2 of TPS No. 3 sets out the requirements for the preparation and adoption of TPS No. 3 policies, noting a Scheme policy shall only become operative (or amended) once the procedures contained within Clause 8.2 have been complied with.

As per Clause 8.2.2 of TPS No. 3, new or amended policies are required to be advertised for public comment for a minimum period of 21 days.

Other statutory requirements would need to be considered, at a later date, if Council proceeds to the subsequent stages as intended by the outcomes of recommendation No.1, in relation to;

- the disposal of land by private treaty and major land transaction processes, in acquiring and developing land (Local Government Act 1995), and;

- the Land Administration Act 1997, with respect to the potential acquisition of crown land (the reserve).

Policy Implications:

The following policies relate from the Council's Policy Manual;

"P100607 PEACEFUL BAY PRE-FEASIBILITY SERVICING REPORT

The Shire of Denmark adopted the Peaceful Bay Pre-Feasibility Servicing Report which identifies the requirements for the provision of service infrastructure to enable the future development of Peaceful Bay without it being completely dependent on traditional infrastructure services and also providing a number of 'green solutions' such as 'third pipe' water infrastructure."

This policy provides guidance to the nature of infrastructure that might be acceptable, particularly in relation to provision of reticulated (or not) potable water and effluent disposal solutions and would be relevant in the event that major infrastructure is required to be developed as considered in the new 'Normalisation Report'.

"P100610 PEACEFUL BAY LEASEHOLD – LEGAL ADVICE (DEMOLITIONS & INSPECTIONS)

That as well as considering the intent of the Peaceful Bay Heritage Precinct Conservation Planning Policy, when considering applications for demolition of a Peaceful Bay Holiday Cottage, it considers the advice of its solicitors dated 30 May 2012 regarding;

- *Criteria that might guide Council in supporting or refusing applications for demolition of a Peaceful Bay leasehold property as follows;*

[Extracted from Solicitors correspondence dated 30 May 2012]

"Can we give criteria to guide Shire in a decision to deny or support an application for demolition?"

- (1) Is the existing cottage habitable? Can it be used without risk of damage or injury or risk to health?*
- (2) Could the cottage be made habitable by reasonable repair or restoration work, at a cost less than replacement cost?*
- (3) Does the cottage alone or as part of a group have cultural heritage or other special status which justifies a decision to retain at a cost exceeding replacement cost?*
- (4) Is there any precedent for approval or refusal of demolition?*
- (5) Is there any record of requests for permission to carry out maintenance or repair work on that building?"*

and

- *The requirement to inspect all properties for maintenance in preserving the integrity and safety of the properties prior to consideration of a renewal of lease or request for consideration of full-time occupancy, together with the introduction of an inspection fee."*

This policy provides guidance when considering applications for demolition of a Peaceful Bay Holiday Cottage – as may be relevant when considering the importance of the Conservation Plan and intent of Town Planning Policy No. 35.

The following policies relate from the Council's Town Planning Policy Schedule;

Town Planning Policy No. 35 'Peaceful Bay Conservation Plan Development Guidelines' (Attachment 8.5.5c) and the associated Conservation Plan (2003) also relates and provides guidance in relation to the Working Groups recommendation number 3, in particular.

Council's adopted Local Planning Strategy (2011) supports the principles of normalisation espoused within the Pre-Feasibility Study (refer pages 13 and 14 of the attached Report).

In addition, Council's Community Consultation Policy (P040123) also relates and has been utilised in the development of the proposed community consultation plan.

Budget / Financial Implications:

Commentary in relation to the current Budget (immediate) or medium or long term financial implications is presently mostly concerned with the cost of advertising.

Subsequent costs, if the Council resolves to proceed to 'normalise' the leasehold into freehold or strata, include an estimated \$370,000 Business Plan stage and indicative cost of final development of just over \$27m. These estimates are detailed on page 31 of Attachment 8.5.2a.

Strategic Implications:

There are significant strategic implications relating to the matter of *conversion of the leaseholds to freehold or strata title*.

The Report has 24 key conclusions detailing how to proceed, should Council and the community desire to consider the principle of 'normalising' Peaceful Bay.

Such normalisation could occur with provision of key infrastructure, however the report concludes that such infrastructure is unlikely to occur (certainly in the short to medium term) without conversion of the 203 leasehold cottages to another more secure form of tenure (freehold or strata title) to 'enable' the funding of the required infrastructure to occur.

The strategic implications associated with this report are significant and detailed within the Pre-Feasibility Report.

Sustainability Implications:

➤ **Environmental:**

The environmental implications (of this report and the Normalisation Pre-Feasibility Report) are mostly related to the built form rather than the natural environment. The natural environment would benefit from improved infrastructure servicing such as sewerage and drainage controls.

➤ **Economic:**

The heritage values of the Peaceful Bay Heritage Precinct contribute to the reasons why residents and holiday makers live or visit the seaside community.

➤ **Social:**

The heritage values of the Peaceful Bay Heritage Precinct are recognised by the community of the precinct and by the wider community. Community consultation will be critical, however it should be acknowledged that there will be polarised views on the matter of whether the Council should look to convert the leasehold to freehold or strata and certainly diverse opinion on the matter of the method and value of 'pricing' (determining the purchase price).

One of the key elements is the value that the community of the Shire in general (not just the leaseholders) of the built form of the existing buildings and structures, as compared to whether that could be retained with a substantial number of 'new' buildings.

The Council's adoption of the Town Planning Policy No. 35 (in 2004) and the preparation of the Conservation Plan that led to it (in 2003), detail the significant values placed on the precinct by the 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 proceeds with the conversion to freehold with little community support or 'buy-in.	Unlikely (2)	Major (4)	Moderate (5-9)	Not Meeting Community expectations	Manage by not proceeding with a tenure conversion process at this time or until such time as the community accepts the 'costs' associated.
That Council does nothing and there is a human health impact that the Council and or Government could have avoided due to the installation of sewerage or greater provision of potable water.	Possible (3)	Catastrophic (5)	High (10-16)	Inadequate employee, public or visitor safety and security.	Manage by monitoring ground water and compliance with separation of potable water supplies.

