



Minutes

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS,
953 SOUTH COAST HIGHWAY, DENMARK ON
TUESDAY, 6 NOVEMBER 2012.

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Ordinary Council Meeting

6 November 2012

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4:03pm – *The Shire President, Cr Thornton, declared the meeting.*

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

Cr Ross Thornton (Shire President)
Cr John Sampson (Deputy Shire President)
Cr Kelli Gillies
Cr Adrian Hinds
Cr Barbara Marshall (*from 4.06pm*)
Cr David Morrell (*from 4.04pm*)
Cr Ian Osborne
Cr Dawn Pedro
Cr Roger Seeney
Cr Belinda Rowland
Cr Alex Syme

STAFF:

Mr Dale Stewart (Chief Executive Officer)
Mr Garry Bird (Director of Finance & Administration)
Mrs Annette Harbron (Director of Planning & Sustainability)
Mr Damian Schwarzbach (A/Director of Community & Regulatory Services)
Mr Rob Whooley (Director of Infrastructure Services)
Mrs Erica Sayer (Engineering Administration Officer)

APOLOGIES:

Mr Gregg Harwood (Director of Community & Regulatory Services)

ON LEAVE OF ABSENCE:

Cr Jan Lewis

ABSENT:

Nil

4.04pm – *Cr Morrell entered the room.*

VISITORS:

Members of the public in attendance at the commencement of the meeting: 7
Members of the press in attendance at the commencement of the meeting: 0

DECLARATIONS OF INTEREST:

Nil

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTIONS

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

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

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

4.06pm – Cr Marshall entered the room.

Questions from the Public

4.2.1 Ms Dawn Cottam – (Item 8.1.1 – Adoption of Draft Policy No. 19.4: Holiday Homes)

Ms Cottam raised concerns about the Policy not specifying any limitations on the number of holiday homes per street or area and asked how the Policy will maintain the residential purpose of streets.

The Director of Planning & Sustainability responded stating that statistically there had been limited complaints of existing Holiday Homes and therefore it was not considered necessary to apply any limitations. Mrs Harbron added that the Policy stipulated a number of general conditions that Holiday Homes would need to comply with which would minimise the impact on adjoining residential properties.

The Shire President also advised that Council is currently considering rating holiday homes on a differential basis and this may also assist.

4.2.2 Letter from Mrs Jan Watson – Buffer & Installation of Electric Fence

A letter received from Mrs Watson was read out by the Chief Executive Officer in relation to the installation of an electric fence alongside a residential subdivision on MacPherson Drive, Nornalup.

The Shire President advised that he had spoken with Mrs Watson and that a response to her questions and concerns would be given in writing.

4.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

4.4 PRESENTATIONS, DEPUTATIONS & PETITIONS

4.4.1 Denmark Riverside Clubs Project

Mr Geoff Bowley & Mr Alan Davis addressed Council regarding the Regional Development Australia's next funding round. A copy of their letter and Rules of Association is attached.

The financials were discussed and Councillors asked questions. Discussion ensued and it was noted that a report on the matter would be included in the next Council Agenda for the meeting scheduled for Tuesday, 27 November 2012.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Morrell advised that he may be an apology for the meeting scheduled to be held on Tuesday, 27 November 2012.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 6.1
MOVED: Cr Sampson	SECONDED: Cr Pedro
That the minutes of the Ordinary Meeting of Council held on the 16 October 2012 be confirmed as a true and correct record of the proceedings, subject to the following amendment;	
1. Page 14 – 8.3.1, Resolution No. 041012, correct the seconder from Cr “MARSHALL” to “ROWLAND”.	
CARRIED 11/0	Res: 011112

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

Nil

8. REPORTS OF OFFICERS

8.1 Director of Planning & Sustainability

8.1.1 ADOPTION OF DRAFT POLICY NO. 19.4: HOLIDAY HOMES

File Ref:	PLN.70.E
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	26 October 2012
Author:	Annette Harbron, Director of Planning & Sustainability
Authorising Officer:	Annette Harbron, Director of Planning & Sustainability
Attachments:	8.1.1 a) – Town Planning Scheme Policy No. 19.4: Holiday Homes 8.1.1 b) – Schedule of Submissions

Summary:

Draft Town Planning Scheme Policy No. 19.4: Holiday Homes (Policy 19.4) provides direction to applicants, the community and Planning Services staff in relation to holiday homes in relation to preferred locations, minimum development standards that dwellings need to comply with and management responsibilities to ensure that holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

Draft Policy 19.4 was advertised for public comment in accordance with Clause 8.2.2 of Town Planning Scheme No. 3 (TPS No. 3), with 17 submissions received at the close of the advertising period.