Comment/Conclusion:

Review of the 163 submissions has resulted in the following overview perspective gleaned by the author (noting that the process is somewhat subjective given the complexity of interpretation of the submissions);

Those in-principle in favour of proceeding to a detailed feasibility (& contributing to it)	41
Those not in favour of proceeding to a detailed feasibility	107
That in favour – but not willing to pay	11
Those stating that they were unsure	2
Those that didn't comment in support or against on the principle either way	2
TOTAL	163

Although difficult to exactly categorise, the author has interpreted the results as being a strong indication by the community (leaseholders in particular) of being 73.6% (120/163) against, or at least not in favour, of proceeding with a detailed feasibility (that requires a contribution by the leaseholders).

The Government's announcement of a Cabinet Sub-Committee in recent months potentially sheds some opportunity to help 'share the burden' of infrastructure issues at Peaceful Bay and the Council has indeed made a submission to the Committed for Peaceful bay to be included. The author is not confident however that this will provide a solution.

Perhaps the following comment quoted from one submitter is the most profound and relevant; *"It seems to me that the main issues that cause difficulty for the shire as a lessor are the management of sewerage, the provision of a reticulated potable water supply and the management of asbestos."*

Accordingly it would still be appropriate for the Council to have a medium to long term goal to still implement Recommendation Numbers 39, 40 & 41 on pages 24 & 25 of the adopted Local Planning Strategy (2011) (Infrastructure Servicing) which are as follows;

39. Council review the adopted Peaceful Bay Structure Plan (2000) to identify the 'rural nodal settlement area' for Peaceful Bay taking into account the findings of the Peaceful Bay Infrastructure Servicing Study such that non-standard servicing requirements can be provided for.

50. Council consider the need to engage the services of a Project Manager to prepare a project delivery plan and indicative project budget for the delivery of infrastructure services at Peaceful Bay. The scope of project services should encompass but not necessarily be limited to:

- a) determining a fair process for the possibility of privatising the leasehold lots;
- b) entering into negotiations to deliver an integrated waste water collection, treatment and distribution system in a manner consistent with the recommendations of the Peaceful Bay Pre-Feasibility Servicing Report;
- c) Investigating the level of government's assistance which may be available to assist in the project;
- d) progressing the necessary statutory rezoning and subdivisions needed to facilitate implementation of the Peaceful Bay Structure Plan and the recommendations of the adopted Peaceful Bay Pre-Feasibility Servicing Report;
- e) preparing a full feasibility analysis for the project and identify staging which will allow the project to occur in an economically and environmentally responsible manner; and,
- f) establishing the extent of cost share items which all subdividers and developers will need to contribute to and report on a mechanism which will allow this to occur.

41. Council implement the 'green solutions' and Water Sensitive Urban Design measures as contained in the adopted Peaceful Bay Pre-Feasibility Servicing Report and actively seek the support of the relevant servicing agencies.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.5.5

That with respect to the Peaceful Bay Holiday Cottages Leasehold, Council resolve as follows;

1. That Council note that the lessees are currently of a clear majority view (approximately three quarters against) that they do not wish for the Council to pursue freehold or strata for the leases on their behalf at this time and that accordingly Council not proceed with implementation of the conversion of the properties to another form of tenure.
2. That notwithstanding part 1, the Council remains concerned for the impact on both human health and the environment, due to the lack of a suitable sewerage solution, combined with a high water table and small distribution area with short and long term human occupation of the cottages and the adjoining Caravan Park, and reiterates that the Council remains committed to a strategic imperative to implement Recommendation Numbers 39, 40 & 41 on pages 24 & 25 of the adopted Local Planning Strategy (2011) particularly with respect to sewerage and water.
3. That the Council note that the precinct is not on the interim Heritage Register of the Heritage Council of WA.
4. That as part of the implementation of Local Planning Scheme No. 4 and the review of all Local Planning Policies, Council agree to initiate a review of the Peaceful Bay Conservation Plan Development Guidelines (Town Planning Policy No. 35) to reflect that the social and heritage values are obtained from various matters pertaining to the character and nature of the development and not necessarily the current buildings themselves.
5. That it be a Policy of Council that for administrative advice and clarity that pursuant to clause 1.09 of the lease(s), that the holiday cottages may be utilised by the lessees, their families or other persons allowed by the lessee from time to time for holiday accommodation without the requirement for submitting an application for planning approval, subject to the length of stays being limited pursuant to Item 5 of the lease (the cottage shall not be occupied for any single consecutive period of THREE (3) months or combined period or several short term periods which in total are greater than SIX (6) months in any one Rental Year, without the prior written consent of the Lessor).

COUNCIL RESOLUTION

ITEM 8.5.5

MOVED: CR SEENEY

SECONDED: CR GILLIES

That with respect to the Peaceful Bay Holiday Cottages Leasehold, Council resolve as follows;

1. That Council note that the lessees are currently of a clear majority view (approximately three quarters against) that they do not wish for the Council to pursue freehold or strata for the leases on their behalf at this time and that accordingly Council not proceed with implementation of the conversion of the properties to another form of tenure.
2. That notwithstanding part 1, the Council remains concerned for the impact on both human health and the environment, due to the lack of a suitable sewerage solution, combined with a high water table and small distribution area with short and long term human occupation of the cottages and the adjoining Caravan Park, and reiterates that the Council remains committed to a strategic imperative to implement Recommendation Numbers 39, 40 (excluding part a) at this time) & 41 on pages 24 & 25 of the adopted Local Planning Strategy (2011) particularly with respect to sewerage and water.
3. That the Council note that the precinct is not on the interim Heritage Register of the Heritage Council of WA.
4. That as part of the implementation of Local Planning Scheme No. 4 and the review of all Local Planning Policies, Council agree to initiate a review of the Peaceful Bay Conservation Plan Development Guidelines (Town Planning Policy No. 35) to reflect that the social and heritage values are obtained from various matters pertaining to the character and nature of the development and not necessarily the current buildings themselves.
5. That it be a Policy of Council that for administrative advice and clarity that pursuant to clause 1.09 of the lease(s), that the holiday cottages may be utilised by the lessees, their families or other persons allowed by the lessee from time to time for holiday accommodation without the requirement for submitting an application for planning approval, subject to the length of stays being limited pursuant to Item 5 of the lease (the cottage shall not be occupied for any single consecutive period of THREE (3) months or combined period or several short term periods which in total are greater than SIX (6) months in any one Rental Year, without the prior written consent of the Lessor).

CARRIED UNANIMOUSLY: 7/0

Res: 210914

REASONS FOR CHANGE

Council added reference to excluding part a) of Recommendation 40, under part 2 of the Officer's Recommendation, as they were confident that this process had already been undertaken with the Peaceful Bay Normalisation Pre-Feasibility Report.

5.39pm – At the conclusion of Item 8.5.5, the Chief Executive Officer's Facetime attendance at the meeting was disconnected.

5.39pm – Cr Gillies left the room.

5.40pm – Cr Gillies returned to the room.

9. COMMITTEE REPORTS & RECOMMENDATIONS

Prior to consideration of Item 9.1 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Gillies is the Secretary of the Tingledale Voluntary Bush Fire Brigade and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Gillies declares that she will consider this matter on its merits and vote accordingly.

9.1 BUSH FIRE ADVISORY COMMITTEE - HAZELVALE AND TINGLEDALE BUSH FIRE BRIGADES PROPOSED AMALGAMATION

File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Author is also Deputy Chief Bush Fire Control Officer
Date:	16 September 2014
Author:	Ross McDougall, Acting Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:

This report seeks Council's support for the proposed amalgamation of the Hazelvale and Tingledale Bush Fire Brigades.

Background:

The Hazelvale and Tingledale Bush fire Brigades currently share a single fire shed and like many similar brigades they struggle to attract sufficient people willing to take up officer and committee positions. The current brigades believe that by operating as an amalgamated brigade this will reduce the number of people required to occupy the relevant positions and make this more achievable and the brigades more sustainable.

There are two other amalgamated brigades in the Shire being Shadforth/Scotsdale and Kordabup/Owingup so a precedent has been set for this arrangement. The proposal put forward by Hazelvale and Tingledale is consistent with the arrangements that operate successfully for the other amalgamated brigades.

The proposed amalgamation is being driven by the members of the two brigades and is not being dictated by external influences.

At the September 2014 BFAC meeting the following recommendation was carried:

"That the Bush Fire Advisory Committee advise Council that it supports the proposed amalgamation of the Hazelvale and Tingledale Volunteer Bush Fire Brigades and recommends that the following management structure be adopted:

- 1) *There would be one Committee of Management.*
- 2) *The Brigade Officer structure would require one Captain and at least a First Lieutenant with one position filled by a Brigade Member of the current Hazelvale Brigade and the other filled by a current Member of the Tingledale Brigade (most likely the FCOs).*
- 3) *The Brigade structure would retain an FCO for each Brigade District and each of these FCOs would hold a position on BFAC.*
- 4) *The current Fire appliances would retain their Brigade Badging as a transitional arrangement so the Members of the current Brigades retain a feeling of identity."*

Consultation:

The matter was considered at the September 2014 BFAC which resulted in the recommendations to Council to support the proposal

Statutory Obligations:

The Bush Fires Act 1954, Section 36(d) states that a local government may ‘establish and maintain bush fire brigades as a part of its organisation for the prevention, control, and extinguishment of bush fires’ and Section 41 (2) A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.

- 2a) *A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).*
- (3) *A local government may at any time cancel the registration of a bush fire brigade.*

Policy Implications:

Council’s Policy P050107 and Bush Fire Advisory Committee Charter will need to be amended to reflect the proposed amalgamation.

Budget / Financial Implications:

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

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:

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

Fire Management: ...work collaboratively with relevant agencies to maintain a high level of planning, communication and infrastructure for effective fire and emergency management.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Brigades cease to function due to lack of sufficient people to	Possible (3)	Major (4)	High (10-16)	Inadequate Organisation or	Accept Officer Recommendation

occupy key positions				Community Emergency Management	
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Comment/Conclusion:

The Hazelvale and Tingledale Bush fire Brigades are proposing this amalgamation as a solution to their ongoing problem attracting sufficient local people to satisfy brigade officer and committee positions that are required in order for the brigades to continue to function.

Voting Requirements:

Simple majority.

5.40pm – Cr Lewis left the room.

5.42pm – Cr Lewis returned to the room.

COMMITTEE RECOMMENDATION

ITEM 9.1

That Council supports the proposed amalgamation of the Hazelvale and Tingledale Volunteer Bush Fire Brigades and supports the following management structure:

1. That there be one Committee of Management.
2. The Brigade Officer structure would require one Captain and at least a First Lieutenant with one position filled by a Brigade Member of the current Hazelvale Brigade and the other filled by a current Member of the Tingledale Brigade (most likely the Fire Control Officers).
3. The Brigade structure would retain a Fire Control Officer for each Brigade District and each of these Fire Control Officers would hold a position on the Bush Fire Advisory Committee.
4. The current Fire appliances would retain their Brigade Badging as a transitional arrangement so the Members of the current Brigades retain a feeling of identity.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 9.1

MOVED: CR SEENEY

SECONDED: CR GILLIES

That Council approve, with immediate effect, the amalgamation of the Hazelvale and Tingledale Volunteer Bush Fire Brigades as the Hazelvale/Tingledale Volunteer Bush Fire Brigade with the following changes;

1. The following management structure:
 - a) That there be one Committee of Management.
 - b) The Brigade Officer structure be one Captain and at least a First Lieutenant with one position being filled by a Brigade Member of the former Hazelvale Brigade and the other filled by a former member of the Tingledale Brigade (most likely the Fire Control Officers).
 - c) The Brigade structure retain a Fire Control Officer for each Brigade District and each of these Fire Control Officers will hold a position on the Bush Fire Advisory Committee.
 - d) The current Fire Appliances retain their Brigade Badging as a transitional arrangement so the Members of the former Brigades retain a feeling of identity.
2. The Bush Fire Advisory Committee Charter and Policy P050107 be amended to reflect this amalgamation.

CARRIED UNANIMOUSLY: 7/0

Res: 220914

9.2 BUSH FIRE ADVISORY COMMITTEE - SAFE USE OF DRIP TORCHES STANDARD OPERATING PROCEDURE

File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Author is also Deputy Chief Bush Fire Control Officer
Date:	17/09/2014
Author:	Ross McDougall, A/Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:

This report discusses and recommends that Council adopt a Standard Operating Procedure (SOP) for the Safe Use of Drip Torches, as recommended by the Bush Fire Advisory Committee (BFAC).