After due consideration of the submissions received, it is recommended that Council adopt draft Policy 19.4 with minor modifications as a final Town Planning Scheme Policy (refer Attachment 8.1.1 a).

Background:

At the Ordinary Meeting of Council held on 28 February 2012, Council considered draft Policy 19.4: Holiday Homes and resolved the following (Res No: 180212):

“That Council with respect to draft Town Planning Scheme Policy No. 19.4: Holiday Homes adopt it for public comment for a minimum period of 42 days in accordance with Clause 8.2.2 of Town Planning Scheme No. 3 and referred to interested stakeholders as identified within the consultation section of the report”.

Comment:

Draft Policy 19.4 was advertised for public comment from 15 March 2012 to 27 April 2012 as per the following:

- Advertising notices in the Denmark Bulletin on 15 March 2012 and 29 March 2012 inviting public comment;
- Advertising notice inviting public comment on the proposal being displayed at the Shire Administration Office, the Shire Library and on the Shire's website; and
- Referral of the document to Denmark Tourism Inc., Denmark Chamber of Commerce and the local real estate agents seeking comment.

As per Council's resolution, draft Policy 19.4 was also referred to Tourism WA and the Department of Planning (Tourism Branch) seeking comment.

At the close of the advertising and referral periods, 17 submissions were received. Attached at Attachment 8.1.1 b) is the Schedule of Submissions – with all submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions.

5:01pm – The Director of Finance and Administration left the room.

5:02pm – The Director of Finance and Administration re-entered the room.

Having regard to the submissions received and a review of draft Policy 19.4 by the Shire's Development Co-ordination Unit, the following minor modifications to draft Policy 19.4 are recommended:

- Bullet point 5 of Clause 3: Objectives – modify the word 'suitable' to 'appropriate'. The basis for this modification arises from the Department of Planning's submission and also from a grammatical perspective as there were two references to 'suitable' within the one sentence.
- Clause 6.7: Length of Stay Provisions – modify the words 'one calendar year' to 'twelve (12) month period'. The basis for this modification arises from the Department of Planning submission and for consistency with other occupancy restriction conditions.
- Clause 6.10: Property Management Plan Requirements/Responsibilities – added in reference that the fire evacuation route should be to the nearest main road.
- Clause 6.10: Property Management Plan Requirements/Responsibilities – the addition of a reference that the Property Manager is a person/company that has day-to-day management of the holiday home and the ability to respond within a reasonable timeframe to any contact relating to the holiday home.
- Clause 8: Responsibilities/Additional Approvals Required – the addition of a reference that where a property is sold that has a Holiday Home planning approval and associated registration, the new owner is required to advise if they are intending to cease using the premises as a holiday home or a new property management plan is to be submitted for approval by Planning Services.

All of the above modifications are identified in a 'track changes' format within Attachment 8.1.1 a) for ease of identifying the modifications.

It is considered that the final Policy 19.4 will provide clarity to applicants, the community and Planning Services staff in relation to holiday homes in relation to preferred locations, minimum development standards that dwellings need to comply with and management responsibilities to ensure the holiday homes are managed appropriately whilst ensuring the local character and amenity of the area is not compromised.

Consultation:

As per Clause 8.2.2 of TPS No. 3, draft Policy 19.4 was advertised for public comment, with 17 submissions received.

As part of the process, Planning Services have reviewed other local government authorities planning policies on holiday homes and also reviewed the City of Busselton's Holiday Homes Local Law 2012 (noting that at the Ordinary Meeting of Council held on 25 January 2011 that Council resolved (as Point 2 of Resolution 200111) to await the finalisation of the Shire of Busselton Holiday Home Local Law process prior to investigating the suitability of such a local law in the Shire of Denmark. In this regard the City of Busselton (formerly Shire) has made a Holiday Homes Local Law 2012 and although it was gazetted on the 30 April 2012 it is understood that the Joint Standing Committee on Delegated Legislation is still considering the Local Law thus it has not been effected as at yet.