Background:

Bush Fire Brigade members are under the control of the Shire of Denmark whilst undertaking their duties as defined in the *Bush Fires Act 1954* and Council as the controller of those brigades has a duty of care to ensure that its brigade members are provided with information on the correct and safe use of equipment that they have been issued with.

In line with this responsibility the following standard operating procedure was recommended by BFAC at its September 2014:

Objective

A drip torch is a device which holds, distributes and ignites a fuel mixture in a controlled manner in order to deliberately ignite surface fuel loads. This SOP details the safe use of drip torches in support of bush fire operations

Procedures

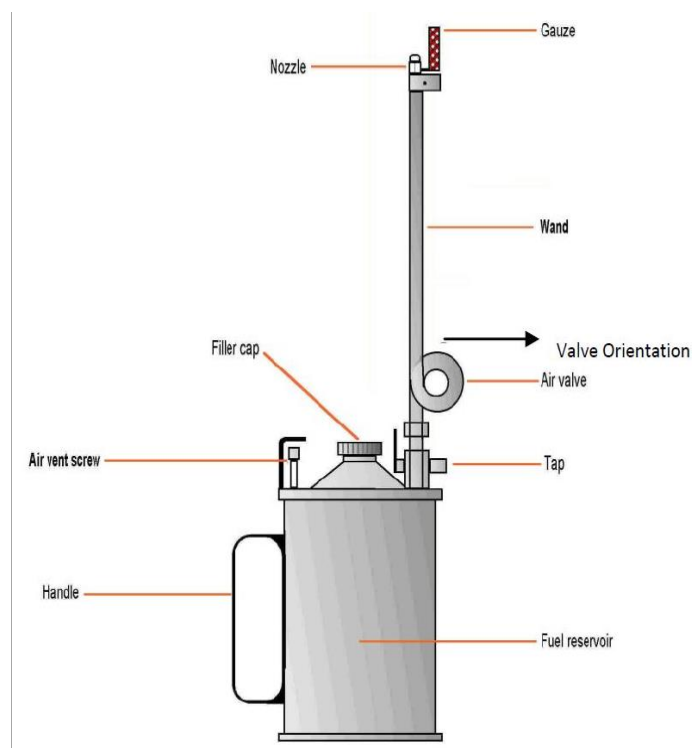
- Ensure that the task is authorised by the Incident Controller
- Understand the burn pattern, (eg. continuous line/spot/multiple ignition lines/multiple operators, etc) required rate of ignition and intent of burn.
- Use the torch on the designated burn area only
- Wear full PPE including gloves and goggles
- Ensure sufficient fuel is available to complete the burn
- Check that the tap is working and that filler cap is secure and seals correctly with "O" ring in place
- Ensure that air valve is pointing away from the handle
- Make sure that there is no risk to other people in the vicinity
- Ignition sequence:
 - Loosen air vent screw
 - Ensure wand tap in on
 - Tilt torch so that wand is pointing to the ground
 - Allow fuel to drip from nozzle onto the gauze
 - Ignite pilot flame at gauze
 - Observe and regulate flow using wand tap
- Drip burning fuel onto vegetation and complete the burn under direction of OIC

Drip Torch Fuel

Only use DFES approved pre-mixed fuel – Three parts Diesel (75%) to One part (25%) Petrol. Refuel torch away from any ignition source and use a funnel.

Safety Precautions

- Always be aware of position of other crew members prior to using drip torch
- Do not leave lit drip torches unattended
- Do not use drip torch near stored or escaped flammable liquids or gases
- Do not use techniques for back burning that involve placing people in the path of the fire front
- Never mix individual fuels in the drip torch
- Store drip torches with no more than $\frac{3}{4}$ fuel level, with wand tap on and air vent closed
- Store pre-mixed drip torch fuel cans in designated cradle on appliance and no more than $\frac{3}{4}$ full and clearly marked
- Wipe of excess fuel spilt while refilling torch and ensure that filler cap and O ring are secure without leaks before use
- Reject drip torches that leak from filler, tap or wand connection
- Do not place drip torch where it is exposed to fire or in unburnt fuel in the path of a fire – if torch catches fire warn others and keep everyone at least 30 metres back.



Drip Torch Components

Consultation:

This SOP was drafted by the SOP Working Group which was formed by the BFAC Committee to review, draft and comment on procedures and policy for the Shire's Volunteer Bush Fire Brigades and is made up of senior and experienced Bush Fire Brigade officers.

Statutory Obligations:

There are no statutory obligations related to this report.

Policy Implications:

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

Budget / Financial Implications:

There are no known financial implications upon the Council’s current Budget or Plan for the future as any financial requirements for fuel to operate drip torches will be paid from the Local Government Grant Scheme (LGGs) as is the case now.

Strategic Implications:

There are known strategic implications relating to the report in that the Shire’s Volunteer Bush Fire Brigades and IMT’s will be more effective and efficient in resolving emergency incidents and undertaking prescribed burning on Shire managed lands.

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:

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

Fire Management: ...work collaboratively with relevant agencies to maintain a high level of planning, communication and infrastructure for effective fire and emergency management.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That an accident occurs if SOP is not adopted that promotes safe use of drip torches	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Employee or Visitor Safety & Security	Accept Officer Recommendation

Comment/Conclusion:

There is currently no Shire Policy or procedure for Bush Fire Brigade members on the safe use of drip torches and by adopting this SOP Council will be providing a clear procedure. This procedure compliments section 52 of the Department of Fire and Emergency Services Doctrine 3.5 Bushfire and is consistent with DFES SOP 3.5.4 which will assist the Shire’s Volunteer Bush Fire Brigades and Incident Management Teams in being able to more effectively and efficiently manage emergency incidents and prescribed burning.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & COMMITTEE & OFFICER RECOMMENDATION ITEM 9.2
MOVED: CR SEENEY **SECONDED: CR SAMPSON**

That the following Standard Operating Procedure relating to the usage of drip torches be adopted as an Emergency Management Standard Operating Procedure for the Shire of Denmark.

Objective

A drip torch is a device which holds, distributes and ignites a fuel mixture in a controlled manner in order to deliberately ignite surface fuel loads. This SOP details the safe use of drip torches in support of bush fire operations.

Procedures

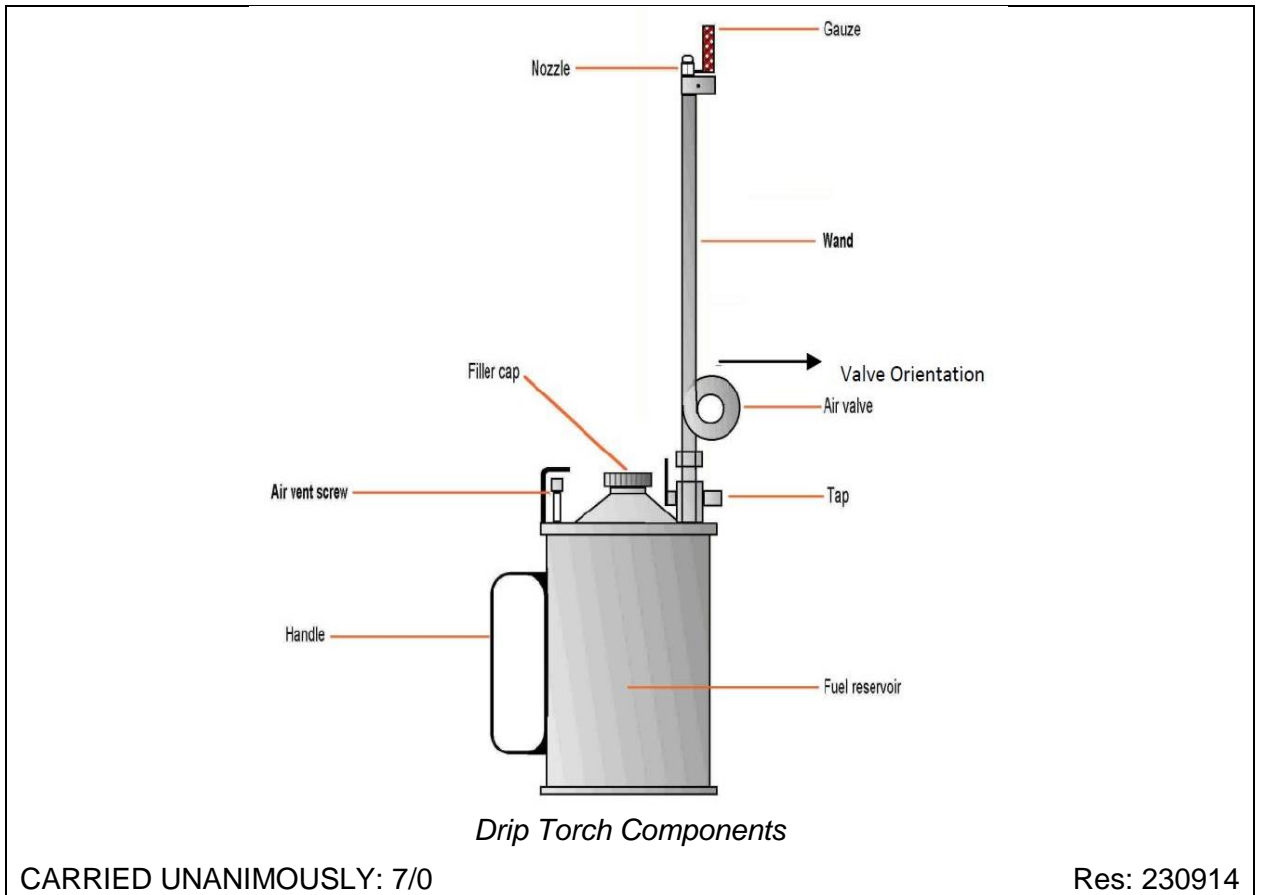
- Ensure that the task is authorised by the Incident Controller
- Understand the burn pattern, (eg continuous line/spot/multiple ignition lines/multiple operators, etc) required rate of ignition and intent of burn.
- Use the torch on the designated burn area only
- Wear full PPE including gloves and goggles
- Ensure sufficient fuel is available to complete the burn
- Check that the tap is working and that filler cap is secure and seals correctly with "O" ring in place
- Ensure that air valve is pointing away from the handle
- Make sure that there is no risk to other people in the vicinity
- Ignition sequence:
 - Loosen air vent screw
 - Ensure wand tap in on
 - Tilt torch so that wand is pointing to the ground
 - Allow fuel to drip from nozzle onto the gauze
 - Ignite pilot flame at gauze
 - Observe and regulate flow using wand tap
- Drip burning fuel onto vegetation and complete the burn under direction of OIC

Drip Torch Fuel

Only use DFES approved pre-mixed fuel – Three parts Diesel (75%) to One part (25%) Petrol. Refuel torch away from any ignition source and use a funnel.

Safety Precautions

- Always be aware of position of other crew members prior to using drip torch
- Do not leave lit drip torches unattended
- Do not use drip torch near stored or escaped flammable liquids or gases
- Do not use techniques for back burning that involve placing people in the path of the fire front
- Never mix individual fuels in the drip torch
- Store drip torches with no more than $\frac{3}{4}$ fuel level, with wand tap on and air vent closed
- Store pre-mixed drip torch fuel cans in designated cradle on appliance and no more than $\frac{3}{4}$ full and clearly marked
- Wipe of excess fuel spilt while refilling torch and ensure that filler cap and O ring are secure without leaks before use
- Reject drip torches that leak from filler, tap or wand connection
- Do not place drip torch where it is exposed to fire or in unburnt fuel in the path of a fire – if torch catches fire warn others and keep everyone at least 30 metres back.



9.3 BUSH FIRE ADVISORY COMMITTEE - VOICE RECORDERS FOR BUSH FIRE BRIGADE APPLIANCES
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File Ref:	FIRE.1
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	The Author is also Deputy Chief Bush Fire Control Officer
Date:	16 September 2014
Author:	Ross McDougall, Acting Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	No

Summary:

The officer report discusses and recommends that Council adopt a Bush Fire Advisory Committee (BFAC) recommendation in relation to not utilising voice recorders on Volunteer Bush Fire Brigade appliances and also recommends that Council rescind resolution 190112 which relates to the purchase of voice recorders and the development of a standard operating procedure (SOP) for their use.