Notwithstanding, Planning Services have reviewed the adopted Holiday Homes Local Law 2012 and consider that at this stage Policy 19.4 and the Shire's annual registration process is sufficient to deal with Holiday Homes.

Statutory Obligations:

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 once the procedures contained within Clause 8.2 have been complied with.

Policy Implications:

Final adoption of Policy 19.4 by Council will rescind Policy 19.3.

If adopted by Council, Policy 19.4 will be included in the Shire's Planning Policy Manual.

Budget / Financial Implications:

The advertising costs associated with the final adoption of Policy 19.4 will be provided for within the 2012/13 Budget (Account No: 1040302).

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

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

➤ **Economic:**

One of the key objectives of Policy 19.4 is to improve the management and standards of holiday homes in the Shire and therefore making a positive contribution to Denmark's tourism industry.

➤ **Social:**

Two of the key objectives of Policy 19.4 are to:

- Ensure that the predominant residential nature and character of neighbourhoods are retained; and
- Minimise negative impacts of holiday homes on the amenity of adjoining residents.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.1.1 a)
 MOVED: CR MORRELL SECONDED: CR HIND

That with respect to the draft Town Planning Scheme Policy No. 19.4: Holiday Homes, Council:

1. Note the submissions received;
2. Adopt Attachment 8.1.1 as final Town Planning Scheme Policy No. 19.4: Holiday Homes; and
3. Advise the submitters of Council's decision.

AMENDMENT SECONDED: CR SYME
 MOVED: CR OSBORNE

That after the word "Homes" in part 2 the words "and note that the policy document be amended so as to require a holiday home manager to respond to complaints relating to guest behaviour made before 1am within a two hour time frame" be added.

CARRIED: 8/3 Res: 021112

AMENDED MOTION

That with respect to the draft Town Planning Scheme Policy No. 19.4: Holiday Homes, Council:

1. Note the submissions received;
2. Adopt Attachment 8.1.1 as final Town Planning Scheme Policy No. 19.4: Holiday Homes and note that the policy document be amended so as to require a holiday home manager to respond to complaints relating to guest behaviour made before 1am within a two hour time frame; and
3. Advise the submitters of Council's decision.

THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION WAS THEN PUT & CARRIED: 8/3 Res: 031112

COUNCIL RESOLUTION & OFFICER RECOMMENDATION ITEM 8.1.1 b)
 MOVED: CR MORRELL SECONDED: CR MARSHALL

That Council with respect to investigating the suitability of a Holiday Homes Local Law for the Shire of Denmark (as per Resolution 200111) determine that a Local Law is not required at this point in time on the basis that Town Planning Scheme Policy No. 19.4: Holiday Homes and the annual registration process address the relevant issues appropriately.

CARRIED: 11/0 Res: 041112

5:26pm - The Director of Finance and Administration left the room.

5:31pm - The Director of Finance and Administration re-entered the room.

8.2 Director of Community & Regulatory Services
 Nil

8.3 Director of Infrastructure Services
 Nil

8.4 Director of Finance & Administration

8.4.1 2012/13 MUNICIPAL BUDGET AMENDMENT – ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND

File Ref: GRT.76 & FIN.9
Applicant / Proponent: Not applicable
Subject Land / Locality: Denmark
Disclosure of Officer Interest: Nil
Date: 23 October 2012
Author: Garry Bird, Director of Finance and Administration
Authorising Officer: Dale Stewart, Chief Executive Officer
Attachments: No

Summary:

As a result of additional funding being available to Council through the Royalties for Regions Country Local Government Fund Regional Pool (CLGFR), an amendment to the 2012/13 Municipal Budget is recommended to expend these funds on infrastructure projects that meet the eligibility criteria of the Fund.

The sum of \$183,168 is available to be allocated by Council and given, time constraints associated with the approval process, it is recommended that the funds be expended on projects that have previously been funded from the CLGF and have had the necessary business cases already prepared. The two projects that are recommended for funding are;

- Peaceful Bay Footpath \$80,000 (advancement of Ring Road network)
- Denmark CBD Redevelopment \$103,168.