Background:

At the December 2011 BFAC meeting the desirability of recording the Denmark fire radio channel (173) was discussed and resulted in a recommendation to Council that voice recorders be provided to all Shire fire appliances.

At the 17 January 2012 Council meeting the matter was considered and the following motion was carried:

That with respect to voice recorders for Shire of Denmark Emergency Service activities, Council;

1. *Provide in the 2012/13 Budget the supply of a voice recorder for each Council fire appliance, the Chief and Deputy Bush Fire Control Officers and the Community Emergency Services Manager, if the 2012/13 ESL budget application is unsuccessful in obtaining the voice recorders; and*
2. *Request the Chief Executive Officer in conjunction with the Chief Bush Fire Control Officer to develop an Emergency Services Standard Operating Procedure (SOP) regarding their use.*

To date the voice recorders had not been purchased due to budget constraints and the matter was referred to the BFAC SOP Committee to draft a procedure for the operation of the voice recorders so that it was in place for when funding did become available.

The SOP Committee considered the matter and reported to the September 2014 BFAC meeting that they believed that there are a number of negative impacts with recording all conversations in the cabins of all fire appliances:

- No other local government or DFES require the use of voice recorders in appliances and there is some concern that their use could have unintended consequences. The Committee believes that it would be wise to allow others to lead in their use.
- Voice recorders in vehicles do not record conversations outside the cabin so what is recorded would only be a part picture that could be misleading.
- Voice recorders require positive action by the vehicle OIC to be effective and this places another requirement on volunteers during what can be an already stressful mobilisation to an incident.

- FCOs will be required to download and manage any recordings at the conclusion of incidents and this process could be onerous.
- The maintenance of voice recorders could be problematic and will require constant checking and replacing of batteries.

The SOP Committee did however consider that there might be some limited value in recording the primary fire radio channel (173) that could be relatively easily achieved and would meet the intent of the original December 2011 BFAC discussion.

Subsequently at the September 2014 BFAC meeting the following recommendations were made for Council's consideration:

The committee split the motion in to two recommendations;

The following Committee Resolution was CARRIED.

"That the Bush Fire Advisory Committee advise Council that having considered the implications and additional work load involved with the across the board usage of personal voice recorders advise Council that it no longer supports the usage of personal voice recorders in Shire of Denmark bushfire brigade vehicles."

The following Committee Resolution was LOST.

"That the Bush Fire Advisory Committee advise Council that having considered the implications and additional work load involved with the across the board usage of personal voice recorders advise Council that it considers the recording of the Denmark fire channel (173) to be the most practical and appropriate way of documenting information that is passed onto the fire ground and command decisions."

Consultation:

The matter was considered by the BFAC SOP Committee in June 2014 and discussed at the September 2014 BFAC which resulted in the recommendations to Council to not proceed with recording of fire appliance conversations or the primary fire radio channel.

Statutory Obligations:

The Local Government (Administration) Regulations 1996 relates to a rescission motion of Council as follows;

"10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
or

(b) *in any other case, by an absolute majority.*

(3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Policy Implications:

There are no policy implications as the Shire of Denmark and DFES do not have any policies on this matter.

Budget / Financial Implications:

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

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:

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

Fire Management: ...work collaboratively with relevant agencies to maintain a high level of planning, communication and infrastructure for effective fire and emergency management.

Sustainability Implications:

➤ **Governance:**

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

➤ **Environmental:**

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

➤ **Economic:**

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

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That important conversations are not recorded in fire trucks	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Accept Risk noting that the converse of recording conversation is not currently a practice employed by many, if any, of Council or DFES Brigades in Western Australia.
That important transmissions over the fire radio are not recorded	Likely (4)	Minor (2)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Accept Risk noting that the converse of recording conversation is not currently a practice employed by many, if any, of Council or DFES Brigades in Western Australia.

Comment/Conclusion:

BFAC have taken an opportunity to carefully consider the implications of the introduction of voice recorders to all Denmark brigade fire appliances and the recording of the primary fire radio channel and believe that it is not appropriate to introduce these requirements at this time, particularly given that this is the practice throughout Western Australia.

It has been confirmed that the Department of Fire & Emergency Services (DFES) do not currently record similar transmissions and there is no current Standard Operating Procedure recommended by DFES for Volunteer Bush Fire Brigades.

Voting Requirements:

Absolute majority.

Pursuant to the Section 10 (1) (b) of the Local Government (Administration) Regulations 1996, the following motion to revoke a Council decision must be supported by at least 1/3 of the number of offices (whether vacant or not) or members of the Council, inclusive of the mover.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.3a
MOVED: CR SAMPSON	SECONDED: CR ROWLAND
That Council rescind Resolution No. 190112 relating to the purchase of voice recorders and the development of a Standard Operating Procedure (SOP) for their use.	
CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 7/0	Res: 240914

If the above Officer Recommendation is carried by an absolute majority then the following Committee & Officer Recommendation can be accepted by the Presiding Person.

COUNCIL RESOLUTION & OFFICER & COMMITTEE RECOMMENDATION	ITEM 9.3b
MOVED: CR SAMPSON	SECONDED: CR ROWLAND
That Council endorse the recommendation from the Bush Fire Advisory Committee that voice recorders will not be required to be installed in Bush Fire Brigade vehicles nor will the fire radio channel be required to be recorded.	
CARRIED UNANIMOUSLY: 7/0	Res: 250914

Prior to consideration of Item 9.4 the Acting Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:

Cr Osborne is a member of the Carmarthen Volunteer Bush Fire Brigade and as a consequence there may be a perception that his impartiality on this matter may be affected. Cr Osborne declares that he will consider this matter on its merits and vote accordingly.

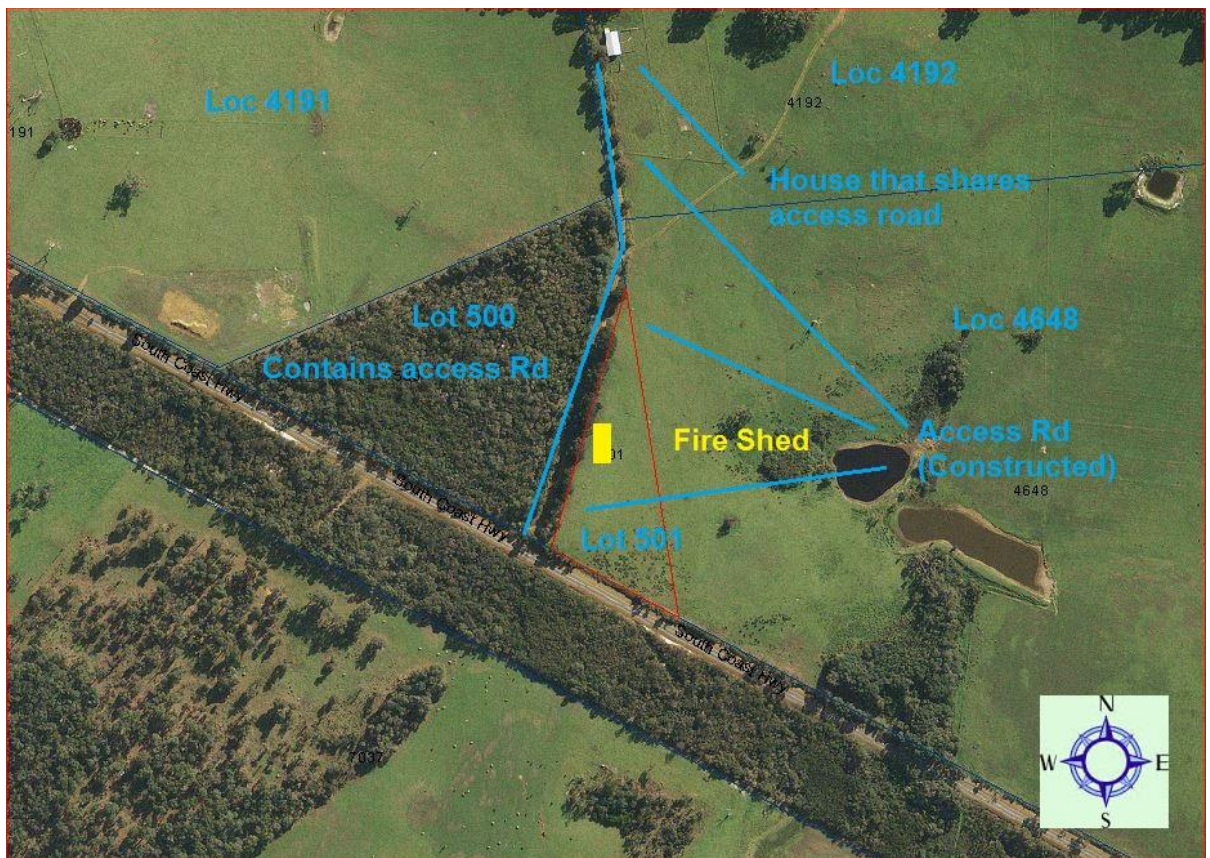
9.4 KORDABUP/OWINGUP BUSH FIRE BRIGADE FIRE SHED

File Ref:	FIRE.1, A5643
Applicant / Proponent:	Bush Fire Advisory Committee
Subject Land / Locality:	Lot 501, Reserve 50339, 5931 South Coast Highway, Kentdale
Disclosure of Officer Interest:	Author is also Deputy Chief Bush Fire Control Officer
Date:	17 September 2014
Author:	Ross McDougall, Acting Community Emergency Services Manager
Authorising Officer:	Gregg Harwood, Director of Community & Regulatory Services
Attachments:	9.4.4a – Locality Plan Plan 9.4.4b – Reserve Management Order

Summary:

This report seeks Council’s approval for funding ‘out of Budget’ to assist with the construction of a new fire shed for the Kordabup/Owingup Volunteer Bush Fire Brigade (BFB) on 5931 South Coast Highway, managed by Council under a management order, for the purposes a “Fire Brigade Shed” (See attached Management Order).

Background:



Owingup is an amalgamated Brigade (with Kordabup) that has a fire district that stretches from North of Scotsdale Road, South to the coast and from East of Kordabup Road to West of Parker Road. There is currently a fire shed located at the North end of Kordabup Road that is located about fifteen kilometres from the Southern boundary of the fire district. There are two fire

appliances located in this fire shed and currently the Brigade has a fire appliance garaged in the Parryville fire shed because they do not have a fire shed in the Southern area of their fire district.

Kordabup/Owingup have advised that they have funds available to contribute to the cost of establishing a shed and have also indicated that their Brigade members are prepared to volunteer their labour to achieve the establishment of a fire shed.

In the lead up to Council considering the 2014/2015 budget the Brigade had not put forward a proposal to have funds made available to establish a fire shed on Shire managed land on South Coast Highway. The Community Emergency Services Manager (CESM) did however prepare a submission for the fire shed as part of the 2014/2015 Emergency Services Levy (ESL) application, as the officer has done in previous years, but this was unsuccessful and the Department of Fire and Emergency Services (DFES) advised that it had identified higher priorities across the State.

At a meeting with senior Bush Fire Service (BFS) and Shire Officers on the 2 July 2014, representatives from Brigade indicated that the Brigade had some funds available to contribute towards the development of a fire shed. The drawback however, was that the Shire Budget had already reached an advanced draft stage by that time and was due to be presented to Council on 29 July 2014.

At the Special Meeting of Council for the purpose of considering the 2014/2015 draft Municipal Budget held on 29 July 2014, the following amendment was proposed and LOST.

“That the forecast surplus in part 3 be reduced by \$7,000 and be allocated in the 2014/2015 Municipal Budget for contribution to the Owingup Volunteer Bushfire Brigade for the purpose of building a shed/garage to house the 1.4 Fire Tanker subject to a report to Council from Bush Fire Advisory Committee.”

Whilst Councillors indicated that they supported the provision of basic fire sheds to Brigades they also acknowledged the role of the Bush Fire Advisory Committee (BFAC) in considering technical and policy matters and chose to seek BFAC’s consideration and endorsement of the proposal before considering the allocation of Council funds.