Background:

The 2012/13 Municipal Budget contains the following projects to be funded from the CLGF;

PROJECT	CLGF INDIVIDUAL	CLGF REGIONAL	COUNCIL FUNDS	OTHER FUNDS	PROJECT COST
Kwoorabup Community Park Stage 3	\$333,487	\$0	\$0		\$333,487
Denmark Country Club Stage 3	\$115,000	\$0	\$0	\$255,950	\$370,950
CBD Redevelopment Stage 4	\$148,210	\$0	\$0	\$0	\$148,210
Industrial Land Subdivision	\$0	\$596,697	\$0	\$0	\$596,697
TOTAL	\$596,697	\$596,697	\$0	\$255,950	\$1,449,344

The distribution of the CLGF Regional Pool is determined by the agreed allocations contained in the Memorandum of Understanding between Council and the City of Albany, Councils regional partner for the purpose of distributing the available regional funds.

This Memorandum now needs to be updated to reflect increased royalties for regions funds available and an amendment to the formula by which funds will be distributed in 2013/14. This amended Agreement provides for the distribution of the CLGF Regional Pool as follows;

AGREED DISTRIBUTION ALBANY-DENMARK ALLIANCE

	10/11	11/12	12/13	13/14	TOTAL
DENMARK	0	856,953	779,865	518,779	2,155,597
ALBANY	897,773	608,683	685,771	946,857	3,139,084
TOTAL	897,773	1,465,636	1,465,636	1,465,636	5,294,681

This Memorandum now makes available to Council \$779,865 in the 2012/13 year, whereas the 2012/13 Municipal Budget contained provision for expenditure of \$596,697, a difference of \$183,168. Whilst still to be ratified by the City of Albany the above amended agreement reflects the intent of that signed on the 17 November 2010 with current % allocations and values.

Comment:

The CLGF Regional Pool is a far more rigorous application process than the Individual Pool and requires the preparation of a detailed Business Plan, Application Form and demonstration of agreement to the nominated projects by our regional partner, the City of Albany.

As such, it is recommended that the available funds be directed to projects that have been previously funded and have much of the application process completed. Projects that meet these criteria include;

- CBD Redevelopment
- Peaceful Bay Footpath
- McLean Park
- Denmark Country Club
- Morgan Richards Community Centre

Of the above projects, Mclean Park, the Country Club and Morgan Richards Community Centre projects do not require any additional funding in the current financial year. Accordingly it is recommended the funds be directed to the CBD Redevelopment and the Peaceful Bay Footpath, with further discussion in support of this recommendation as follows;

CBD REVELOPMENT STAGE 4 (Job 51501)

This project currently contains a provision of \$148,210 in the 2012/13 year, with an additional \$100,000 required to complete the second coat seal of the carpark, works adjacent to the Shadforth Plaza, pull-in bay associated with the Tourist Information Board at Waterfall Park, sealing at North Rd carpark and landscaping of Millars Creek.

Actual expenditure incurred in 2012/13, as at 26 October 2012, is \$122,439.57, which relates predominantly to seal costs associated with the 2011/12 works.

PEACEFUL BAY FOOTPATH (Job 51502)

This project is not currently funded in the 2012/13 year, although the Draft Long Term Financial Plan and Forward Capital Works Plan contain an allocation of \$71,697 to complete an additional stage of the footpath expansion.

It is proposed that this work be brought forward into 2012/13, for the value of \$80,000 and that the proposed 2013/14 allocation be deleted. An allocation of \$200,000 in the 2014/15 year exists to complete the footpath around the Peaceful Bay ring road and adjoining carparks and it is proposed that there be no change to this allocation.

Consultation:

Elected Members - Council Briefing Forum – 16 October 2012
Senior Staff

Statutory Obligations:

Local Government Act 1995
 Royalties for Regions Act 2009

Policy Implications:

There are no policy implications relating to the Report of Officer Recommendation.

Budget / Financial Implications:

Assuming Council accepts the Officers recommendation, there would be no net impact on the 2012/13 Municipal Budget, with the increased expenditure being fully funded by the additional CLGF Regional Pool available.

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:**

One of the principal aims of the CLGF Regional pool is to stimulate and strengthen regional economies, with both the Peaceful Bay Footpath and CBD Redevelopment achieving these aims as a result of the improved tourist infrastructure that will result and increased economic activity in the CBD area.

➤ **Social:**

There are no known significant social considerations relating to the Report or Officer Recommendation.