Subsequently, at the September 2014 BFAC meeting, the following decision was CARRIED:

“That the Bush Fire Advisory Committee advise Council that it supports the Owingup Volunteer Bushfire Brigade’s request for assistance with the cost of constructing a shed/garage to house a 1.4 Fire Tanker and recommends that Council approve an allocation of \$7000 towards this project in the 2014/2015 financial year.”

Subsequently the Brigade has been able to provide the following breakdown of costs associated with constructing a new single bay fire shed with sufficient internal clearance to house a heavy fire appliance:

Supply and deliver shed kit	10,500
Construct concrete slab (quote)	3,500
TOTAL	<u>\$14,000</u>

The Brigade has advised that they currently have some \$5,000 in funds that they can contribute to the cash requirement and have also advised that they are prepared to undertake the required earthworks and provision of a sand pad estimated to be worth at least \$1,000 and provide volunteer labour to erect the shed valued at an estimated \$5,000. This will leave a cash shortfall of \$9,000.

Consultation:

Discussions have been held with officers and committee members from Kordabup/Owingup Brigade and the Chief and Deputy Chief Bush Fire Control Officers. Also the matter was considered at the September 2014 BFAC which resulted in the recommendation to Council to support the proposal.

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).

Policy Implications:

A relocated shed would not meet the 50 years building depreciation life cited as desirable in P040232 relating to MUNICIPAL BUDGET POLICIES.

Budget / Financial Implications:

The approval of this funding will have a financial implication upon the Council's current Budget and will have additional minor long term financial implications associated with building maintenance and recurrent services. These are to a fair extent countered however, on the basis that the fire shed maintenance expenditure will be eligible for ESL funding at 100%.

The proposal is for a \$20,000 shed to be built with Council being requested to make a cash contribution of \$9,000, matched with the /Kordabup/Owingup Volunteer Bush Fire Brigade contribution of \$5,000 cash and an in-kind contribution of \$6,000.

The proposed funding solution to accommodate the request in the officer's recommendation is to draw down from the Adopted Budget's anticipated 30 June 2015 surplus of \$10,491. An alternative would be for Council to require savings to be found as part of the statutory Budget Review process which is generally presented to Council in February each year.

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:

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

Fire Management: ...work collaboratively with relevant agencies to maintain a high level of planning, communication and infrastructure for effective fire and emergency management.

Sustainability Implications:**➤ Governance:**

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

➤ Environmental:

The only known significant environmental implications relating to the report or officer recommendation is the absence of reference to an ablution facility at the new Fire Shed location. Council has 14 Fire Sheds under its control and ownership in the Shire, with only one of these also not having access to a nearby or collocated ablution facility. It should be noted, in the officers' view, that this will no doubt necessitate a subsequent request upon the Council or ESL Budgets in coming years that is not part of this request / proposal.

➤ Economic:

The only minor economic implication is the purchase of a new shed (proposed to be sourced from an Albany supplier) versus relocation of an existing shed.

➤ **Social:**

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

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That adequate fire management is not provided in the Owingup area.	Possible (3)	Moderate (3)	Moderate (5-9)	Inadequate Organisation or Community Emergency Management	Accept Officer or Committee Recommendation

Comment/Conclusion:

Following the September 2014 meeting, further research from staff and discussion with the Brigade indicated that a new shed could be built for around \$2,000 more, meaning that there are in effect, now two options available to provide a fire shed to Owingup Brigade at the site on South Coast Highway.

These options are as follows:

- 1) Provision of a new shed with brigade members providing volunteer labour. Shed size 54m².
- 2) The relocation of the old (and former) Carmarthen fire shed from a site on the corner of Nekele and Roberts Road, again with the members providing labour. Shed size 36m².

Option 1 will provide a new building on a site that is clearly visible to the cars travelling along South Coast Highway, which is one of Council's main tourist roads and will allow for the garaging of any fire appliance that will be suitable for future expansion. In addition to this the building, being new, should not need maintenance for a number of years. This option does however presume the retention of the existing shed at the current site on Nekele/Roberts Road, which will require ongoing maintenance and be retained by Carmarthen Volunteer Bush Fire Brigade for storage and training.

Option 2 however, will place an old building in a highly visible location that will only be suitable for a light tanker and will require maintenance in a far shorter time period. It will also remove a shed that is currently enjoyed/used by the Carmarthen Brigade to augment their other shed at that site that they recently relocated from Kordabup Road

Voting Requirements:

Absolute majority.

COMMITTEE RECOMMENDATION

ITEM 9.4

That an amount of \$7,000 be allocated in the 2014/2015 Municipal Budget for contribution to the Owingup Volunteer Bushfire Brigade for the purpose of establishing a fire shed.

Reason for Alternate Officer Recommendation:

The reason for the stand alone officer recommendation, differing from that of the Committee, is that further research by staff and discussion with the Brigade, following the September 2014 BFAC meeting, indicated that a new shed could be built for around \$2,000 more and that this was desirable from both a tourist road amenity and building maintenance perspective.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 9.4
MOVED: CR SEENEY	SECONDED: CR SAMPSON
<p>That Council agree to maximum \$9,000 (plus GST) cash contribution towards the construction of a new fire shed for the Kordabup/Owingup Volunteer Bushfire Brigade, subject to the Brigade agreeing to a maintenance responsibilities agreement, similar to all other Brigade Sheds, and amend the Adopted 2014/2015 Municipal Budget as follows;</p> <ol style="list-style-type: none"> 1. Establish a new capital expenditure job entitled 'Owingup Fire Shed' with an allocation of \$20,000; 2. Establish a new Fire Prevention income ledger account entitled 'Contributions and Donations' with a Budget of \$11,000 to allow for the Owingup Volunteer Bush Fire Brigade contribution of \$5,000 cash and in-kind contribution of \$6,000 and; 3. Decrease the adopted Budgeted Surplus carried forward from \$10,491 to \$1,491. 	
CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY: 7/0	Res: 260914

10. MATTERS BEHIND CLOSED DOORS

Nil

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

Nil

12. CLOSURE OF MEETING

5.56pm – There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.

The Acting 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 the meeting of the _____

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