Voting Requirements:

Absolute majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.1
MOVED: CR SEENEY	SECONDED: CR GILLIES
That with respect to the additional \$183,168 Royalties for Regions Country Local Government Fund Regional funds available to Council in the 2012/13 year, the 2012/13 Municipal Budget be amended as follows;	
a) Increase Income Account 1228143 Transport, Royalties for Regions from \$498,210 to \$681,378;	
b) Increase Job Number 51501 CBD Redevelopment from \$148,210 to \$251,378, and	
c) Add New Job 51502 Peaceful Bay Footpath and increase the budget from \$0 to \$80,000 for this purpose.	
d) Such that the impact on Council's 2012/13 Budget is nil.	
CARRIED BY AN ABSOLUTE MAJORITY: 11/0	Res: 051112

8.4.2 NIAH KARTIJIN COOLINGARS; LISTEN, LEARN CHILDREN INC – REQUEST FOR FINANCIAL ASSISTANCE

File Ref:	PBR.12
Applicant / Proponent:	Niah Kartijin Coolingars: Listen, Learn Children Inc.
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 October 2012
Author:	Garry Bird, Director of Finance & Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.3 - 2012/13 DCRC Cultural Development Fund Application

Summary:

The Niah Kartijin Coolingars: Listen, Learn Children Inc (NKCLLC) have written to Council requesting consideration for funding to support two "Seasonal Harmony Celebration" events.

The basis of the request is that an application for funding from the Cultural Development Fund was submitted prior to the due date, however due to an apparent administrative error was overlooked when assessing the various applications received and as such was not considered by Council when the 2012/13 Cultural Development Fund were presented to the 12 June 2012 Ordinary Meeting of Council.

The sum requested by the NKCLLC is \$2,000.00

Background:

The NKCLLC are a Denmark based not for profit association who aim to promote reconciliation and a greater awareness of Noongar culture in Denmark and the wider great Southern Region.

Council has previously funded NKCLLC events from the Cultural Development Fund, which typically involve acknowledgement of the Noongar calendar, with events staged to recognise the changing of the seasons and their significance to the Noongar people.

The proposed two events to be held in 2012/13 are in keeping with this theme and are generally staged outdoors, alcohol free and open to all members of the community.

A copy of the original 2012/13 Cultural Development Fund application is attached for the information of Elected Members.

Council considered the 2012/13 Cultural Development Fund applications at the 12 June 2012 Ordinary Meeting of Council and resolved as follows (Resolution No. 020612);

"That with respect to the applications for funding received from the 2012/13 Cultural Development Fund, Council;

1. *Approve the following applications for funding totalling \$6,750 (plus GST if applicable);*
 - a) *ArtSouth WA 2012 – Southern Art & Craft.....\$2,500*
 - b) *Ms A Carmichael & Mr D Nile – Training Workshops.....\$1,750*
 - c) *Denmark Arts Inc – Circus Arts\$2,000*
 - d) *Vintage Choir and Friday Frolics Singalong – Venue Hire etc..\$500*
2. *Carry forward the balance of funds unallocated from the 2012/13 fund (being \$4,250) into the 2013/14 year for further allocation, with funds awarded that financial year proposed to total \$15,250.*
3. *Remove part 2 from Council Policy P110702 which states "The Cultural Development Fund Committee to recommend to Council on the allocation of fund."*

In regards to Part 2 of the above Resolution, it was subsequently determined by Council in the adoption of the 2012/13 Municipal Budget to not carry forward these funds on the basis that the annual sum provided is more than sufficient to fund Cultural Development Fund projects in the 2013/14 year.

Comment:

Staff have investigated the loss of the email submitted by NKCLLC with the 2012/13 Cultural development Fund application and can find no record of it ever having been received. That said, the NKCLLC have supplied their original email (see attached) with demonstrates that they did submit an email prior to the closing date of the Fund.

As such, it was considered appropriate that the application be referred to Council for formal consideration.

Given the small number of Cultural Development Fund applications received for the 2012/13 round and the previous support provided to these events, the responsible Officer would have recommended that the request be supported, at least in part, when presenting all other applications received to Council.

Consultation:

Niah Kartijin Coolingars: Listen Learn Children Inc.

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Council Delegation D040101 - Donations

Budget / Financial Implications:

The request from the NKCLLC would need to be funded from Account 1410082 Donations, Gifts and Gratuities, given the earlier budget decision by Council to not carry forward unspent funds from the Fund into the 2013/14 year.

Account 1410082 has a 2012/13 budget allocation of \$14,150, with \$1,075 spent to date.

Strategic Implications:

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

Sustainability Implications:

➤ **Environmental:**

There are no known environmental implications arising from the Officer Recommendation.

➤ **Economic:**

There are no known economic implications arising from the Officer Recommendation.

➤ **Social:**

The staging of these events provides local residents with additional entertainment options and the opportunity to gain a better understanding of local Noongar culture.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.2
MOVED: CR MORRELL	SECONDED: CR GILLIES
That with respect to the request from the Niah Kartijin Coolingars: Listen Learn Children Inc. for financial support to stage two seasonal events to celebrate the Noongar calendar, Council agree to contribute \$500 from Account #1410082 Donations, Gifts and Gratuities.	
CARRIED: 10/1	Res: 061112

8.4.3 SHIRE OF DENMARK FIVE YEAR OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT PLAN
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File Ref:	PER,16
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Denmark
Disclosure of Officer Interest:	Nil
Date:	23 October 2012
Author:	Garry Bird, Director of Finance and Administration
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	8.4.2 - Five Year Occupational Safety and Health Management Plan

Summary:

The Shire of Denmark Occupational Safety and Health Committee (the Committee) have prepared a Five Year Management Plan to coordinate and prioritise occupational safety and health matters in the workplace.

The Plan requires certain statutory and employment obligations to be completed over the five year life of the Plan and is hereby presented to Council for adoption.

Background:

The Occupational Safety and Health Act 1984 require an employer to ensure the workplace/s of its employees is not exposed to hazards. Worksafe, the government agency responsible for the implementation of this legislation, uses an Occupational Safety and Health Management Plan to assess an employer's management of OSH issues and are addressing the important general duty of care that all employers have for its employees.

Comment:

The Plan highlights progress made by the Committee in ensuring Council meets its statutory obligations under the Occupational Safety and Health Act 1984 (the Act) since being reformed in 2010. Further, the Plan identifies workplace processes and procedures that still need to be addressed to meet these statutory and/or insurance policy requirements and the timeframes by which they should be completed.

Given the importance of occupational safety and health matters generally and the penalties applicable for non-compliance, it was considered appropriate to refer the Plan to Council for adoption.

Consultation:

Mr John Appleyard – LGIS Regional Risk Coordinator
Shire of Denmark Occupational Safety and Health Committee

Statutory Obligations:

Local Government Act 1995
Occupational Safety and Health Act 1994

Policy Implications:

Policy P140302 – Occupational Safety and Health Policy

This Policy requires a coordinated and considered approach to matters relating to occupational safety and health policy in the workplace. The adoption of the Five Year Occupational Safety and Health Management Plan is in keeping with this objective.

Budget / Financial Implications:

Duties and activities contained within the Plan would be predominantly undertaken by Council staff, with the assistance of the Regional Risk Coordinator and as such would have no impact on the current or future budgets.

In some cases, items of equipment, software etc may be required to meet the requirements of the Plan and the Occupational Safety and Health Act and where these

are not able to funded from existing budget allocations, would be referred to Council for consideration in the following budget period or if considered essential, an Item would be presented to the next Ordinary meeting of Council, seeking a budget amendment.

Strategic Implications:

There are no known significant strategic implications relating to the Report or the Officer recommendation.

Sustainability Implications:

➤ **Environmental:**

There are no known significant environmental considerations relating to the Report or Officer Recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the Report or Officer Recommendation.

➤ **Social:**

There are no known significant social considerations relating to the Report or Officer Recommendation.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 8.4.3
MOVED: CR ROWLAND	SECONDED: CR SEENEY
That Council adopt the Draft Occupational Safety and Health Management Plan, as presented, for the five year period ending 2016/17.	
CARRIED:11/0	Res: 071112

8.5 Chief Executive Officer
Nil

9. COMMITTEE REPORTS & RECOMMENDATIONS
Nil

10. MATTERS BEHIND CLOSED DOORS
Nil

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

12. CLOSURE OF MEETING

5:50pm – *There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.*

<p>The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.</p> <p>Signed: _____ <i>Dale Stewart – Chief Executive Officer</i></p> <p>Date: _____</p> <p>These minutes were confirmed at the meeting of the _____</p> <p>Signed: _____ <i>(Presiding Person at the meeting at which the minutes were confirmed.)</i></p>
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